



State Agencies



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Arizona Game and Fish Department



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Email from Arizona Game and Fish Department, July 8, 2016



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From: [Ives, Lisa](#)
To: [AMER-US-AZ Phoenix-i11doccontrol](#)
Subject: FW: AGFD's Initial Scoping Comments for I-11
Date: Friday, July 08, 2016 1:13:40 PM
Attachments: [image001.png](#)
[AGFD Initial Scoping Comments for the I-11 Tier I EIS 07082016.pdf](#)

From: Cheri Boucher [mailto:CBoucher@azgfd.gov]
Sent: Friday, July 08, 2016 4:01 PM
To: 'rebecca.yedlin@dot.gov'
Cc: 'Jay Van Echo'; Ives, Lisa
Subject: AGFD's Initial Scoping Comments for I-11

Hi Rebecca,

I've attached the Department's scoping comments, as a follow up to the issues we verbally discussed during our pre-scoping meeting.

We look forward to coordinating with you during the DEIS process.

Thank you, and have a great weekend,

Cheri A. Bouch r

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July 8, 2016

Rebecca Yedlin
FHWA Environmental Coordinator
Federal Highway Administration
4000 N. Central Ave., Suite 1500
Phoenix, AZ 85012

Re: AGFD Initial Scoping Comments for the I-11 Alternatives Selection Report and Tier I Environmental Impact Statement

Dear Ms. Yedlin:

The Arizona Game and Fish Department (Department) reviewed the Federal Highway Administration (FHWA) letter, dated May 26, 2016, requesting feedback as part of Arizona Department of Transportation's (ADOT's) initial project scoping for the Tier I Environmental Impact Statement (EIS) process for the I-11 Corridor. The Alternatives Selection Report (ASR) and Tier 1 EIS will build upon the prior I-11 and Intermountain West Corridor Study (IWCS) completed in 2014, which was a multimodal planning effort that involved ADOT, the Nevada Department of Transportation (NDOT), FHWA, Federal Railroad Administration (FRA), Maricopa Association of Governments (MAG), Regional Transportation Commission of Southern Nevada (RTC), and other key stakeholders. The I-11 Corridor was identified as a critical piece of multimodal infrastructure that would diversify, support, and connect the economies of Arizona and Nevada. It also could be connected to a larger north-south transportation corridor, linking Mexico and Canada.

The Department appreciates this opportunity to provide preliminary scoping comments regarding the potential impacts to wildlife, wildlife habitat, and wildlife related recreation along the I-11 study corridor. In addition to identifying potential impacts to sensitive resources along the corridor alternatives, we have also identified potential data needs and mitigation opportunities for your consideration. Our comments below are in addition to comments previously provided at the pre-scoping meeting on April 21, 2016, and comments provided during the prior I-11 and Intermountain West Corridor Study.

The Department, having jurisdictional authority and state trust responsibility under Title 17 of the Arizona Revised Statutes for the management of Arizona's wildlife resources, respectfully requests Cooperating Agency status during the I-11 Tier I NEPA process. As a Cooperating Agency, the Department will provide expertise in identifying potentially affected resources,

evaluating impacts, and developing alternatives and mitigation strategies for the Project. Specifically, due to the Department's expertise in, and understanding of, Arizona's wildlife and wildlife related issues such as habitat connectivity, the Department is in a unique position to coordinate with the FHWA and the ADOT regarding potential effects, as well as avoidance and minimization opportunities, for wildlife and habitat connectivity. In accordance with Title 40 Code of Federal Regulation (CFR) 1501.6 and 23 CFR 771.111(d), this unique expertise, coupled with the Department's regulatory authority over Arizona's wildlife and wildlife resources, meets the criteria for Cooperating Agency status.

Additionally, as soon as the alignments to be analyzed in the ASR and the Tier I EIS have been identified, the Department requests shapefiles of the alignments, in order to provide additional detail to FHWA and ADOT regarding wildlife, wildlife habitat, and wildlife-related recreation resources along the alternative alignments.

GENERAL COMMENTS RELATING TO THE ENTIRE STUDY AREA

Wildlife Movement

Transportation infrastructure compromises the natural movement of mammals, reptiles, and amphibians, and to some extent birds. The barrier effect on wildlife results from a combination of disturbance and avoidance effects, physical hindrances, and traffic mortality that all reduce the amount of movement across the barrier (Forman and Alexander 1998; Trombulak and Frissel 2000; Jaeger and Fahrig 2001; Carr *et al.* 2002). The I-11 corridor will be a significant part of a larger transportation network that contributes to overall statewide fragmentation, degradation, isolation, mortality and barrier effects on wildlife, wildlife populations and wildlife habitats. Therefore, individual infrastructure projects, including the eventual I-11 Segments of Independent Utility (SIU), should be evaluated at a landscape scale, considering their contributions to the cumulative impacts of a larger infrastructure network. This evaluation should occur at both the Tier I and Tier II levels of NEPA analysis for I-11. Additionally, ensuring the safe and effective movement of wildlife through the I-11 Corridor also improves the safety of the roadway itself, by reducing the likelihood of wildlife-vehicle interactions and accidents.

- Throughout the I-11 Corridor, the Department urges FHWA and ADOT to analyze and employ existing transportation facilities to the greatest degree feasible, in order to limit the significant impacts to resources along new transportation facilities.
- In order to adequately evaluate wildlife movement within the I-11 corridor, studies should be conducted to gather empirical movement data of target wildlife species across any proposed alignments that would be fully evaluated under NEPA. Ideally, the studies should be conducted prior to any Tier II level evaluation, so the data can be incorporated into the refined Tier II analysis. In addition to pre-construction surveys, the Department recommends collection of movement data for target species during and for at least four years following construction, and considers this an essential component of any mitigation strategy. Therefore, the Department seeks written commitment from the FHWA and ADOT, within the Tier I EIS, to conduct future wildlife movement and habitat use studies in conjunction with any Tier II level efforts. These studies should include at a minimum, GPS telemetry studies of collared animals, wildlife mortality (i.e. roadkill) and tracking

surveys, analysis of existing and collected movement data, and examination of traffic data in conjunction with these studies. These studies should be used to help inform the design and siting of comprehensive measures to mitigate and minimize barrier effects to wildlife, including but not limited to crossing structures. Additional methods using camera traps, scat surveys, various small mammal traps or herpetological arrays could be used to examine biodiversity and local wildlife distribution patterns, in conjunction with movement data.

- A comprehensive network of crossing structures including overpasses, underpasses, culverts, funnel fencing, and other components should be included from the initial design stages. The Department seeks written commitment from the FHWA and ADOT, within the Tier I EIS, to coordinate with AGFD on the overall siting and design of roadway construction and/or expansions, including crossing structures, as the Tier II level efforts progress.
- Preliminary wildlife linkages were identified by the Department, in collaboration with Northern Arizona University (NAU), in 2007-2008. Since the linkages were identified, understanding of connectivity and methodologies to identify corridors have improved. Therefore, these linkages are just starting points when looking at connectivity issues for a specific area, and are not a substitute for coordinating with the Department regarding the critical connectivity issues along the I-11 Corridor. However, each linkage report contains biological information related to that particular linkage area; the Department recommends incorporating relevant information from the reports into the Tier I DEIS. Reports can be found at:
<http://corridordesign.org/linkages/arizona>
- In addition to maintaining and/or improving permeability for wildlife along any proposed alignments, maintaining and/or improving permeability of nearby barriers, such as the Central Arizona Project (CAP) canal system, is critical to addressing the I-11 Corridor's cumulative impacts to wildlife movement. The Department urges FHWA and ADOT to work closely with Bureau of Reclamation (BOR) to identify opportunities for creating new, and enhancing existing, wildlife crossing structures over the CAP and other canals within and adjacent to the I-11 Corridor. Future mitigation structures on the CAP and other adjacent barriers should trigger inclusion of complementary features in the design of any I-11 alignments carried forward. This coordination is critical when examining cumulative impacts of the I-11 Corridor.

Wildlife

Several species that are federally listed under the Endangered Species Act (ESA), as well as their proposed and designated critical habitats, occur within the I-11 Corridor Study Area, including the jaguar (*Panthera onca*), ocelot (*Leopardus pardalis*), lesser long-nosed bat (*Leptonycteris curasoae yerbabuena*), southwestern willow flycatcher (*Empidonax traillii extimus*), western yellow-billed cuckoo (*Coccyzus americanus*), Mexican spotted owl (*Strix occidentalis lucida*), Yuma Ridgeway's rail (*Rallus obsoletus yumanensis*), Pima pineapple cactus (*Coryphantha scheeri* var. *robustispina*), Chiricahua leopard frog (*Lithobates chiricahuensis*), Gila topminnow (*Poeciliopsis occidentalis occidentalis*) and Northern Mexican gartersnake (*Thamnophis eques megalops*). Additionally, the Sonoran desert tortoise (*Gopherus morafkai*), which is protected

under a Candidate Conservation Agreement, of which ADOT is a signatory, occurs within much of the study area.

Arizona's State Wildlife Action Plan (SWAP) provides a comprehensive vision for managing Arizona's fish, wildlife and wildlife habitats. The SWAP identifies the Species of Greatest Conservation Need (SGCN) and Species of Economic and Recreation Importance (SERI) for the State of Arizona.

- The Department recommends that potential impacts to, as well as appropriate avoidance and minimization measures for federally listed and state trust species be addressed in the upcoming NEPA analysis at an appropriate level of detail for a Tier I analysis, i.e. focusing on the siting of the alignments. The Arizona Online Environmental Review Tool Report (attached) identifies known occurrences of special status species in the project vicinity, as well as SGCN and SERI predicted within the project vicinity based on species range models.

Wildlife Habitat

It is the Department's policy to seek compensation at a 100% level, when feasible, for actual or potential habitat losses resulting from land and water projects (Department Policy I2.3).

- The Department recommends that all impacts to habitat be mitigated in-kind (i.e. impacts to Sonoran Desert scrub habitat should be mitigated with Sonoran Desert scrub habitat), through a combination of on-site impact avoidance and/or minimization when feasible, and off-site preservation, creation, or compensation.

In addition to the typical effects to wildlife movement discussed above, pollution by toxins, nutrients, and noise from the transportation corridor can create edge effects on adjacent hydrology and microclimate, reducing the suitability of the remaining habitats (Garland and Bradley 1984; Thompson *et al.* 1986; Lytle *et al.* 1995; Murcia 1995; Reijnen *et al.* 1995; Boarman and Sazaki 2006; Eigenbrod *et al.* 2009; Parris and Schneider 2009). These indirect effects spread into the surrounding landscape and contribute to the loss and degradation of natural habitat several times larger than the area of the road footprint itself. The indirect effects are influenced by road and traffic characteristics, landscape topography and hydrology, wind, and vegetation. In addition, the consequent impacts on wildlife and ecosystems also depend on the sensitivity of the species in the vicinity.

- Opportunities exist to minimize new edge effects. These include:
 - Constructing new or expanded roads along existing infrastructure, instead of creating new infrastructure corridors. The Department urges FHWA and ADOT to consider and exhaust these opportunities to minimize edge effects when identifying and analyzing potential alignments.
 - Building walls to deflect noise and light disturbances away from otherwise quality habitat.
 - Designing lighting to illuminate the roadway and not the night sky or adjacent habitat.

Wildlife-Related Recreation

Several local, state, and federal parks/open space areas occur within the I-11 Corridor study area, such as Saguaro National Park, the Sonoran Desert National Monument (SDNM), the proposed Vulture Mountains Cooperative Recreation Management Area (VMCRMA), the White Tank Mountains Regional Park, Estrella Mountain Regional Park, and numerous Department owned/managed Wildlife Areas. These designated areas, riparian corridors, and other large undeveloped blocks of habitat within the I-11 Corridor, provide high quality wildlife habitat and related recreation opportunities (hiking, wildlife viewing, hunting, angling, etc.) for residents and tourists alike. A large Interstate/Multi-Modal transportation corridor may fragment and degrade these open space recreation areas, and also significantly restrict public access to adjacent recreation. Maintaining access to wildlife recreation opportunities throughout the I-11 Corridor is imperative. Throughout the I-11 Corridor:

- FHWA and ADOT should utilize transportation facilities to the greatest degree feasible thereby minimizing impacts to resources along new transportation facilities.
- FHWA and ADOT should closely examine the effects of each alignment on recreation in the vicinity, and identify opportunities to maintain and/or improve recreational access to open spaces.
- As the potential alignments are identified, FHWA and ADOT should coordinate with the Department to obtain greater detail on wildlife-related recreation. Additionally, the Department seeks written commitment from the FHWA and ADOT, within the Tier I EIS, to coordinate with the Department on potential impacts to wildlife-related recreation and recreational access, during all Tier II analysis.

NORTH (BUCKEYE TO WICKENBURG):

The Department considers an Interstate/Multi-Modal corridor to be incompatible with a county, state, or federal park/recreation area, including the proposed Vulture Mountains Cooperative Recreation Management Area (VMCRMA). The VMCRMA provides habitat for stable populations of Sonoran desert tortoise. The key objective for management of the Sonoran desert tortoise is limiting any decline of tortoise habitat and populations (Maricopa County 2012). The Vulture Mountains are also important habitat for nesting raptors, as reflected by the Bureau of Land Management's (BLM's) Area of Critical Environmental Concern (ACEC); the cliffs along the crest of Vulture and Caballeros Peaks provide the only suitable nesting cliffs for many miles (Maricopa County 2012). Nesting raptors are sensitive to noise and construction. If the cliffs and surrounding area are not protected from these activities, cliff-nesting raptors could disappear from much of the area (BLM 2010 as cited in Maricopa County 2012). Additionally, the Vulture Mountains provide a critical stepping stone for wildlife to move between the adjacent Wickenburg Mountains to the east, and the Big Horn and Harquahala Mountains to the west; this linkage system is the Wickenburg-Hassayampa Linkage.

The Vulture Mountains are a popular area for outdoor recreation, including hunting and wildlife viewing (Maricopa County 2012). It is expected that recreational use of the area will increase as the population in the surrounding area grows. This recreational activity is not only important for the quality of life of residents and visitors, but is also important to the local and regional

economy. As a result, the value of the Vulture Mountains as a location for outdoor recreational opportunities will increase. An interstate will significantly decrease recreational opportunities in the proposed park and the region; a multi-modal corridor could substantially limit recreational access even more if access is not considered in the design.

- Given the importance of the Vulture Mountains and the proposed VMCRMA to wildlife and recreation, the Department urges FHWA and ADOT to avoid further fragmentation of the Vulture Mountains. Although Vulture Mine Road bisects the mountains currently, it is a two lane road that acts as a much smaller barrier to wildlife and recreation access than an Interstate/Multi-Modal transportation corridor would. Additionally, the edge effects from an Interstate/Multi-Modal corridor would extend much farther into the adjacent habitat than the current roadside disturbance. Therefore, the Department recommends that any routes passing through Vulture Mountain, such as Vulture Mine Road, *not* be considered as a viable alignment for the Interstate/Multi-Modal I-11 Corridor.
- Any alignment running west of the Vulture Mountains would further isolate these Mountains from the nearby Big Horn and Harquahala ranges. As discussed in the General Comments, studies should be conducted to gather empirical movement data of target wildlife species across any proposed alignment running west of the Vulture Mountains. Therefore, the Department seeks written commitment from the FHWA and ADOT, within the Tier I EIS, to conduct future wildlife movement studies in conjunction with any Tier II level efforts.
- A comprehensive network of crossing structures including overpasses, underpasses, culverts, funnel fencing, and other components should be included from the initial design stages. The Department seeks written commitment from the FHWA and ADOT, within the Tier I EIS, to coordinate with AGFD on the overall siting and design of roadway construction and/or expansions as the Tier II level efforts progress.

The Hassayampa River Preserve is situated immediately adjacent (and parallel to) the US 60, between the Vulture and Wickenburg Mountains. It is host to a multitude of resident and migratory avian species, including the federally endangered southwestern willow flycatcher and the federally threatened yellow-billed cuckoo, as well as their designated and proposed critical habitats, respectively. Expansion of the existing US 60 highway into an Interstate/Multi-Modal corridor will increase edge effects to the Hassayampa River Preserve, and could result in long-term hydrological impacts to the river channel and water quality, as well as riparian habitat loss, depending on the siting and design of an Interstate highway through this area. It is the policy of the Arizona Game and Fish Commission that the Department recognizes riparian habitats as areas of critical environmental importance to wildlife and fisheries; and to maintain, restore and protect riparian habitat and stream flows (Commission Policy A2.13).

- The Department urges FHWA and ADOT to avoid all impacts to this significant wildlife habitat area and to protect existing functions and values. Any alignment along the US 60, adjacent to the Hassayampa River Preserve, must expand northeast away from the Preserve.

As previously discussed, the area along the Hassayampa River Preserve has been identified as an important wildlife linkage area (Wickenburg-Hassayampa Linkage).

- It is imperative that no decrease in permeability for wildlife across the US 60 (connecting the Vulture Mountains to the Wickenburg Mountains) occurs within this linkage. Instead, design opportunities to improve movement for wildlife across the roadway/alignment should be an integral component of the Interstate/Multi-Modal corridor design. A comprehensive network of crossing structures including overpasses, underpasses, culverts, funnel fencing, and other components should be included from the initial design stages. The Department seeks written commitment from the FHWA and ADOT, within the Tier I EIS, to coordinate with AGFD on the overall siting and design of roadway construction and/or expansions as the Tier II level efforts progress.

The Department has been engaged with the cities of Buckeye and Surprise for several years on urban development and open space planning. The overall goal of that coordination is to preserve undeveloped linkages between the White Tank Mountains, Hassayampa River Corridor, Belmont/Bighorn Mountains and Vulture Mountains; and to conserve the biodiversity and ecological integrity of the White Tank Mountains. The White Tank Mountain Regional Park and the Skyline Regional Park encompass the White Tanks mountain range and are important open space and wildlife-related recreation destinations for west valley communities. The Department has used mule deer telemetry data and linkage modeling to develop linkage design recommendations and conceptual plans to inform land use planning in the area. The City of Surprise has adopted a portion of the linkage design into their General Land Use plan as a conservation element. More recently, the City of Buckeye has initiated work with the newly established White Tank Mountain Conservancy (WTMC) to establish public/private partnerships towards long-term conservation solutions for the White Tank Mountain connectivity goals.

- Any roadway in the Hassayampa River Valley (between the Belmont/Bighorn Mountains and the White Tank Mountains) will result in the further isolation of the White Tank Mountains and fragmentation of habitat. The Department urges FHWA and ADOT to limit further habitat fragmentation by maximizing use of the existing roadways or roadway segments such as Wickenburg Road or Sun Valley Parkway.
- West Valley governments and conservation partners have worked closely with the Department to identify wildlife movement corridors and habitat linkages that are critical to help minimize the isolation of the White Tank Mountains. The Department strongly recommends FHWA and ADOT consider these movement corridors in the siting of potential routes during the Tier I NEPA evaluation, as well as during the development and design associated with Tier II. We recommend additional coordination with the Department, WTMC, Buckeye and Surprise to familiarize FHWA and ADOT with local conservation efforts and alternative solutions that these organizations and their stakeholders are pursuing.
- As discussed in the General Comments above, the Department seeks written commitment from the FHWA and ADOT, within the Tier I EIS, to conduct future wildlife studies in conjunction with any Tier II level efforts. The Department recommends Sonoran desert tortoise, mule deer, and mountain lion as focal species of movement studies in this area. In addition to the methodologies recommended in the General Comments section,

incorporation and analysis of data the Department has collected is essential; this data includes wildlife research/observation data through this area such as a reptile roadkill study that encompassed Sun Valley Parkway, a mule deer telemetry study, a mountain lion telemetry study.

CENTRAL (CASA GRANDE TO BUCKEYE):

The Gila River, as it passes through the Central Study Area, is host to large numbers of waterfowl and other migratory bird species; so much so that this entire stretch of the Gila River has been designated an Important Bird Area by the National Audubon Society. In addition to the avian species that inhabit the area, other key wildlife species such as desert bighorn sheep, javelina, mule deer, bobcat, Sonoran desert tortoise, and other common desert dwellers inhabit the adjacent Buckeye Hills. These species and their local populations range west across the Gila River into the Gila Bend Mountains, and east across Rainbow Valley into the Estrella and Maricopa Mountains. The Department owns and/or manages multiple Wildlife Areas along the Gila River, including but not limited to, the Arlington, Powers Butte, and Robbins Butte Wildlife Areas. The Gila River is also an important wildlife linkage/movement area.

- The Department urges FHWA and ADOT to limit impacts to the Gila River and the important habitats within and adjacent to the River, by utilizing/expanding existing roadways such as the SR85, and avoiding new alignments.
- The Department has invested considerable resources into the Arlington, Powers Butte, and Robbins Butte Wildlife Areas along the Gila River, and they represent significant conservation values to the local community. The Department requests all efforts be made to avoid impacts to these Wildlife Areas by expanding SR85 instead of creating new alignments. As a local landowner and manager, we request close coordination with FWHA and ADOT during evaluation of potential alternatives that run near/adjacent to these Wildlife Areas. Impacts should be avoided and/or minimized, and appropriate compensation of any potential impacts or loss in value of these significant conservation investments should be identified in the Tier 1 planning. .

Wildlife species currently move freely back and forth between the Maricopa Mountains of the Sonoran Desert National Monument (SDNM) and the Estrella Mountains to the northeast, and throughout Rainbow and Little Rainbow Valleys. The SDNM has significant barriers to the west (SR 85) and south (I - 8); a new alignment through Rainbow Valley and/or Vekol Valley would create a new barrier to the north and east and result in complete isolation of the SDNM. Given the existing and proposed develop to the west of the Estrella Mountains; the northern section of SDNM would be surrounded by significant barriers, isolating the monument from other wildlife habitats. This would be a significant impact to wildlife populations, wildlife habitats and wildlife-dependent recreation.

The Department has been engaged in various land use planning efforts for several years with local partners such as the Bureau of Land Management (BLM), City of Goodyear, ADOT and the Maricopa County Flood Control District (MCFCD), and Maricopa County Parks & Recreation Department (MCPRD), to develop strategies and commitments to conserve a

proposed wildlife habitat linkage design across Rainbow Valley (Gila Bend – Sierra Estrella Linkage Design; and 2008 Workshop Max-BLM alternative - unpublished data). These stakeholders have begun to develop mitigation commitments related to future infrastructure and urban development to preserve the wildlife linkage; some of the most relevant relate to the proposed Sonoran Parkway.

- The Department urges FHWA and ADOT to consider these local planning efforts when evaluating alternatives and seek alignment with mitigation strategies to conserve the linkage area. Some of these efforts include: *Sonoran Valley Parkway Project DEIS* (BLM 2013), *Rainbow Valley Area Drainage Master Plan* (Maricopa County Flood Control 2011), *Lower Sonoran and Sonoran Desert National Monument Draft Resource Management Plan and EIS* (BLM 2011), and the *Goodyear Parks, Recreation, Trails and Open Space Master Plan* (Goodyear 2014).
- The Department requests FHWA and ADOT avoid impacts to the Rainbow Valley and its surrounding mountains by utilizing/expanding the existing SR85 and I-8.
- The expansion of SR85 and I-8 (the Department’s preferred route through the vicinity) provides opportunities to improve permeability along these existing roadways; it is critical that wildlife movement through these existing barriers not be further reduced.
- Maintaining and improving wildlife movement within and through the I-11 Corridor is paramount to healthy, sustainable wildlife populations in the region. The Department seeks written commitment from the FHWA and ADOT, within the Tier I EIS, to conduct future wildlife movement studies in conjunction with any Tier II level efforts. These studies should include, but are not limited to, conducting GPS telemetry studies of animals fitted with transmitters, wildlife mortality (i.e. roadkill), track/scat surveys, and/or camera traps and various small mammal or herpetological arrays to examine biodiversity and local wildlife movement patterns; in addition to analysis of existing and collected movement data, and examination of traffic data in conjunction with these studies.
- If an alignment through Rainbow Valley is chosen to move forward into the Tier II NEPA analysis, it is imperative that adequate permeability for wildlife be designed for the roadway; and that solutions align with previous planning efforts. Design considerations for all alignments should include a comprehensive network of permeability features including overpasses, underpass, culverts, funnel fencing, and other components. These design considerations should cover the extent of each alignment’s intersection with non-urban areas with special attention given to areas identified as important to wildlife connectivity. The Department seeks written commitment from the FHWA and ADOT, within the Tier I EIS, to coordinate with AGFD on the siting and design of roadway construction and/or expansions through this area as the Tier II level efforts progress.

SOUTH (NOGALES TO CASA GRANDE):

The current Interstate-10 corridor between Casa Grande and Tucson poses a significant barrier to east-west wildlife movement in the region. Consequently, maintaining existing movement linkages between large habitat blocks west of I-10 is paramount; any alignment west of I-10 would result in further fragmentation, and thus would have significant impacts to wildlife connectivity, including contributing to cumulative effects to wildlife movement in the region.

- The Department urges FHWA and ADOT to avoid impacts to habitat and wildlife connectivity between Picacho Peak State Park and the Silver Bell Mountains (Ironwood-Picacho Linkage Design) by utilizing/expanding the existing I-10 Corridor.
- FHWA and ADOT should examine opportunities to offset impacts to wildlife movement by improving permeability across I-10. These opportunities are relevant to an I-10 expansion, to maintain and improve permeability of the corridor. For I-11 alignments being considered to the east or west of I-10, these offsets are critical to the viability of habitat persistence. The addition of crossing features/improvements on I-10 in conjunction with a comprehensive connectivity network on I-11 would provide relief of the cumulative reduced permeability effects to the habitat block otherwise isolated between the two interstates., should an alignment east or west of I-10 be selected.

In 2007, the Arizona Game and Fish Commission took a unanimous position of opposition to all routes for the proposed I-10 bypass, which included a route through the Avra Valley, as does the I-11 Tier 1 EIS Study Corridor. The Department now reiterates what we included in a December 18, 2008 letter to the ADOT Director: “The cumulative impact of developing new transportation infrastructure through rural lands will have the effect of a catalyst for urban, suburban, and exurban development. The Department does not find the I-10 bypass [which in part covered the same area of the proposed I-11 Study Corridor through the Avra Valley] to be consistent with smart growth and sustainable planning principles. The vastness of Arizona’s undeveloped country, and its wildlife resources, must be recognized as one of our greatest assets for current and future generations.”

As previously stated, the Department considers an Interstate/Multi-Modal corridor to be incompatible with a county, state, or federal park/recreation area. Within the Avra Valley west of Tucson, several such specially designated lands occur: Saguaro National Park, Ironwood Forest National Monument, Tucson Mountain Park/Tucson Mountain Wildlife Area, and the Tucson Mitigation Corridor. These designations demonstrate the significance of these lands to county, state, and federal officials, as well as the public at large, for recreation and wildlife habitat. The considerable public investment in these lands would be irreparably devalued by siting an Interstate/Multi-Modal corridor west of Tucson within the Tier 1 EIS Study Corridor.

Over the past decade, biologists from Saguaro National Park have documented a marked decrease in mesocarnivore diversity. Wildlife camera-trapping records of once common species such as badger, raccoon, coati, and skunks have all decreased (S. Stonum, personal communication, June 30, 2016). Increasing habitat fragmentation from expanding infrastructure and suburban development is thought to be a major contributor to this diminishing faunal assemblage. The Department, along with Pima County and numerous other partners, continues

efforts throughout the area to identify important wildlife corridors to be conserved as well as opportunities to improve previously degraded connectivity.

In combination with Saguaro National Park, Tucson Mountain Park (est. 1929) provides protection for wildlife and habitat across the majority of the Tucson Mountains. However, this mountain range is under increased pressure from surrounding development, habitat fragmentation, and movement barriers. One especially significant barrier to wildlife movement is the CAP canal. The 4.25 square miles of land known as the Tucson Mitigation Corridor (TMC) was acquired by the BOR to partially mitigate biological impacts from the CAP. As the CAP crosses the TMC, five sections of the canal are underground, allowing wildlife to freely pass between the Tucson Mountains and the Tohono O'odham Nation, and maintain natural flow patterns of a number of foothill washes. The mitigation value of the TMC would be severely compromised by construction and operation of an Interstate/Multi-Modal corridor and could set a severely damaging precedent for conservation and mitigation lands elsewhere.

- Maintaining and improving wildlife movement within and through the I-11 Corridor is paramount to healthy, sustainable wildlife populations in the region. The Department seeks written commitment from the FHWA and ADOT, within the Tier I EIS, to conduct future wildlife movement studies in conjunction with any Tier II level efforts. These studies should include at a minimum, GPS telemetry studies of collared animals, wildlife mortality (i.e. roadkill) and tracking surveys, analysis of existing and collected movement data, and examination of traffic data in conjunction with these studies. The Department is available to assist FHWA and ADOT in the gathering of existing wildlife movement data housed with the Department and other wildlife-oriented entities in southern Arizona.
- From the initial design stages forward, any alignments chosen for further analysis must include a rigorous consideration of a network of crossing structures including overpasses, underpasses, culverts, funnel fencing, and other related components. The Department seeks written commitment from the FHWA and ADOT, within the Tier I EIS, to coordinate with AGFD on the siting and design of roadway construction and/or expansions as the Tier II level efforts progress.
- The Department urges FHWA and ADOT to work closely with BOR to preserve the TMC, as well as identify opportunities for creating new, and enhancing existing, wildlife crossing structures over the CAP within and adjacent to the I-11 Corridor.
- The Department urges FHWA and ADOT to avoid impacts to habitat and wildlife connectivity within and through the Avra Valley and the surrounding mountains (Tucson, Roskrige, and Coyote Mountains; Coyote-Ironwood-Tucson Linkage Design) by utilizing/expanding the existing I-10 and I-19 Corridors.
- If a new alignment west of the Tucson Mountains, such as Sandario Road, is chosen to move forward into the Tier II NEPA analysis, it is imperative that adequate permeability and mitigation for wildlife be designed for the roadway.
- Additionally, the expansion of I-10 and I-19 (the Department's preferred route through the vicinity) provides opportunities to improve permeability along these existing roadways; it is critical that wildlife movement through these existing barriers not be further reduced.

The Department has been engaged in various land use planning efforts for several years with local partners such as the Bureau of Land Management (BLM), ADOT, the Pima Association of Government's Regional Transportation Authority (RTA), Pima County Regional Flood Control District (PCRFCDD), Pima County Natural Resources, Parks & Recreation (PCNRPR), Coalition for Sonoran Desert Protection (CSDP), Tucson Audubon Society, Saguaro National Park, Tohono O'odham Nation, and Sky Island Alliance (SIA) to develop strategies and commitments to implement wildlife habitat linkage designs connecting the sky islands and desert valleys.

- We recommend additional coordination with the Department, RTC, CSDP, Audubon, SNP, SIA, and Pima County to familiarize FHWA and ADOT with local conservation efforts and alternative solutions that these organizations and their stakeholders are pursuing.

East of I-10 are located several major investments in wildlife connectivity. Bridges and culverts combined with exclusion fencing along rights-of-way have been designed and installed to enhance wildlife movement and improve motorist safety (e.g., Tangerine Road, Twin Peaks Road). These structures demonstrate the commitment of local municipalities, Pima County, ADOT, and the Department to work together and fund wildlife crossing structures to maintain movement corridors for wildlife between large intact blocks of undeveloped habitat.

- Any analysis of potential I-11 routes east of I-10 in the greater Tucson area should consider possible impacts to wildlife crossing structures and mitigation for those impacts.

South of Tucson along I-19, a number of biologically diverse mountain ranges (i.e. "sky islands") and riparian habitats east and west of I-19 are host to a number of endemic and/or rare species, including neo-tropical avian migrants, and predators such as jaguar and ocelot in the Santa Rita Mountains. Wildlife movement between these sky islands is critical to the unique diversity in the region. Wildlife movement linkages have been identified in the region to maintain movement across I-19, including between the Santa Rita and Sierrita Mountains (Santa Rita-Sierrita Linkage), and between the Santa Rita and Tumacacori Mountains (Santa Rita-Tumacacori Linkage). Additionally, wildlife move north and south, parallel to I-19, along the Santa Cruz River.

- The Department urges FHWA and ADOT to avoid impacts to the Sierrita, Santa Rita, Tumacacori, Atascosa, and Pajarito Mountains (Santa Rita-Tumacacori, Santa Rita-Sierrita, and Mexico-Tumacacori-Baboquivari Linkage Designs) by utilizing/expanding the existing I-19 Corridor.
- Maintaining and improving wildlife movement within and through the I-11 Corridor is paramount to healthy, sustainable wildlife populations in the region. As detailed in the General Comments, the Department seeks written commitment from the FHWA and ADOT, within the Tier I EIS, to conduct future wildlife movement studies in conjunction with any Tier II level efforts. The Department is available to assist FHWA and ADOT in the gathering of existing wildlife movement data housed with the Department and other wildlife-oriented entities in southern Arizona.
- From the initial design stages forward, any alignments chosen for further analysis must include a rigorous consideration of a network of crossing structures including overpasses, underpasses, culverts, funnel fencing, and other related components. The Department

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seeks written commitment from the FHWA and ADOT, within the Tier I EIS, to coordinate with AGFD on the siting and design of roadway construction and/or expansions as the Tier II level efforts progress.

The Department owns and manages (jointly with Arizona State Parks) the Coal Mine Spring property, situated east of I-19 in the Grosvenor Hills adjacent the Sonoita Creek State Natural Area. The Coal Mine/Fresno Canyon population of Gila topminnow represents the second largest population, both numerically and spatially, of Gila topminnow left in existence. Protection of the Coal Mine Spring population is of paramount importance to the continued existence and recovery of Gila topminnow in this area. The Revised Recovery Plan identifies the securing of remaining natural populations and their habitats in the U.S. as the first survival criterion for this species.

- The Department has invested considerable resources into the Coal Mine Springs property, and it represents significant conservation values to the local community. The Department requests all efforts be made to minimize impacts to this property by expanding I-19 instead of creating new alignments. As a local landowner and manager, we request close coordination with FWHA and ADOT during evaluation of potential alternatives that run near/adjacent to this Wildlife Area. Impacts should be avoided and/or minimized, and appropriate compensation of any potential impacts or loss in value of these significant conservation investments should be identified in the Tier 1 planning.

The Department trusts our scoping comments for the I-11 Tier I EIS will aid FHWA and ADOT in your alternative selection and evaluation; we will provide additional information on future data needs and mitigation opportunities as the study progresses. We continue to look forward to collaborating with FHWA and ADOT on this important transportation project. If you have any questions or wish to further discuss our comments and concerns, please contact Cheri Boucher, the Department's Project Evaluation Program transportation coordinator, at cboucher@azgfd.gov (623-236-7615).

Sincerely,



Joyce Francis, PhD
Habitat, Evaluation, and Lands Branch Chief
Arizona Game and Fish Department

cc: Jay Van Echo, ADOT Project Manager
Lisa Ives, AECOM Consultant Team Project Manager
Clifton Meek, U.S. EPA Transportation Specialist
Robert Lehman, U.S. Fish and Wildlife Service
Tab Bommarito, U.S. Bureau of Reclamation

AGFD# M16-06032538

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Arizona Environmental Online Review Tool Report



Arizona Game and Fish Department Mission

To conserve Arizona's diverse wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.

Project Name:

I-11 Tier I DEIS

Project Description:

I-11

Project Type:

Transportation & Infrastructure, Road construction (including staging areas), Realignment/new roads

Contact Person:

Cheri Boucher

Organization:

Arizona Game and Fish Department

On Behalf Of:

AZGFD

Project ID:

HGIS-03797

Please review the entire report for project type and/or species recommendations for the location information entered. Please retain a copy for future reference.

Disclaimer:

1. This Environmental Review is based on the project study area that was entered. The report must be updated if the project study area, location, or the type of project changes.
2. This is a preliminary environmental screening tool. It is not a substitute for the potential knowledge gained by having a biologist conduct a field survey of the project area. This review is also not intended to replace environmental consultation (including federal consultation under the Endangered Species Act), land use permitting, or the Departments review of site-specific projects.
3. The Departments Heritage Data Management System (HDMS) data is not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. HDMS data contains information about species occurrences that have actually been reported to the Department. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity. Such surveys may reveal previously undocumented population of species of special concern.
4. HabiMap Arizona data, specifically Species of Greatest Conservation Need (SGCN) under our State Wildlife Action Plan (SWAP) and Species of Economic and Recreational Importance (SERI), represent potential species distribution models for the State of Arizona which are subject to ongoing change, modification and refinement. The status of a wildlife resource can change quickly, and the availability of new data will necessitate a refined assessment.

Locations Accuracy Disclaimer:

Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Report is solely responsible for the project location and thus the correctness of the Project Review Report content.



Recommendations Disclaimer:

1. The Department is interested in the conservation of all fish and wildlife resources, including those species listed in this report and those that may have not been documented within the project vicinity as well as other game and nongame wildlife.
2. Recommendations have been made by the Department, under authority of Arizona Revised Statutes Title 5 (Amusements and Sports), 17 (Game and Fish), and 28 (Transportation).
3. Potential impacts to fish and wildlife resources may be minimized or avoided by the recommendations generated from information submitted for your proposed project. These recommendations are preliminary in scope, designed to provide early considerations on all species of wildlife.
4. Making this information directly available does not substitute for the Department's review of project proposals, and should not decrease our opportunity to review and evaluate additional project information and/or new project proposals.
5. Further coordination with the Department requires the submittal of this Environmental Review Report with a cover letter and project plans or documentation that includes project narrative, acreage to be impacted, how construction or project activity(s) are to be accomplished, and project locality information (including site map). Once AGFD had received the information, please allow 30 days for completion of project reviews. Send requests to:
Project Evaluation Program, Habitat Branch
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086-5000
Phone Number: (623) 236-7600
Fax Number: (623) 236-7366
Or
PEP@azgfd.gov
6. Coordination may also be necessary under the National Environmental Policy Act (NEPA) and/or Endangered Species Act (ESA). Site specific recommendations may be proposed during further NEPA/ESA analysis or through coordination with affected agencies

I-11 Tier I DEIS

Aerial Image Basemap With Locator Map



-  Project Boundary
-  Buffered Project Boundary

Project Size (acres): 2,614,384.10

Lat/Long (DD): 32.4621 / -111.3005

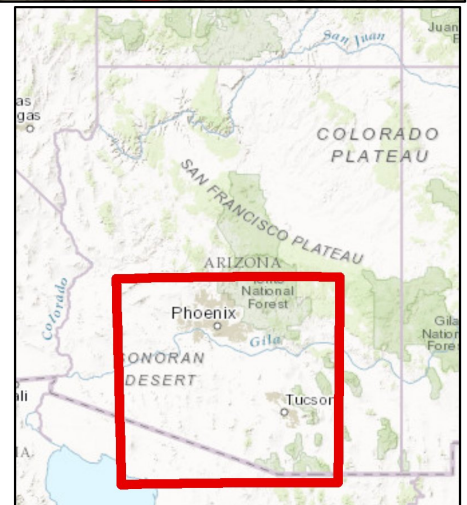
County(s): Yavapai; Maricopa; Pinal; Pima +

AGFD Region(s): Yuma; Mesa; Tucson

Township/Range(s): T9N, R6W; T8N, R7W; T8N, R6W +

USGS Quad(s): CONGRESS SW, FLORES +

Service Layer Credits: Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong),



I-11 Tier I DEIS Web Map As Submitted By User

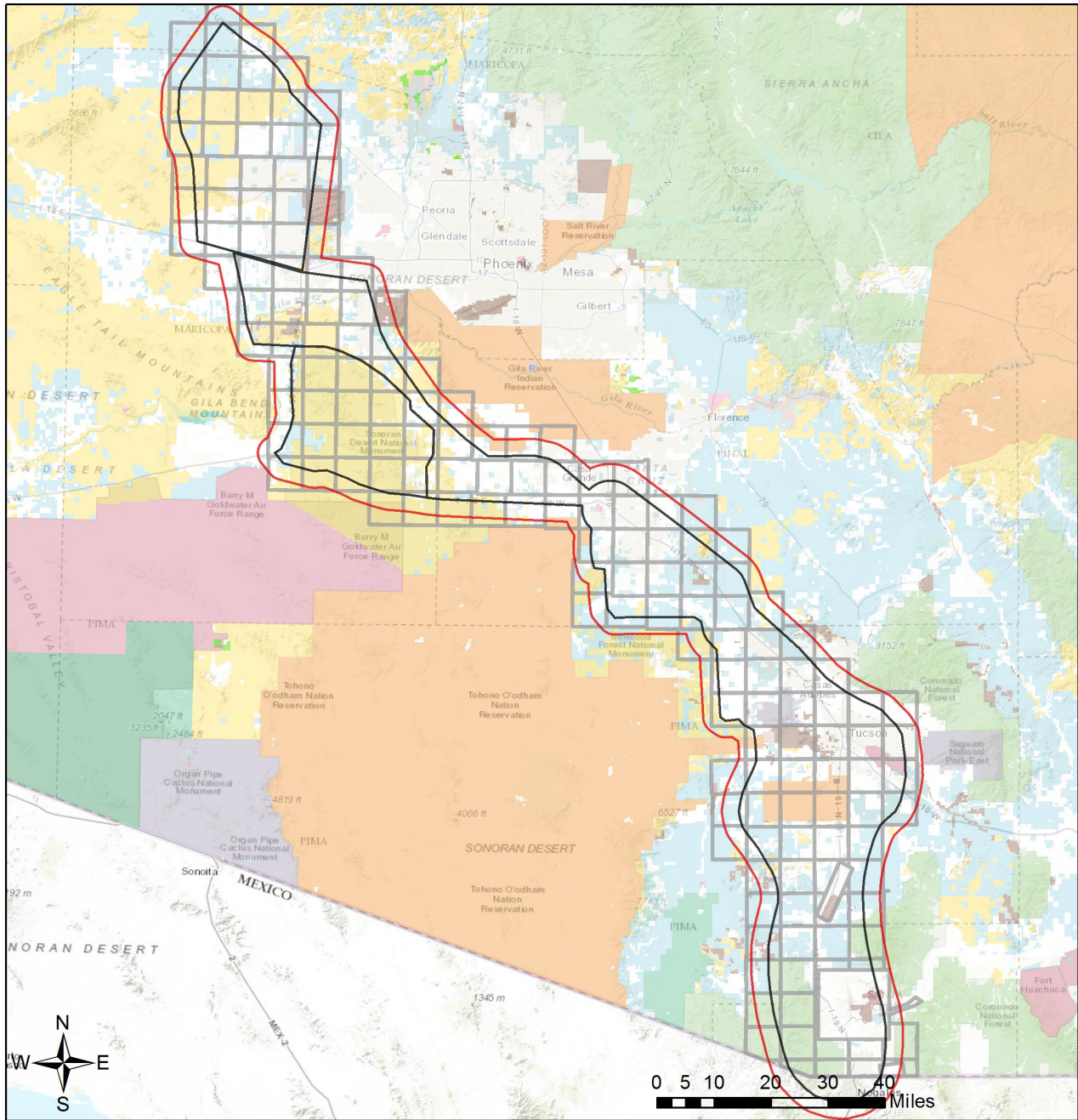


- Project Boundary
- Buffered Project Boundary

Project Size (acres): 2,614,384.10
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 AGFD Region(s): Yuma; Mesa; Tucson
 Township/Range(s): T9N, R6W; T8N, R7W; T8N, R6W +
 USGS Quad(s): CONGRESS SW; FLORES +

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

I-11 Tier I DEIS Topo Basemap With Township/Ranges and Land Ownership



- | | |
|---------------------------|--------------------------|
| Project Boundary | Mixed/Other |
| Buffered Project Boundary | National Park/Mon. |
| Township/Ranges | Private |
| AZ Game and Fish Dept. | State and Regional Parks |
| BLM | State Trust |
| BOR | US Forest Service |
| Indian Res. | Wildlife Area/Refuge |
| Military | |

Project Size (acres): 2,614,384.10
 Lat/Long (DD): 32.4621 / -111.3005
 County(s): Yavapai; Maricopa; Pinal; Pima +
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 Township/Range(s): T9N, R6W; T8N, R7W; T8N, R6W +
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Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Special Status Species and Special Areas Documented within 3 Miles of Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
<i>Abutilon parishii</i>	Pima Indian Mallow	SC	S	S	SR	
<i>Accipiter gentilis</i>	Northern Goshawk	SC	S	S		1B
<i>Agave murpheyi</i>	Hohokam Agave	SC	S	S	HS	
<i>Agave parviflora</i> ssp. <i>parviflora</i>	Santa Cruz Striped Agave	SC	S		HS	
<i>Agave schottii</i> var. <i>treleasei</i>	Trelease Agave	SC	S		HS	
<i>Agosia chrysogaster chrysogaster</i>	Gila Longfin Dace	SC		S		1B
Ak-Chin Indian Reservation	Ak-Chin Indian Reservation					
<i>Amazilia violiceps</i>	Violet-crowned Hummingbird		S			1B
<i>Ammodramus savannarum ammolegus</i>	Arizona grasshopper sparrow		S	S		1B
<i>Amoreuxia gonzalezii</i>	Saiya	SC	S		HS	
<i>Amsonia grandiflora</i>	Large-flowered Blue Star	SC	S			
<i>Anaxyrus microscaphus</i>	Arizona Toad	SC				1B
<i>Anaxyrus retiformis</i>	Sonoran Green Toad			S		1B
<i>Antilocapra americana sonoriensis</i>	10J area for Sonoran Pronghorn	LE,XN				
<i>Antrostomus ridgwayi</i>	Buff-collared Nightjar		S			1B
<i>Aquila chrysaetos</i>	Golden Eagle	BGA		S		1B
<i>Argia sabino</i>	Sabino Canyon Dancer	SC	S			
<i>Asclepias lemmonii</i>	Lemmon Milkweed		S			
<i>Aspidoscelis arizonae</i>	Arizona Striped Whiptail			S		1B
<i>Aspidoscelis stictogramma</i>	Giant Spotted Whiptail	SC	S			1B
<i>Athene cunicularia hypugaea</i>	Western Burrowing Owl	SC	S	S		1B
<i>Baiomys taylori</i>	Northern Pygmy Mouse		S			
Bat Colony						
<i>Buteo plagiatus</i>	Gray Hawk	SC				
CH for <i>Empidonax traillii extimus</i>	Southwestern Willow Flycatcher Designated Critical Habitat					
CH for <i>Gila ditaenia</i>	Sonora Chub Designated Critical Habitat					
CH for <i>Gila intermedia</i>	Gila Chub Designated Critical Habitat					
CH for <i>Lithobates chiricahuensis</i>	Chiricahua Leopard Frog Designated Critical Habitat					
CH for <i>Panthera onca</i>	Jaguar Designated Critical Habitat					
CH for <i>Strix occidentalis lucida</i>	Mexican Spotted Owl Designated Critical Habitat					
<i>Calothorax lucifer</i>	Lucifer Hummingbird		S			
<i>Camptostoma imberbe</i>	Northern Beardless-Tyrannulet		S			1B
<i>Canis lupus baileyi</i>	10J area Zone 2 for Mexican gray wolf	LE,XN				
<i>Capsicum annuum</i> var. <i>glabriusculum</i>	Chiltepin		S			

Special Status Species and Special Areas Documented within 3 Miles of Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Carex chihuahuensis	Chihuahuan Sedge		S			
Carex ultra	Arizona Giant Sedge		S	S		
Catostomus clarkii	Desert Sucker	SC	S	S		1B
Catostomus insignis	Sonora Sucker	SC	S	S		1B
Chionactis occipitalis klauberi	Tucson Shovel-nosed Snake	SC				1A
Choeronycteris mexicana	Mexican Long-tongued Bat	SC	S	S		1C
Choisya mollis	Santa Cruz Star Leaf	SC	S			
Cicindela oregona maricopa	Maricopa Tiger Beetle	SC				
Coccyzus americanus	Yellow-billed Cuckoo (Western DPS)	LT	S			1A
Corynorhinus townsendii pallescens	Pale Townsend's Big-eared Bat	SC	S	S		1B
Coryphantha recurvata	Santa Cruz Beehive Cactus		S		HS	
Coryphantha scheeri var. robustispina	Pima Pineapple Cactus	LE			HS	
Coyote - Ironwood - Tucson Linkage Design	Wildlife Corridor Design					
Craugastor augusti cactorum	Western Barking Frog		S			1B
Crotalus lepidus klauberi	Banded Rock Rattlesnake					1A
Crotalus pricei	Twin-spotted Rattlesnake		S			1A
Crotalus willardi willardi	Arizona Ridge-nosed Rattlesnake		S			1A
Cylindropuntia x kelvinensis	Kelvin Cholla					SR
Dalea tentaculoides	Gentry's Indigo Bush	SC	S	S	HS	
Dendrocygna bicolor	Fulvous Whistling-Duck	SC				
Desmodium metcalfei	Metcalfe's Tick-trefoil		S			
Echinocereus fasciculatus	Magenta-flower Hedgehog-cactus					SR
Echinomastus johnsonii	Johnson's Fishhook Cactus					SR
Empidonax traillii extimus	Southwestern Willow Flycatcher	LE				1A
Erigeron arisolius	Arid Throne Fleabane		S			
Erigeron piscaticus	Fish Creek Fleabane	SC	S	S		SR
Falco peregrinus anatum	American Peregrine Falcon	SC	S	S		1A
Ferocactus cylindraceus	Desert Barrel Cactus					SR
Ferocactus emoryi	Emory's Barrel-cactus					SR
Gastrophryne olivacea	Western Narrow-mouthed Toad			S		1C
Gila Bend - Sierra Estrella Linkage Design	Wildlife Corridor Design					
Gila Bend Indian Reservation	Gila Bend Indian Reservation					
Gila River Indian Reservation	Gila River Indian Reservation					
Gila ditaenia	Sonora Chub	LT				1A
Gila intermedia	Gila Chub	LE				1A
Glaucidium brasilianum cactorum	Cactus Ferruginous Pygmy-owl	SC	S	S		1B
Gopherus morafkai	Sonoran Desert Tortoise	CCA	S			1A

Special Status Species and Special Areas Documented within 3 Miles of Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Graptopetalum bartramii	Bartram Stonecrop	SC	S	S	SR	
Gyalopion quadrangulare	Thornscrub Hook-nosed Snake		S			1B
Haliaeetus leucocephalus (wintering pop.)	Bald Eagle - Winter Population	SC,BG A	S	S		1A
Haliaeetus leucocephalus pop. 3	Bald Eagle - Sonoran Desert Population	SC,BG A	S	S		1A
Heloderma suspectum suspectum	Reticulate Gila Monster					1A
Heterelmis stephani	Stephan's Heterelmis Riffle Beetle	C*	S			
Hexalectris arizonica	Arizona Crested coral-root		S		SR	
Hieracium pringlei	Pringle Hawkweed	SC				
Ironwood - Picacho Linkage Design	Wildlife Corridor					
Lasiurus blossevillii	Western Red Bat		S			1B
Lasiurus xanthinus	Western Yellow Bat		S			1B
Leopardus pardalis	Ocelot	LE				1A
Leptonycteris curasoae yerbabuenae	Lesser Long-nosed Bat	LE				1A
Lichanura trivirgata	Rosy Boa	SC				1B
Lilaeopsis schaffneriana ssp. recurva	Huachuca Water-umbel	LE			HS	
Lilium parryi	Lemon Lily	SC	S		SR	
Lithobates chiricahuensis	Chiricahua Leopard Frog	LT				1A
Lithobates tarahumarae	Tarahumara Frog	SC	S			1A
Lithobates yavapaiensis	Lowland Leopard Frog	SC	S	S		1A
Lobelia laxiflora	Mexican Lobelia					SR
Lotus alamosanus	Alamos Deer Vetch		S			
Lupinus huachucanus	Huachuca Mountain Lupine		S			
Macroptilium supinum	Supine Bean	SC	S		SR	
Macrotus californicus	California Leaf-nosed Bat	SC		S		1B
Malaxis corymbosa	Madrean Adder's Mouth				SR	
Mammillaria thornberi	Thornber Fishhook Cactus				SR	
Mammillaria wrightii var. wilcoxii	Wilcox Fishhook Cactus				SR	
Manihot davisiae	Arizona Manihot		S			
Metastelma mexicanum	Wiggins Milkweed Vine	SC	S			
Mexico - Tumacacori - Baboquivari Linkage Design	Wildlife Corridor					
Muhlenbergia elongata	Sycamore Muhly		S			
Myotis occultus	Arizona Myotis	SC		S		1B
Myotis velifer	Cave Myotis	SC		S		1B
Notholaena lemmonii	Lemmon Cloak Fern	SC				
Nyctinomops macrotis	Big Free-tailed Bat	SC				

Special Status Species and Special Areas Documented within 3 Miles of Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Opuntia engelmannii var. flavispina					SR	
Opuntia versicolor	Stag-horn Cholla				SR	
Oxybelis aeneus	Brown Vinesnake		S			1B
PCH for Coccozyus americanus	Yellow-billed Cuckoo Proposed Critical Habitat					
Pachyramphus aglaiae	Rose-throated Becard		S			1B
Panthera onca	Jaguar Area of Capture Concern					
Panthera onca	Jaguar	LE				1A
Pascua Yaqui Indian Reservation	Pascua Yaqui Indian Reservation					
Passiflora arizonica	Arizona Passionflower		S			
Patagonia - Santa Rita Linkage Design	Wildlife Corridor					
Pectis imberbis	Beardless Chinch Weed	SC	S			
Peniocereus greggii var. transmontanus	Desert Night-blooming Cereus				SR	
Pennellia tricornuta	Chiricahua Rock Cress		S			
Penstemon discolor	Catalina Beardtongue		S		HS	
Phrynosoma cornutum	Texas Horned Lizard	SC				
Physalis latiphysa	Broadleaf Groundcherry		S			
Plestiodon callicephalus	Mountain Skink		S			
Poeciliopsis occidentalis occidentalis	Gila Topminnow	LE				1A
Psilotum nudum	Whisk Fern		S		HS	
Rallus obsoletus yumanensis	Yuma Ridgeway's Rail	LE				1A
Rhinichthys osculus	Speckled Dace	SC		S		1B
Sabino Creek and Lower Bear Creek	Important Bird Area					
Salt/Gila Riparian Ecosystem	Important Bird Area					
Samolus vagans	Chiricahua Mountain Brookweed		S			
San Xavier Indian Reservation	San Xavier Indian Reservation					
Santa Rita - Sierrita Linkage Design	Wildlife Corridor					
Santa Rita - Tumacacori Linkage Design	Wildlife Corridor					
Santa Rita Mountains, Coronado National Forest	Important Bird Area					
Sauromalus ater	Common Chuckwalla	SC				
Sceloporus slevini	Slevin's Bunchgrass Lizard		S	S		1B
Senecio multidentatus var. huachucanus	Huachuca Groundsel		S		HS	
Senticolis triaspis intermedia	Northern Green Ratsnake		S			1B
Sigmodon ochrognathus	Yellow-nosed Cotton Rat	SC				1C

Special Status Species and Special Areas Documented within 3 Miles of Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Sisyrinchium cernuum	Nodding Blue-eyed Grass		S			
Sonoita Creek State Natural Area/ Patagonia Lake	Important Bird Area					
Sonorella eremita	San Xavier Talussnail	CCA				1A
Sorex arizonae	Arizona Shrew	SC	S			1B
Stenocereus thurberi	Organ Pipe Cactus				SR	
Strix occidentalis lucida	Mexican Spotted Owl	LT				1A
Stygobromus arizonensis	Arizona Cave Amphipod	SC		S		1B
Sycamore Canyon, Coronado National Forest	Important Bird Area					
Tantilla wilcoxi	Chihuahuan Black-headed Snake		S			1B
Tantilla yaquia	Yaqui Black-headed Snake		S			1B
Terrapene ornata luteola	Desert Box Turtle			S		1A
Thamnophis eques megalops	Northern Mexican Gartersnake	LT	S			1A
Tohono O'odham Nation	Tohono O'odham Nation					
Tragia laciniata	Sonoran Noseburn		S			
Trogon elegans	Elegant Trogon		S			1B
Tucson - Tortolita - Santa Catalina Mountains Linkage Design	Wildlife Corridor					
Tumamoca macdougalii	Tumamoc Globeberry		S	S	SR	
Tyrannus crassirostris	Thick-billed Kingbird		S			1B
Upper Santa Cruz River	Important Bird Area					
Viola umbraticola	Shade Violet		S			
Wickenburg - Hassayampa Linkage Design	Wildlife Corridor					

Note: Status code definitions can be found at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/statusdefinitions/>

**Species of Greatest Conservation Need
 Predicted within Project Vicinity based on Predicted Range Models**

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Agosia chrysogaster	Longfin Dace	SC		S		1B
Aix sponsa	Wood Duck					1B
Ammospermophilus harrisii	Harris' Antelope Squirrel					1B
Anaxyrus microscaphus	Arizona Toad	SC				1B
Anaxyrus retiformis	Sonoran Green Toad			S		1B
Anthus spragueii	Sprague's Pipit	C*				1A
Aquila chrysaetos	Golden Eagle	BGA		S		1B
Athene cunicularia hypugaea	Western Burrowing Owl	SC	S	S		1B
Botaurus lentiginosus	American Bittern					1B

**Species of Greatest Conservation Need
 Predicted within Project Vicinity based on Predicted Range Models**

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
<i>Buteo regalis</i>	Ferruginous Hawk	SC		S		1B
<i>Castor canadensis</i>	American Beaver					1B
<i>Charadrius montanus</i>	Mountain Plover	SC				1B
<i>Charadrius nivosus nivosus</i>	Western Snowy Plover					1B
<i>Chilomeniscus stramineus</i>	Variable Sandsnake					1B
<i>Coccyzus americanus</i>	Yellow-billed Cuckoo (Western DPS)	LT	S			1A
<i>Colaptes chrysoides</i>	Gilded Flicker			S		1B
<i>Coluber bilineatus</i>	Sonoran Whipsnake					1B
<i>Corynorhinus townsendii pallescens</i>	Pale Townsend's Big-eared Bat	SC	S	S		1B
<i>Crotalus tigris</i>	Tiger Rattlesnake					1B
<i>Crotaphytus nebrius</i>	Sonoran Collared Lizard					1B
<i>Empidonax traillii extimus</i>	Southwestern Willow Flycatcher	LE				1A
<i>Euderma maculatum</i>	Spotted Bat	SC	S	S		1B
<i>Eumops perotis californicus</i>	Greater Western Bonneted Bat	SC		S		1B
<i>Gopherus morafkai</i>	Sonoran Desert Tortoise	C*	S			1A
<i>Haliaeetus leucocephalus</i>	Bald Eagle	SC, BGA	S	S		1A
<i>Heloderma suspectum</i>	Gila Monster					1A
<i>Incilius alvarius</i>	Sonoran Desert Toad					1B
<i>Kinosternon sonoriense sonoriense</i>	Desert Mud Turtle			S		1B
<i>Lasiurus blossevillii</i>	Western Red Bat		S			1B
<i>Lasiurus xanthinus</i>	Western Yellow Bat		S			1B
<i>Leptonycteris curasoae yerbabuenae</i>	Lesser Long-nosed Bat	LE				1A
<i>Lepus alleni</i>	Antelope Jackrabbit					1B
<i>Lichanura trivirgata</i>	Rosy Boa	SC				1B
<i>Lithobates yavapaiensis</i>	Lowland Leopard Frog	SC	S	S		1A
<i>Macrotus californicus</i>	California Leaf-nosed Bat	SC		S		1B
<i>Melanerpes uropygialis</i>	Gila Woodpecker					1B
<i>Melospiza lincolni</i>	Lincoln's Sparrow					1B
<i>Melospiza aberti</i>	Abert's Towhee		S			1B
<i>Micruroides euryxanthus</i>	Sonoran Coralsnake					1B
<i>Myotis velifer</i>	Cave Myotis	SC		S		1B
<i>Myotis yumanensis</i>	Yuma Myotis	SC				1B
<i>Nyctinomops femorosaccus</i>	Pocketed Free-tailed Bat					1B
<i>Ovis canadensis nelsoni</i>	Desert Bighorn Sheep					1B
<i>Passerculus sandwichensis</i>	Savannah Sparrow					1B
<i>Perognathus amplus</i>	Arizona Pocket Mouse					1B
<i>Perognathus longimembris</i>	Little Pocket Mouse					1B

**Species of Greatest Conservation Need
 Predicted within Project Vicinity based on Predicted Range Models**

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Phrynosoma goodei	Goode's Horned Lizard					1B
Phrynosoma solare	Regal Horned Lizard					1B
Phyllorhynchus browni	Saddled Leaf-nosed Snake					1B
Progne subis hesperia	Desert Purple Martin			S		1B
Rallus longirostris yumanensis	Yuma Clapper Rail	LE				1A
Setophaga petechia	Yellow Warbler					1B
Tadarida brasiliensis	Brazilian Free-tailed Bat					1B
Thomomys bottae subsimilis	Harquahala Southern Pocket Gopher	SC				1B
Toxostoma lecontei	Le Conte's Thrasher					1B
Troglodytes pacificus	Pacific Wren					1B
Vireo bellii arizonae	Arizona Bell's Vireo					1B
Vulpes macrotis	Kit Fox					1B

Species of Economic and Recreation Importance Predicted within Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Callipepla gambelii	Gambel's Quail					
Callipepla squamata	Scaled Quail					1C
Cyrtonyx montezumae	Montezuma Quail					1C
Meleagris gallopavo	Wild Turkey					
Odocoileus hemionus	Mule Deer					
Odocoileus virginianus	White-tailed Deer					1B
Ovis canadensis mexicana	Mexicana Desert Bighorn Sheep					1B
Patagioenas fasciata	Band-tailed Pigeon					1C
Pecari tajacu	Javelina					
Puma concolor	Mountain Lion					
Sciurus nayaritensis	Mexican Fox Squirrel					
Ursus americanus	American Black Bear					
Zenaida asiatica	White-winged Dove					
Zenaida macroura	Mourning Dove					

Project Type: Transportation & Infrastructure, Road construction (including staging areas), Realignment/new roads

Project Type Recommendations:

Bridge Maintenance/Construction

Identify whether wildlife species use the structure for roosting or nesting during anticipated maintenance/construction period. Plan the timing of maintenance/construction to minimize impacts to wildlife species. In addition to the species list generated by the Arizona's On-line Environmental Review Tool, the Department recommends that surveys be conducted at the bridge and in the vicinity of the bridge to identify additional or currently undocumented bat, bird, or aquatic species in the project area. To minimize impacts to birds and bats, as well as aquatic species, consider conducting maintenance and construction activities outside the breeding/maternity season (breeding seasons for birds and bats usually occur spring - summer). Examining the crevices for the presence of bats prior to pouring new paving materials or that the top of those crevices be sealed to prevent material from dripping or falling through the cracks and potentially onto bats. If bats are present, maintenance and construction (including paving and milling) activities should be conducted during nighttime hours, if possible, when the fewest number of bats will be roosting. Minimize impacts to the vegetation community. Unavoidable impacts to vegetation should be mitigated on-site whenever possible. A revegetation plan should be developed to replace impacted communities.

Consider design structures and construction plans that minimize impacts to channel geometry (i.e., width/depth ratio, sinuosity, allow overflow channels), to avoid alteration of hydrological function. Consider incorporating roosting sites for bats into bridge designs. During construction, erosion control structures and drainage features should be used to prevent introduction of sediment laden runoff into the waterway. Minimize instream construction activity. If culverts are planned, use wildlife friendly designs to mitigate impacts to wildlife and fish movement. Guidelines for bridge designs to facilitate wildlife passage can be found on our Wildlife Friendly Guidelines web page under the Wildlife Planning button, at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/>.

Fence recommendations will be dependant upon the goals of the fence project and the wildlife species expected to be impacted by the project. General guidelines for ensuring wildlife-friendly fences include: barbless wire on the top and bottom with the maximum fence height 42", minimum height for bottom 16". Modifications to this design may be considered for fencing anticipated to be routinely encountered by elk, bighorn sheep or pronghorn (e.g., Pronghorn fencing would require 18" minimum height on the bottom). Please refer to the Department's Fencing Guidelines located on Wildlife Friendly Guidelines page, which is part of the Wildlife Planning button at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/>.

During the planning stages of your project, please consider the local or regional needs of wildlife in regards to movement, connectivity, and access to habitat needs. Loss of this permeability prevents wildlife from accessing resources, finding mates, reduces gene flow, prevents wildlife from re-colonizing areas where local extirpations may have occurred, and ultimately prevents wildlife from contributing to ecosystem functions, such as pollination, seed dispersal, control of prey numbers, and resistance to invasive species. In many cases, streams and washes provide natural movement corridors for wildlife and should be maintained in their natural state. Uplands also support a large diversity of species, and should be contained within important wildlife movement corridors. In addition, maintaining biodiversity and ecosystem functions can be facilitated through improving designs of structures, fences, roadways, and culverts to promote passage for a variety of wildlife. Guidelines for many of these can be found at: <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/>.

Consider impacts of outdoor lighting on wildlife and develop measures or alternatives that can be taken to increase human safety while minimizing potential impacts to wildlife. Conduct wildlife surveys to determine species within project area, and evaluate proposed activities based on species biology and natural history to determine if artificial lighting may disrupt behavior patterns or habitat use. Use only the minimum amount of light needed for safety. Narrow spectrum bulbs should be used as often as possible to lower the range of species affected by lighting. All lighting should be shielded, cantered, or cut to ensure that light reaches only areas needing illumination.

Minimize potential introduction or spread of exotic invasive species. Invasive species can be plants, animals (exotic snails), and other organisms (e.g., microbes), which may cause alteration to ecological functions or compete with or prey upon native species and can cause social impacts (e.g., livestock forage reduction, increase wildfire risk). The terms noxious weed or invasive plants are often used interchangeably. Precautions should be taken to wash all equipment utilized in the project activities before leaving the site. Arizona has noxious weed regulations (Arizona Revised Statutes, Rules R3-4-244 and R3-4-245). See Arizona Department of Agriculture website for restricted plants, <https://agriculture.az.gov/>. Additionally, the U.S. Department of Agriculture has information regarding pest and invasive plant control methods including: pesticide, herbicide, biological control agents, and mechanical control, <http://www.usda.gov/wps/portal/usdahome>. The Department regulates the importation, purchasing, and transportation of wildlife and fish (Restricted Live Wildlife), please refer to the hunting regulations for further information <https://www.azgfd.com/hunting/regulations>.

Minimization and mitigation of impacts to wildlife and fish species due to changes in water quality, quantity, chemistry, temperature, and alteration to flow regimes (timing, magnitude, duration, and frequency of floods) should be evaluated. Minimize impacts to springs, in-stream flow, and consider irrigation improvements to decrease water use. If dredging is a project component, consider timing of the project in order to minimize impacts to spawning fish and other aquatic species (include spawning seasons), and to reduce spread of exotic invasive species. We recommend early direct coordination with Project Evaluation Program for projects that could impact water resources, wetlands, streams, springs, and/or riparian habitats.

The Department recommends that wildlife surveys are conducted to determine if noise-sensitive species occur within the project area. Avoidance or minimization measures could include conducting project activities outside of breeding seasons.

Based on the project type entered, coordination with State Historic Preservation Office may be required (<http://azstateparks.com/SHPO/index.html>).

Trenches should be covered or back-filled as soon as possible. Incorporate escape ramps in ditches or fencing along the perimeter to deter small mammals and herptefauna (snakes, lizards, tortoise) from entering ditches.

Design culverts to minimize impacts to channel geometry, or design channel geometry (low flow, overbank, floodplains) and substrates to carry expected discharge using local drainages of appropriate size as templates. Reduce/minimize barriers to allow movement of amphibians or fish (e.g., eliminate falls). Also for terrestrial wildlife, washes and stream corridors often provide important corridors for movement. Overall culvert width, height, and length should be optimized for movement of the greatest number and diversity of species expected to utilize the passage. Culvert designs should consider moisture, light, and noise, while providing clear views at both ends to maximize utilization. For many species, fencing is an important design feature that can be utilized with culverts to funnel wildlife into these areas and minimize the potential for roadway collisions. Guidelines for culvert designs to facilitate wildlife passage can be found on the home page of this application at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/>.

Based on the project type entered, coordination with Arizona Department of Environmental Quality may be required (<http://www.azdeq.gov/>).

Based on the project type entered, coordination with U.S. Army Corps of Engineers may be required (<http://www.usace.army.mil/>)

Based on the project type entered, coordination with County Flood Control district(s) may be required.

Vegetation restoration projects (including treatments of invasive or exotic species) should have a completed site-evaluation plan (identifying environmental conditions necessary to re-establish native vegetation), a revegetation plan (species, density, method of establishment), a short and long-term monitoring plan, including adaptive management guidelines to address needs for replacement vegetation.

The Department requests further coordination to provide project/species specific recommendations, please
PEP@azgfd.gov

Project Location and/or Species Recommendations:

HDMS records indicate that one or more native plants listed on the Arizona Native Plant Law and Antiquities Act have been documented within the vicinity of your project area. Please contact:

Arizona Department of Agriculture
1688 W Adams St.
Phoenix, AZ 85007
Phone: 602.542.4373

<https://agriculture.az.gov/environmental-services/np1>

HDMS records indicate that one or more listed, proposed, or candidate species or Critical Habitat (Designated or Proposed) have been documented in the vicinity of your project. The Endangered Species Act (ESA) gives the US Fish and Wildlife Service (USFWS) regulatory authority over all federally listed species. Please contact USFWS Ecological Services Offices at <http://www.fws.gov/southwest/es/arizona/> or:

Phoenix Main Office

2321 W. Royal Palm Rd, Suite 103
Phoenix, AZ 85021
Phone: 602-242-0210
Fax: 602-242-2513

Tucson Sub-Office

201 N. Bonita Suite 141
Tucson, AZ 85745
Phone: 520-670-6144
Fax: 520-670-6155

Flagstaff Sub-Office

SW Forest Science Complex
2500 S. Pine Knoll Dr.
Flagstaff, AZ 86001
Phone: 928-556-2157
Fax: 928-556-2121

HDMS records indicate that Western Burrowing Owls have been documented within the vicinity of your project area. Please review the western burrowing owl resource page at: http://www.azgfd.gov/w_c/BurrowingOwlResources.shtml.

HDMS records indicate that Sonoran Desert Tortoise have been documented within the vicinity of your project area. Please review the Tortoise Handling Guidelines found at: <http://www.azgfd.gov/hgis/pdfs/Tortoisehandlingguidelines.pdf>

HDMS records indicate that Chiricahua Leopard Frogs have been documented within the vicinity of your project area. Please review the Chiricahua Leopard Frog Management Guidelines found at: <http://www.azgfd.gov/hgis/documents/FINALLithchirHabitatGdlns.pdf>.

HDMS records indicate that Lesser Long-nosed Bats have been documented within the vicinity of your project area. Please review the Lesser Long-nosed Bat Management Guidelines at: <http://www.azgfd.gov/hgis/documents/FINALIecuyeHabitatGdln.pdf>.

The analysis has detected one or more Important Bird Areas within your project vicinity. Please see http://aziba.org/?page_id=38 for details about the Important Bird Area(s) identified in the report.

Your project site is within one or more defined Areas of Capture Concern. Please follow Department protocols while working within an Area of Capture Concern at U:\Agency Directives\JaguarOcelot Directives 17AUG10.pdf.

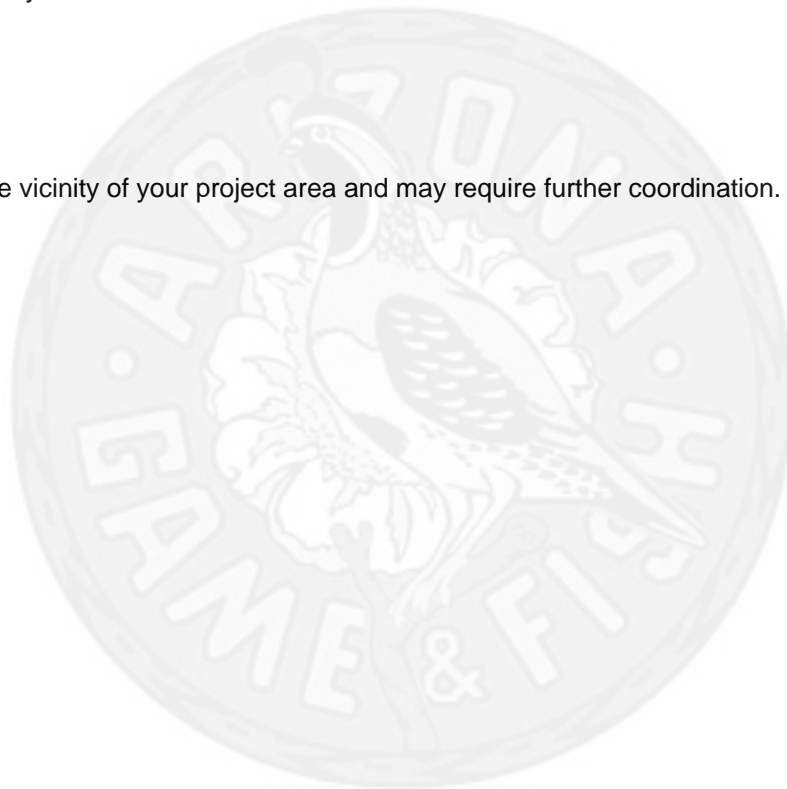
Analysis indicates that your project is located in the vicinity of an identified wildlife habitat linkage corridor. Project planning and implementation efforts should focus on maintaining adequate opportunities for wildlife permeability. For information pertaining to the linkage assessment and wildlife species that may be affected, please refer to: <http://www.corridor design.org/arizona>. Please contact your local Arizona Game and Fish Department Regional Office for specific project recommendations: http://www.azgfd.gov/inside_azgfd/agency_directory.shtml.

Tribal Lands are within the vicinity of your project area and may require further coordination. Please contact:
Ak-Chin Indian Community Council
42507 W Peters & Nail Rd
Maricopa, AZ 85239
(520) 568-2618
(520) 568-4566 (fax)

Tribal Lands are within the vicinity of your project area and may require further coordination. Please contact:
Tohono O'odham Nation
PO Box 837
Sells, AZ 85634
(520) 383-2028
(520) 383-3379 (fax)

Tribal Lands are within the vicinity of your project area and may require further coordination. Please contact:
Gila River Indian Community
PO Box 97
Sacaton, AZ 85247
(520) 562-6000
(520) 562-6010 (fax)

Tribal Lands are within the vicinity of your project area and may require further coordination. Please contact:
Pascua Yaqui Tribe
7474 S Camino de Oeste
Tucson, AZ 85746
(520) 883-5000 ext. 5016
(520) 883-5014 (fax)





Letter from Arizona Game and Fish Department, February 1, 2017



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THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

5000 W. CAREFREE HIGHWAY
PHOENIX, AZ 85086-5000
(602) 942-3000 • WWW.AZGFD.GOV

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February 1, 2017

Rebecca Yedlin
FHWA Environmental Coordinator
Federal Highway Administration
4000 N. Central Ave., Suite 1500
Phoenix, AZ 85012

Re: AGFD Properties within the I-11 Study Area

Dear Ms. Yedlin:

The Arizona Game & Fish Department (Department) owns or manages a number of properties within the Federal Highway Administration (FHWA)/Arizona Department of Transportation's (ADOT's) study area for the I-11 Tier I Environmental Impact Statement (EIS). This letter presents a brief summary of these properties to provide a better understanding of their presence and function on the landscape to FHWA/ADOT as you move through the alternative selection process; a brief history, the acquisition purpose and funding, as well as restrictions associated with the funding and/or conveyance of the property are included. In the event that one of the Alternative Routes identified for the Tier 1 EIS fall within or adjacent to one of these properties (such as the Tucson Mountain Wildlife Area), it is understood that a more in-depth discussion of the property, and an evaluation of potential impacts to the property, would be necessary.

The Department's properties with the I-11 Tier 1 EIS Study Area (Wickenburg to Nogales) fall largely within two regions: Lower Gila River (Map 1) and Tucson-Nogales Corridor (Map 2).

LOWER GILA RIVER PROPERTIES (AGFD REGION 6; MAP 1)

Arlington Wildlife Area

Arlington Wildlife Area, located on the west bank of the Gila River approximately 3-1/2 miles south of Arlington and 15 miles southwest of Buckeye in Maricopa County, was selected for development as a waterfowl wildlife area. In 1951, the Commission purchased the 160-acre parcel from private landowners and developed food crops, water structures and impoundments on the land. This portion of the property was purchased with U.S. Fish and Wildlife Service (USFWS) – Sportfish and Wildlife Restoration Funds (WSFR) matched with Game and Fish funds. The wildlife area includes a donated parcel and two parcels purchased with Heritage funds, primarily to benefit Ridgeway's rail and migratory waterfowl.

The management emphasis at the Arlington Wildlife Area is to maintain habitat for waterfowl, doves, Ridgeway's rail and other wildlife; and to provide compatible hunting, wildlife viewing, and other wildlife-oriented recreational opportunities. This involves maintaining appropriate water levels and a mix of open water and marsh habitat in the ponds. In addition, the Arlington Wildlife Area has been identified as one of the properties for development of the U.S. Army Corps of Engineers In-Lieu Fee Mitigation Program Restoration Project. There is an existing license agreement with Salt River Project, for the purpose of constructing, developing, and operating a mitigation wetland basin. This agreement is in place through June 2056.

Restrictions - Funding

The Department is restricted in disposing of WSFR and Heritage funded properties. WSFR funding is contingent upon the property continuing to serve the purpose for which it was acquired. Per 50 CFR 80.135 cannot allow uses which interfere with the original purpose. If such uses are allowed, 50 CFR 135 equivalent property must be secured with funding other than federal and Game and Fish license revenue (if license revenue was used as match – also refer to 50 CFR 80.136 describing diversion and potential loss of all Wildlife and Sport Fish Restoration

Green Tract

Green Tract, located approximately four miles southeast of Buckeye along the north side of the Gila River in Maricopa County, is comprised of 150 acres of river bottomland and adds to the Commission's land holdings along the Gila River corridor. The property was purchased in 1967 with USFWS WSFR funds and state Game and Fish funds. The primary management emphasis of the GSA Tracts land is to provide open space, wildlife habitat and locations for outdoor-related recreation.

Restrictions - Funding

The Department is restricted from uses and impacts conflicting with WSFR-funding, which is contingent upon the property continuing to serve the purpose for which it was acquired. Property can only be utilized for purposes which do not interfere with the original purpose (50 CFR 80.135) or can only be disposed (50 CFR 80.137) with approval from USFWS if they concur that the property is no longer useful or needed to meet its original purpose. The USFWS Regional Director also must approve the method of disposal, and ensure that the purchasing funding sources are appropriately compensated.

GSA Tract

GSA Tract, located two miles upstream from the Green Tracts property along the Gila River in Maricopa County, is comprised of 8 acres of river bottomland, and adds to the Commission's land holdings along the Gila River corridor. The GSA Tract was acquired by the Commission in 1972 from the General Services Administration by quit claim deed of surplus property. The quit claim deed specifies that the "premises herein conveyed are to be continuously used only as and for the conservation of wildlife, other than migratory birds, and are conveyed upon the condition that in the event they are no longer used for such purpose, the title thereto shall revert to the Grantor,...". The primary management emphasis of the GSA Tract is to provide open space, wildlife habitat and locations for outdoor-related recreation.

Restrictions - Conveyance

The Department can only convey the property back to the General Services Administration.

PLO 1015

The PLO 1015 Lands consist of approximately 6,900 acres located along the lower Gila River corridor. The PLO 1015 Lands are interspersed with several other Commission owned properties, included Powers Butte and Robbin Butte Wildlife Areas, State Sovereign Lands, Green Tract, and GSA Tract. All of these properties lie within the floodway of the lower Gila River corridor. Some of the properties contain significant upland zones, such as Powers Butte and Robbins Butte Wildlife Areas and have habitats and wildlife values typical of the corridor. The PLO 1015 Lands were withdrawn from the Bureau of Land Management's jurisdiction in 1954 by the U.S. Congress under Public Land Order (PLO) 1015, and "reserved under the jurisdiction of the U.S. Fish and Wildlife Service (USFWS) for wildlife refuge purposes." The USFWS entered into a Cooperative Agreement with the Commission for management of the lands in connection with the Gila River Waterfowl Project. The primary management emphasis of the PLO 1015 Lands is to provide open space, wildlife habitat and locations for outdoor-related recreation.

Powers Butte Wildlife Area

Powers Butte Wildlife Area is located adjacent to, and along the south and east side, of the Gila River about 20 miles north of Gila Bend in Maricopa County. The U.S. Bureau of Reclamation (BOR) acquired the Mumme Farm in 1982 to mitigate for wildlife habitat losses along the Colorado River from the Colorado River Basin Salinity Control Project. BOR, the U.S. Fish and Wildlife Service (USFWS), and the Arizona Game & Fish Commission entered into a mitigation agreement to develop, construct, operate and maintain fish and wildlife mitigation measures associated with the salinity control efforts along the lower Colorado River. The BOR quitclaimed the property to the Commission in 1982 with a reversionary interest held by BOR, and the Powers Butte Wildlife Area was established.

The primary focus has been on habitat restoration and enhancement of the terraced lands adjacent to the river corridor. There is a maintained pond and adjacent wet-soil units that are actively managed at the southern end of the property. There are plantings of mesquite and palo-verde trees established and the farm fields are periodically planted with wildlife food crops. Wildlife values are typical of the Gila River corridor, with some enhancements of the marsh and shore bird habitat and for migratory birds due to the pond and marsh areas. The wildlife area provides abundant recreational hunting opportunity for migratory and upland birds. Operations and Maintenance of this Wildlife Area is largely funded by the WSFR granting program.

Restrictions - Conveyance

BOR holds a reversionary interest in the property.

Robbins Butte Wildlife Area

Robbins Butte Wildlife Area, located approximately seven miles southwest of Buckeye in Maricopa County, is a conglomeration of fee simple parcels purchased by the Commission from private entities in a series of transactions from 1951 to 1973, a Bureau of Land Management Recreation & Public Purposes (R&PP) patent, and a land use agreement with Maricopa County Flood Control District for habitat loss from flood control structures. In the 1950s, Robbins Butte Wildlife Area was selected as an area along the Gila River with the greatest potential for waterfowl and other migratory bird habitat enhancements. Operations and Maintenance of this Wildlife Area is largely funded by the WSFR granting program.

Robbins Butte Wildlife Area contains terraced zones of deep fertile soils which are actively managed with plantings of native vegetation and crops for wildlife use. Groundwater is pumped to grow a variety of crops that, while targeted towards migratory game birds, such as doves, upland game such as quail, and serves to enhance foraging opportunity for many other species of wildlife, including mule deer, javelina, cottontail rabbits, and numerous other wildlife species.

Primary management emphasis at Robbins Butte Wildlife Area is active farming practices to provide food crops for doves and other migratory birds, and to provide nesting habitat for migratory and upland game birds. Secondary management emphasis includes conserving riparian and riparian-desert habitats. Both of these management emphases also tier to the related opportunities provided for wildlife-related recreation, such as hunting, fishing, wildlife watching and hiking. The managed lands at the wildlife area offer some of the Department's best opportunities to support hunter recruitment and retention objectives.

Restrictions - Funding

The Department is restricted from uses and impacts conflicting with WSFR-funding, which is contingent upon the property continuing to serve the purpose for which it was acquired. Property can only be utilized for purposes which do not interfere with the original purpose (50 CFR 80.135) or can only be disposed (50 CFR 80.137) with approval from USFWS if they concur that the property is no longer useful or needed to meet its original purpose. The USFWS Regional Director also must approve the method of disposal, and ensure that the purchasing funding sources are appropriately compensated.

Sovereign Land Transfer – Region 6

The Sovereign Lands parcel, located adjacent to Green Tract approximately 4 miles southeast of Buckeye along the north side of the Gila River in Maricopa County, was acquired by the Commission in 2005 through an Arizona Legislative bill conveying approximately 29 acres of State Trust Land to the Commission. The Commission retains ownership of 10 acres.

The primary management emphasis of the Sovereign Lands parcel is to provide open space, wildlife habitat and locations for outdoor-related recreation.

TUCSON-NOGALES CORRIDOR (AGFD REGION 5; MAP 2)

Agua Caliente Road

Agua Caliente Road, acquired in 2000, is a .25 mile road purchased to allow access to National Forest lands in the Santa Rita Mountains. The right of way ensures important legal recreational access to approximately 25,000 acres of National Forest lands containing several trailheads for hiking, mountain biking, and hunting. The road is maintained for the Department by the Coronado National Forest per an existing Agreement with the Forest Service. The property was purchased with state Heritage Access funds.

Coal Mine Spring

Coal Mine Springs, located approximately 8 miles north of Rio Rico west of the Santa Rita Mountains in Santa Cruz County, was purchase through a series of four acquisitions starting in 2004 to protect existing populations of special-status native wildlife and fish species, including the Gila topminnow. Funding for three of the four phases was from state Heritage funds and U.S. Fish and Wildlife Service Section 6 Recovery Land Acquisition Grants (Section 6). Funding for the final phase was entirely from the Heritage fund.

Coal Mine Springs was acquired with the intent to remain in Commission title and be managed in perpetuity for conservation of threatened and endangered species. The Sonoita Creek State Natural Area, owned and managed by Arizona State Parks (ASP), is located directly south of the property. The Commission and ASP have an Intergovernmental Agreement (IGA) to cooperatively manage the Coal Mine Springs to conserve and protect the natural resources, to maintain diverse and healthy populations of native wildlife, and to protect existing populations of special-status native wildlife and fish species, including the Gila topminnow.

The Gila topminnow, a Federally-listed species, occurs in Coal Mine Spring and adjacent waters in Coal Mine Canyon. Commission ownership ensures protection of existing Gila topminnow and Longfin dace populations. Gila Topminnow conservation continues on the property and George Wise Spring has been identified as a potential reintroduction site. Sixteen sensitive species exist on the property or in the general area, or could inhabit the wildlife area through natural recolonization or Department reintroduction. Management goals and objectives include:

- Conservation of sensitive species including species listed under the Endangered Species Act (ESA), Candidates for listing under the ESA, and species listed in the State Wildlife Action Plan as Species of Greatest Conservation Need.
- Provide wildlife related recreational opportunities including wildlife watching, hunting, and camping via foot access only.
- Habitat conservation through livestock exclusion, restored fire management, maintenance and restoration of riparian areas and stream pools, and increased health of the overall watershed.

Restrictions - Funding

The Department is restricted from uses and impacts conflicting with Section 6 and Heritage funded properties. Per 2 CFR 200.311 (b), Section 6 funding is contingent upon the property

continuing to serve the purpose for which it was acquired. Additionally, per A.R.S. §17-128.2 the Commission may only dispose of Heritage-funded properties when the species no longer qualifies as an endangered, threatened or candidate species.

Peck Canyon

This is a perpetual public access easement that crosses private land and connects to the road network on US Forest Service land in Peck Canyon. This access route provides access to over 500 hunters and an estimated 200 campers and bird watchers each year. This project was purchased using Heritage Access funding and the Department holds this easement.

Santa Rita Wildlife Area

The Santa Rita Wildlife Area was originally property of the USDA Forest Service under the Southwest Forest and Range Research Station. Wildlife Management was guided by two separate agreements between the Arizona Game and Fish Commission and the USDA dated 1951 and 1974 respectively. The land was traded from the federal government to the Arizona State Land Department via the Santa Rita Exchange -- Public Law 100-696, in order to create the Central Arizona Project and Buenos Aires National Wildlife Refuge. Management authority for Santa Rita was transferred to the University of Arizona in 1995. The Commission currently manages wildlife on the Santa Rita Wildlife Area under Arizona Administrative Code R12-4-802A.26. (The wildlife area is an administrative overlay of the Santa Rita Experimental Range via Arizona Revised Statutes Title 17 §231 A.1., B.2., B.7, and Arizona Administrative Code R12-4-801). Special regulations on the SRWA include restrictions on motorized travel, and prohibition of firearm use from March 1 through August 31.

Sopori Ranch Access

This is a perpetual public access easement that crosses state trust land and connects to the road network on US Forest Service. This access route provides access to over 300 hunters and an estimated 100 campers and bird watchers each year. This project was purchased using Heritage Access funding and the Department holds this easement.

Tucson Mountain Wildlife Area

The 73,000-acre Tucson Mountain Wildlife Area, located west of Tucson in Pima County, is one of only 3 remaining of the state's original "game refuges" established in the 1930's. It is managed as a subunit of Game Management Unit 38M within and surrounding the Tucson Mountains. Land ownership within the wildlife area includes the 25,000 acre Tucson Mountain District of the Saguaro National Park, the 18,000 acre Tucson Mountain Park and other smaller parks owned and administered by Pima County's Natural Resources, Parks, and Recreation Department. The area also includes private land, Arizona State Trust Land, Bureau of Land Management Land, and land owned by the Cities of Tucson and Marana, as well as the Bureau of Reclamation. The Tucson Mitigation Corridor (TMC) is within the Tucson Mountain Wildlife Area. It is owned by the Bureau of Reclamation, and managed as part of Tucson Mountain Park under an agreement between U.S. Fish and Wildlife, Pima County, Reclamation, and the Department as mitigation for impacts, especially fragmentation of habitat, from the Central Arizona Project. The TMC agreement prohibits development except for wildlife management purposes and connects wildlife habitat in the Tucson Mountain Wildlife Area, including Saguaro

Ms. Rebecca Yedlin
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National Park and Tucson Mountain Park, with the Tohono O'Odham Nation and Ironwood Forest National Monument.

In 1929 the Tucson Mountain Game Protective Association recommended that the Arizona Game and Fish Commission make the Tucson Mountains a formal Game Refuge. The Commission accepted it provided that Pima County take over management as a County Park. The formal dedication of the Tucson Mountain Park in 1932 under the leadership of the Tucson Game Protective Association in cooperation with the Tucson Chamber of Commerce, the Tucson Natural History Society, and the Pima County Board of Supervisors. Today, Tucson Mountain Wildlife Area continues to be managed to allow for hunting under regulations specific to the area.

Given the likelihood that an Alternative Route will run through the Avra Valley; thereby impacting the Tucson Mountain Wildlife Area, additional detailed information about this area will be submitted to ADOT under separate cover.

Tucson Regional Office

The 60 acre Tucson Regional Office was acquired by Patent in 1969 from the Bureau of Land Management through the Recreation and Public Purposes Act for an administrative site and education center. Facilities on the property include a regional office, two warehouses, covered parking for boat and RV storage, and a paved, lighted parking lot.

The purpose of the Tucson Regional Office is to provide a base of operations for Department programmatic areas of responsibility in central Arizona, including law enforcement, information and education, wildlife and fisheries management, and habitat evaluation. The office is intended to be the primary customer interface for the public, including sale of Department products.

IN CONCLUSION

In the event that one of the Alternative Routes identified by the Tier 1 EIS fall within or adjacent to one of these properties, it is understood that a more in-depth discussion of the property, and an evaluation potential impacts to the property, would be necessary. We look forward to our continuing collaborating with FHWA and ADOT on this important transportation project. If you have any questions or wish to further discuss our comments and concerns, please contact me at cboucher@azgfd.gov or 623-236-7615.

Sincerely,



Cheri A. Bouchér
Project Evaluation Program Specialist
Arizona Game and Fish Department

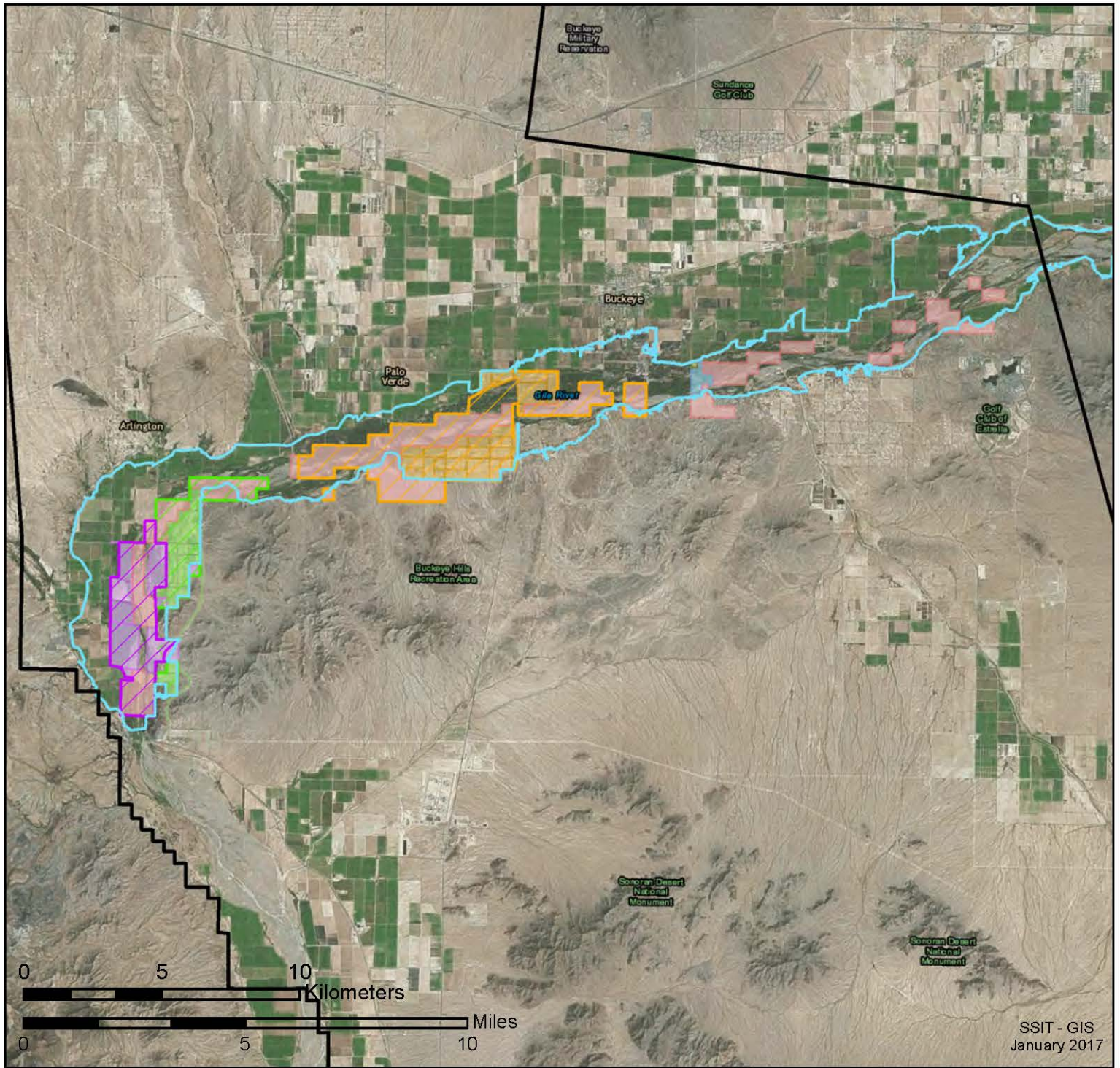
Ms. Rebecca Yedlin
AGFD Properties within the I-11 Study Area
February 1, 2017
8

cc: Aryan Lirange, FHWA
Jay Van Echo, ADOT Project Manager
Lisa Ives, AECOM Consultant Team Project Manager
Anita Richardson, AECOM

AGFD# M17-01304845

AGFD Lands and I-11 Study Area

Tier 1 EIS - Northern Portion of Study Area



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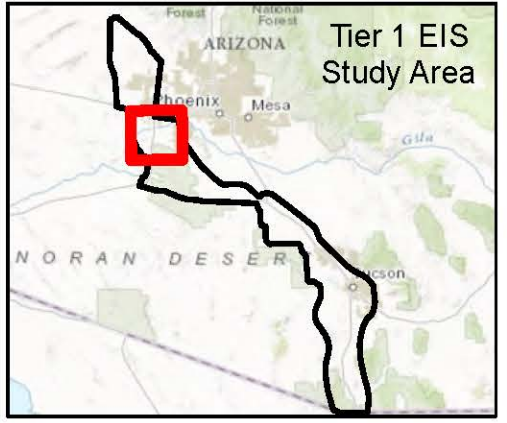
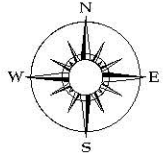
I-11 Study Area Corridor Global Important Bird Area

AZGFD Wildlife Areas

- Arlington Wildlife Area
- Powers Butte (Mumme Farm) Wildlife Area
- Robbins Butte Wildlife Area

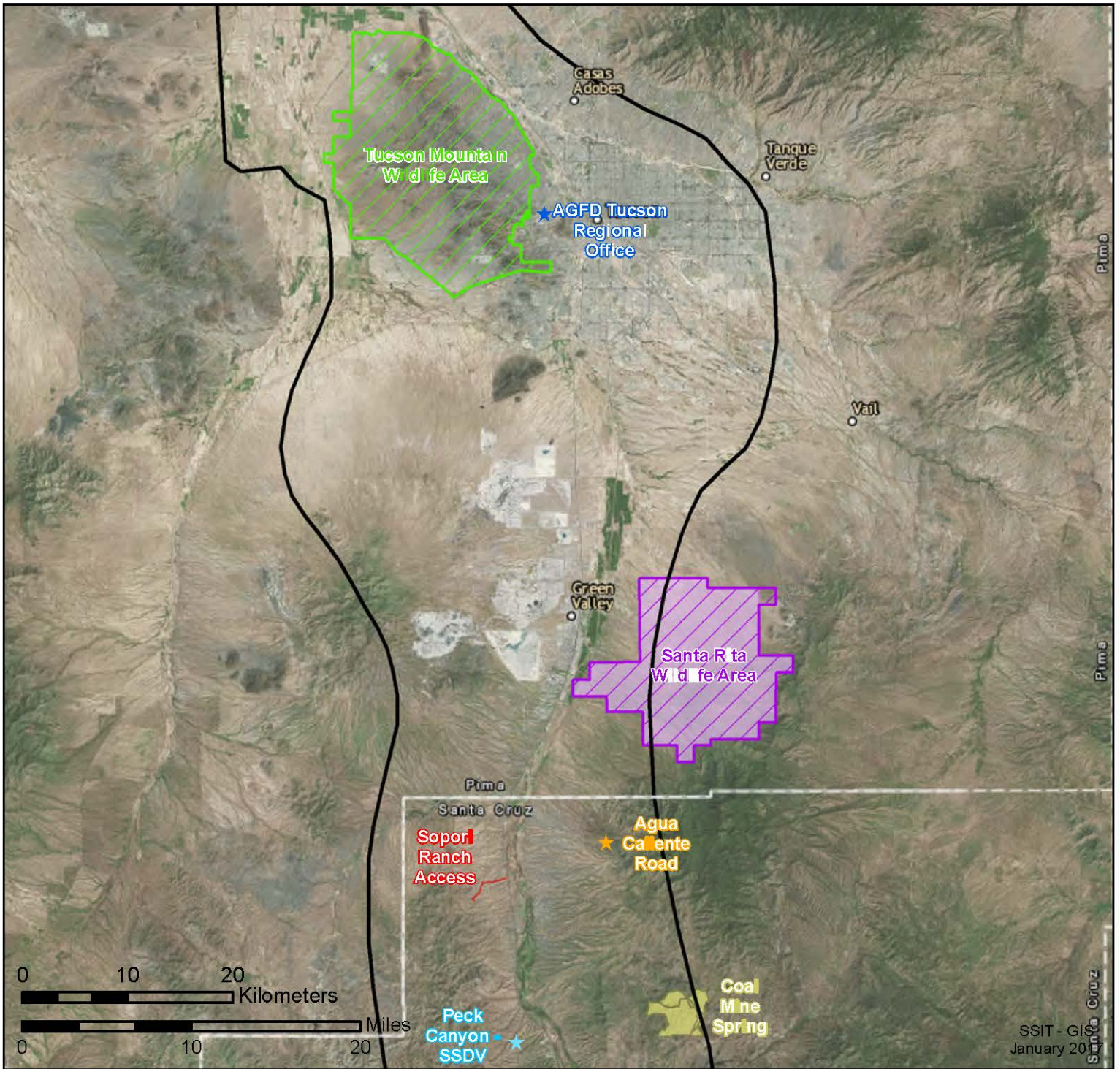
AZGFD Deeded and Managed Lands - Parcels

- | | |
|-------------------------|-----------------------------|
| Arlington Wildlife Area | Powers Butte Wildlife Area |
| GSA Tract | Robbins Butte Wildlife Area |
| Green Tract | Sovereign Land Transfer |
| PLO-1015 Lands | |
- Note that Department Wildlife Areas may cover multiple deeded and managed parcels



AGFD Lands and I-11 Study Area

Tier 1 EIS - Southern Portion of Study Area



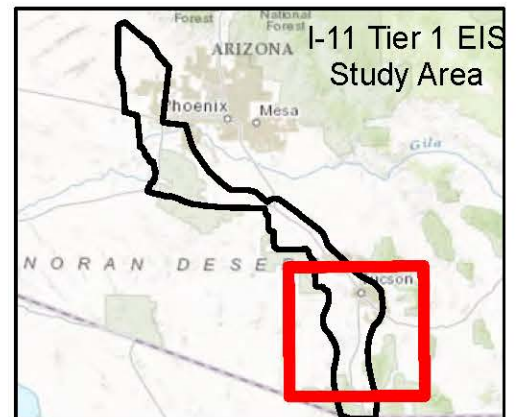
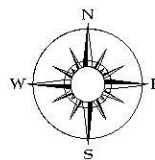
I-11 Study Area Corridor

AZGFD Wildlife Areas

- Santa Rita Wildlife Area
- Tucson Mountain Wildlife Area

AZGFD Deeded and Managed Lands - Parcels

- Santa Rita Wildlife Area
 - Soporí Ranch Access
 - Coal Mine Spring
 - AGFD Tucson Regional Office
 - Agua Caliente Road
 - Peck Canyon
- Note that Department Wildlife Areas may cover multiple deeded and managed parcels





Letter from Arizona Game and Fish Department, February 1, 2017



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THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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TY E. GRAY



February 1, 2017

Ms. Karla S. Petty
Arizona Division Administrator
Federal Highway Administration
4000 North Central Avenue, Suite 1500
Phoenix, Arizona 85012-3500

Re: Arizona Game & Fish Department's Tucson Mountain Wildlife Area

This letter is in response to your request for the a description of the nature and purpose of the Arizona Game and Fish Commission's Tucson Mountain Wildlife Area as described in Arizona Administrative Code R12-4-802 (31). We understand that this request is in connection with the Federal Highway Administration's evaluation of potential Section 4(f) properties along the I-11 corridor study area. Thank you for the opportunity to provide this information to you.

Applicable laws. Section 4(f) of the Department of Transportation Act of 1966, now 23 U.S.C. § 138 and 49 U.S.C. § 303, provides that the Secretary of Transportation shall cooperate and consult with the States in developing transportation plans and that the Secretary shall not approve any project which requires the use of any publicly-owned land from a public park, recreation area, or wildlife or waterfowl refuge of national, State or local significance as determined by the Federal, State or local officials having jurisdiction (a "4(f) property") unless (1) there is no feasible or prudent alternative to the use of such land and (2) such program includes all possible planning to minimize harm.

If the Federal Highway Administration (FHWA) concludes that there is no feasible and prudent avoidance alternative to the use of a 4(f) property, only the alternative that causes the least overall harm may be selected. 23 C.F.R. 774.3.

According to the FHWA *Section 4(f) Policy Paper* at 26-27 (July 20, 2012), any significantly publicly owned public property where the primary purpose of such land is the conservation, restoration, or management of wildlife, such as a state wildlife management area, is considered by FHWA to be a wildlife refuge for purposes of Section 4(f). This includes properties that permit recreational activities that do not conflict with species preservation, such as wildlife viewing and hunting, if the activity is consistent with the broader species conservation goals of the property.

The Arizona Game and Fish Wildlife Areas, located across the state and described in Arizona Administrative Code (A.A.C.) R12-4-801, (1) provide protective measures for wildlife and

habitat; (2) allow for special management or research practices, and (3) enhance wildlife and habitat conservation.¹ All Commission Wildlife Areas are open for public recreation (wildlife watching and hunting), subject to the specific restrictions for each wildlife area as described in A.A.C. R12-4-802.

The Tucson Mountain Wildlife Area and its legally-promulgated restrictions are found in A.A.C. R12-4-802(A)(31). Only archery hunting is allowed, and motorized vehicle travel is restricted to designated roads or areas. The legal description of the Tucson Mountain Wildlife Area is found in R12-4-803(A)(31) and is depicted on Attachment A.

History of the Tucson Mountain Wildlife Area. The Tucson Mountain Wildlife Area is distinguished from the majority of the Wildlife Areas in that the Commission does not have an ownership or possessory interest in any lands within this WA. A review of its history provides insight on how this Wildlife Area was created and why it remains a Wildlife Area despite increasing urban encroachment.

By 1900, unregulated market hunting of big game species in Arizona was driving several species to extinction. The use of game refuges to promote recovery of game animals first occurred in 1917, when the Arizona legislature created four game refuges of thousands of acres on national forest lands and prohibited the hunting and trapping of deer, antelope, turkey and other game animals. The AZ Game Code of 1928 gave the Arizona Game and Fish Commission the authority to create and manage wildlife refuges². The Commission grandfathered the seven existing refuges and added 23 more, including the Tucson Mountain Game Refuge in 1931.

Prior to 1929 (when the Park was created), the area surrounding Tucson Mountain Park was overgrazed by livestock and heavily hunted, resulting in the near-extirpation of native mule deer, estimated at only 25 remaining animals.³ The Commission created the Tucson Mountain Wildlife Refuge in 1931 to serve as habitat for deer and to ensure the preservation of game for “aesthetic purposes”.⁴ That year the Department transplanted two bucks and five does from the Kaibab National Forest to the Tucson Mountain Park.⁵

Livestock were eliminated from the Park by 1934. A 1937 deer census by the Civilian Conservation Corps tallied 153 mule deer in the refuge.⁶ By 1949, the deer herd had increased to the point that it would support a limited hunt for the management purpose of conserving native grasses and forbs and protecting the carrying capacity of the Park. The first Commission-

¹ All wildlife in this State are managed and conserved by the Commission and Department as a state trust resource for the citizens of Arizona. A.R.S. 17-102 (wildlife, both resident and migratory, are property of the State).

² David E. Brown, *Bringing Back the Game, Arizona Wildlife Management 1912-1962* at 39-49 (Arizona Game and Fish Department, 2012).

³ Clark, Elmore. *A Study of the Behavior and Movements of the Tucson Mountain Mule Deer* (University of Arizona Library, 1953) found at <http://hdl.handle.net/10150/551203>. This thesis was funded in part by the Arizona Game and Fish Commission.

⁴ Id.

⁵ Id. at 11.

⁶ Id. at 12.

Ms. Karla S. Petty

February 1, 2017

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authorized hunt occurred in 1950, and the Commission established Game Management Unit 38M, which encompassed the Park, in 1951.⁷

With the improvement of game populations after WWII, support for game refuges and hunting bans waned and the Commission began to abolish the wildlife refuges or to redesignate them as wildlife areas.⁸ The Commission voted to abolish the last six remaining refuges in Arizona in 1958, including Tucson Mountain Wildlife Area. However, the Commission's June 1958 meeting minutes reflected local opposition, resulting in the Commission's vote to retain the Wildlife Area but to open it to archery-only hunting.

In 1968 the Arizona Game and Fish Department recommended the Commission abolish the Tucson Mountain Wildlife Area due to increasing urban encroachment. The Pima County Board of Supervisors, the City of Tucson, "thousands" of petition signers and 200 citizens in attendance at the Commission's public meeting objected to the loss of wildlife area status. Acknowledging this outpouring of opposition, the Commission voted unanimously to retain the Tucson Mountain Wildlife Area.⁹

Currently, archery-only hunting is allowed in certain portions of the Tucson Mountain Wildlife Area. The entire Wildlife Area is closed to the discharge of all firearms. R12-4-802 (31)(b). Archery deer and javelina hunters may hunt only in season (December and January) and must first obtain a permit and a special stamp from the Department's Region V office in Tucson. R18-4-802(31)(c). Hunters are given an explanatory pamphlet on hunting within the Tucson Mountain Wildlife Area (Attachment B). The Region V office issued 335 stamps/permits for the Tucson Mountain Wildlife Area in 2016. Hunting does not occur in the BOR-owned Tucson Mitigation Corridor, which is fenced. Commission Rule 12-4-802(31)(a) further prohibits off-road motorized vehicle travel throughout the Wildlife Area. The rule's purpose is to protect wildlife and habitat.

Archery-only hunting in the Tucson Mountain Wildlife Area serves as an important wildlife and habitat management tool as well as providing a recreational opportunity close to a major urban center.

The CAP aqueduct and wildlife studies leading to mitigation measures.

The preferred route for the proposed CAP Tucson Aqueduct, the "West Side Plan" through the Avra Valley, represented the alternative with the "highest biological losses". These losses primarily occur by interrupting wildlife movements in and out of the Tucson Mountains; bisecting kit fox, desert tortoise and Gila monster habitat; and severing movement patterns for mule deer, javelina and coyotes from the Tucson Mountains, Avra Valley, Ironwood Forest National Monument, the Roskrige Mountains, and the Tohono O'odham Nation.¹⁰

⁷ Id. at 13-14.

⁸ David E. Brown, *Bringing Back the Game, Arizona Wildlife Management 1912-1962* at 47-48.

⁹ Minutes of May 25, 1968 Commission meeting.

¹⁰ *Final EIS, Tucson Aqueduct Phase B* at 10-11; 46-47 (U.S. Department of Interior, Bureau of Reclamation, August 14, 1985); Record of Decision, Central Arizona Project Tucson Aqueduct-Phase B at 7.

This conclusion was based on extensive wildlife studies commissioned by BOR and conducted by the Department. In February 1981 BOR contracted with the Department to conduct a comprehensive three-year wildlife inventory of the entire Tucson Aqueduct Phase B project area.¹¹ The Department first conducted a three-year survey of all extant wildlife species in its *Biological Resource Inventory* (1983). The Department's *Final Report for the Biological Resources Inventory* summarized the Department's radio-telemetry investigations of deer, coyote, bobcat and javelina movements throughout the Tucson Division-Phase B westside aqueduct alignment. A principal function of these studies was to develop data for wildlife mitigation measures and prime locations for wildlife crossing structures.

The *Biological Resource Inventory* estimated a population size of 200-400 mule deer; 400-600 javelina, coyotes, kit fox, gray fox, bobcats, 20 small mammal species; 19 raptor species; 143 songbirds and game birds and 39 reptile and amphibian species.¹² Radio tracking of big game animals and predators documented extensive animal movements between the Tucson Mountains, Avra Valley agricultural fields and the Garcia Strip on the Tohono O'odum Nation. FEIS at 34. The mitigation measures identified by the Department and the U.S. Fish and Wildlife Service (protective fencing, aqueduct crossings and wash siphons at migratory corridors, wildlife water catchments, rough finish on canal lining) are designed to prevent wildlife losses. FEIS at 39.

The Department further identified in its *Final Report* a 4.25 square mile parcel which could serve as a wildlife corridor to prevent the eventual genetic isolation (and potential extirpation) of species within the Tucson Mountains. *Report* at 51- 53. As the FEIS states:

Wildlife movement across the aqueduct is necessary to permit bisected populations to maintain gene flow and to allow use of habitat on both sides of the aqueduct. . . [t]he most effective way to insure that wildlife movements would continue after aqueduct construction would be to provide an open, undeveloped corridor across the aqueduct in an existing wildlife movement path. . .

The four sections of Arizona State Trust Land at T.14 S. R.11 E. Sections 10, 11, 14 and 15 and the privately owned Section 2 SW-1/4 contain palo verde-mixed cacti, mesquite and creosote-bursage habitat types which are extensively used by wildlife, and provide a well-established wildlife movement corridor from the Saguaro National Monument and Tucson Mountain Park to the Garcia Strip of the Papago Indian Reservation and other points west and southwest of the Tucson Mountains. The parcel borders on both the Park and the Reservation, insuring a permanently open corridor in and out of the mountains regardless of future development patterns in the Avra Valley¹³.

¹¹ deVos, et al., 1983. *Biological Resource Inventory, Tucson Division, Phase B Central Arizona Project*. 470 pp.
deVos, et al., 1985. *Final Report for the Biological Resources Inventory, Tucson Division, Phase B Central Arizona Project*. 125 pages.

¹² Because no federally-listed candidate, threatened or endangered wildlife species were identified as present at the project site, the mitigations for the CAP aqueduct are entirely concerned with mammals, songbirds, game birds, raptors, reptiles and amphibians managed by the Department as trust resources for the citizens of Arizona.

¹³ Final EIS at 42.

The key commitment of BOR as mitigation for the CAP aqueduct severing wildlife movement was the acquisition of the 4.25 square miles to serve as a wildlife corridor between the Tucson Mountains and points west. As stated by the Fish and Wildlife Service, without the acquisition of the Tucson Mitigation Corridor, the other mitigation measures were “grossly inadequate” and would have likely resulted in FWS withdrawal of support for BOR’s preferred West Side Plan.¹⁴

Both the biological resource inventory and the wildlife mitigation measures for the Phase B CAP aqueduct were developed under the Fish and Wildlife Coordination Act (FWCA) as well as the National Environmental Policy Act (NEPA).¹⁵ The wildlife mitigation commitments are described in Appendix F of the ROD, also referred to in the FEIS as the “Fish and Wildlife Coordination Report”.¹⁶

Following acquisition of the tract, and pursuant to the Fish and Wildlife Coordination Act, the Secretary of the Interior entered into a *Cooperative Agreement For the Use of Project Lands for Wildlife and Plant Conservation and Management, Tucson Mitigation Corridor, Central Arizona Project* (1990) with the Arizona Game and Fish Department and the Pima County Board of Supervisors as parties. The Cooperative Agreement provides that Pima County will manage TMC as part of the Tucson Mountain park system for the conservation and management of wildlife and plants with funding from BOR. Prohibited activities include, *inter alia*, any future development other than existing wildlife habitat improvements or developments agreed to by BOR, the Arizona Game and Fish Department, FWS and Pima County. Also prohibited are the discharge of firearms, trapping, and off-road vehicles (Cooperative Agreement at Sec. II.2), which in effect incorporate the restrictions set forth in Arizona Game and Fish Commission Rule R12-4-802(A)(31) for the Tucson Mountain Wildlife Area.

Wildlife are using the TMC. The efficacy of the TMC and the other mitigations as wildlife landscape linkages was confirmed in subsequent reports funded by BOR and the U.S. Geological Survey. Populations of desert mule deer and javelina use all crossings throughout the year.¹⁷ Numerous species were identified in the Tucson Mountains in a University of Arizona infrared-triggered trail camera study, including mountain lions, which require biological corridors as linkages to large core habitats and are most likely entering and leaving the Tucson Mountains to the west. Ten infrared cameras located at the CAP canal documented bobcats, coyotes, collared peccaries, mule deer, and a badger, evidence that “the CAP wildlife mitigation corridors are

¹⁴ *Comments of the Fish and Wildlife Service to Draft EIS for the Central Arizona Project, Tucson Aqueduct Phase B* at 3.

¹⁵ *Draft Fish and Wildlife Coordination Act Report for Phase B of the Tucson Aqueduct, Central Arizona Project, Tucson Division, Arizona* (USFWS 1983). See *Central Arizona Project Fish and Wildlife Coordination Act Report on Tucson Aqueduct Phase B for U.S. Bureau of Reclamation (Fish and Wildlife Service, March 1984* (wildlife report prepared pursuant to Section 2(b) of FWCA and in coordination with AGFD); *Comments of the Fish and Wildlife Service to Draft EIS for the Central Arizona Project, Tucson Aqueduct Phase B*, page 1 (February 14, 1985).

¹⁶ Final EIS at Table 38.

¹⁷ Tull, J.C. and P. R. Krausman, 2001. *Use of a Wildlife Corridor by Desert Mule Deer*. The Southwest Naturalist 46(1):81-86; Popowski, R. and P. R. Krausman, 2002. *Use of Crossings Over the Tucson Aqueduct by Selected Mammals*. The Southwest Naturalist 47(3):363-371.

functioning” as designed.¹⁸

In an effort to maintain wildlife habitat connectivity in southern Arizona, the Arizona Game and Fish Department, in collaboration with the Regional Transportation Authority (RTA) of Pima County and many other partner organizations, held a series of workshops to identify wildlife connectivity areas in Pima County. Once the County-level workshop was completed and associated data was compiled into a report¹⁹, AGFD and the RTA chose a set of priority linkages from those identified at the workshops to model with the ultimate goal of having a linkage design with sufficient detail that could serve as a guideline for future land use, conservation and transportation planning in the region. One of the five priority areas focuses on supporting the daily and seasonal movement and habitat needs of wildlife between the Coyote Mountains, Ironwood Forest, and the Tucson Mountains. This *Linkages* study was published in August 2012, and is a GIS-based linkage design based on fourteen focal wildlife species (eight mammals, including mule deer and desert bighorn sheep, five reptiles, and one amphibian).²⁰

The *Linkages* study identifies wildland blocks which are relatively undeveloped lands with existing conservation protections that currently serve as habitat blocks for various wildlife species. Three wildland blocks were used in the *Linkages* study: the Coyote Mountains; Ironwood Forest National Monument, including part of the Roskrige, Silver Bell, and Sawtooth Mountains; and the Tucson Mountains, including the Tucson Mitigation Corridor, Saguaro National Park, and Tucson Mountain Park. These wildland blocks are separated by various topographic features, including the steep terrain of the Roskrige Mountains between the Coyote and Ironwood wildland blocks, and the flat lands of Avra Valley between the Ironwood and Tucson wildland blocks. The *Linkages* study features habitat suitability maps and “biologically best corridors” for species to travel from a potential population core in one wildland block to another wildland block, and identifies Saguaro National Park, Tucson Mountain Park and the TMC as a wildland block, linking species to the Ironwood Wildland Block and the Silverbell and Roskrige Mountains. Refer to Attachment C for a map of the *Coyote-Ironwood-Tucson Linkage Design*.

The *Linkages* study concludes that establishment of the Tucson Mitigation Corridor and the numerous CAP canal siphons have greatly increased the permeability of the CAP canal and wildlife connectivity within the Tucson Mitigation Corridor, allowing the movement of various wildlife species.²¹

Desert bighorn sheep recently documented in the Tucson Mountains. The *Linkages* study noted the “massive declines” of bighorn sheep populations caused in part by barriers to movement such as roads and range fences. Small, isolated groups of desert bighorn sheep experience highly fragmented distribution and are susceptible to extirpation.²²

¹⁸ Haynes, et. al., 2010. *Mountain Lions and Bobcats of the Tucson Mountains: Monitoring Population Status and Landscape Connectivity* at 13 and Tables 1 and 2. University of Arizona Wild Cat Research and Conservation School, University of Arizona.

¹⁹ http://www.azgfd.gov/w_c/documents/PimaCountyWildlifeConnectivityAssessment.pdf

²⁰ http://www.azgfd.gov/w_c/documents/CoyoteIronwoodTucson_LinkageDesign_lowres.pdf

²¹ *Id.* at 38.

²² *Id.* at 85.

Ms. Karla S. Petty

February 1, 2017

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As stated in the *Linkages* study, desert bighorn sheep historically used both the Coyote and Tucson wildland blocks, but did not have population distributions within these blocks as of 1960. The desert bighorn sheep population that exists primarily in the West Silver Bell and Silver Bell Mountains within the Ironwood wildland block today represent “one of the last viable desert bighorn sheep populations indigenous to the mountains surrounding Tucson”. Restoration of habitat and permeability offers an opportunity for desert bighorn sheep populations in the Ironwood Wildland Block to achieve landscape connectivity with historical former habitats.²³

As seen in Attachment D, documented bighorn sheep sightings occurred in 2016 in Saguaro National Park and Tucson Mountain Park and to the west toward the Silver Bell Mountains. Department biologists believe these sheep are dispersing from the Silver Bell and Waterman Mountains (directly south of Silver Bell Mountain Range) sheep populations. Because of the close proximity of these ranges and the isolation of the area due to multiple interstates, state highways, and the city of Tucson, it is unlikely that the sheep in the Tucson Mountains dispersed from another population, such as the population in the Santa Catalina Mountains to the east.

Conclusion. The primary and original purpose of the Tucson Mountain Wildlife Area was to restore and conserve sustainable desert mule deer populations in the Tucson Mountains. The publicly owned lands within the Wildlife Area continue to serve that purpose today for many species of wildlife, as well as providing recreational hunting and wildlife viewing opportunities.

The Department’s position is that the publicly-owned portions of the Tucson Mountain Wildlife Area, comprising the Tucson Mountain District of Saguaro National Park, Tucson Mountain Park, and the Tucson Mitigation Corridor, qualify as a Section 4(f) property in the category of a significant state recreation area and state wildlife refuge pursuant to 23 U.S.C. § 138, 49 U.S.C. § 303 and 23 CFR 774.11.

The Department values FHWA’s and ADOT’s coordination with us on this important transportation project. If you have any questions or wish to further discuss this information, please contact Cheri Bouch er, the Department’s Project Evaluation Program transportation coordinator, at cboucher@azgfd.gov (623-236-7615).

Sincerely,



Jim deVos

Wildlife Management Assistant Director

cc: Rebecca Yedlin, FHWA

Aryan Lirange, FHWA

Jay VanEcho, ADOT Project Manager

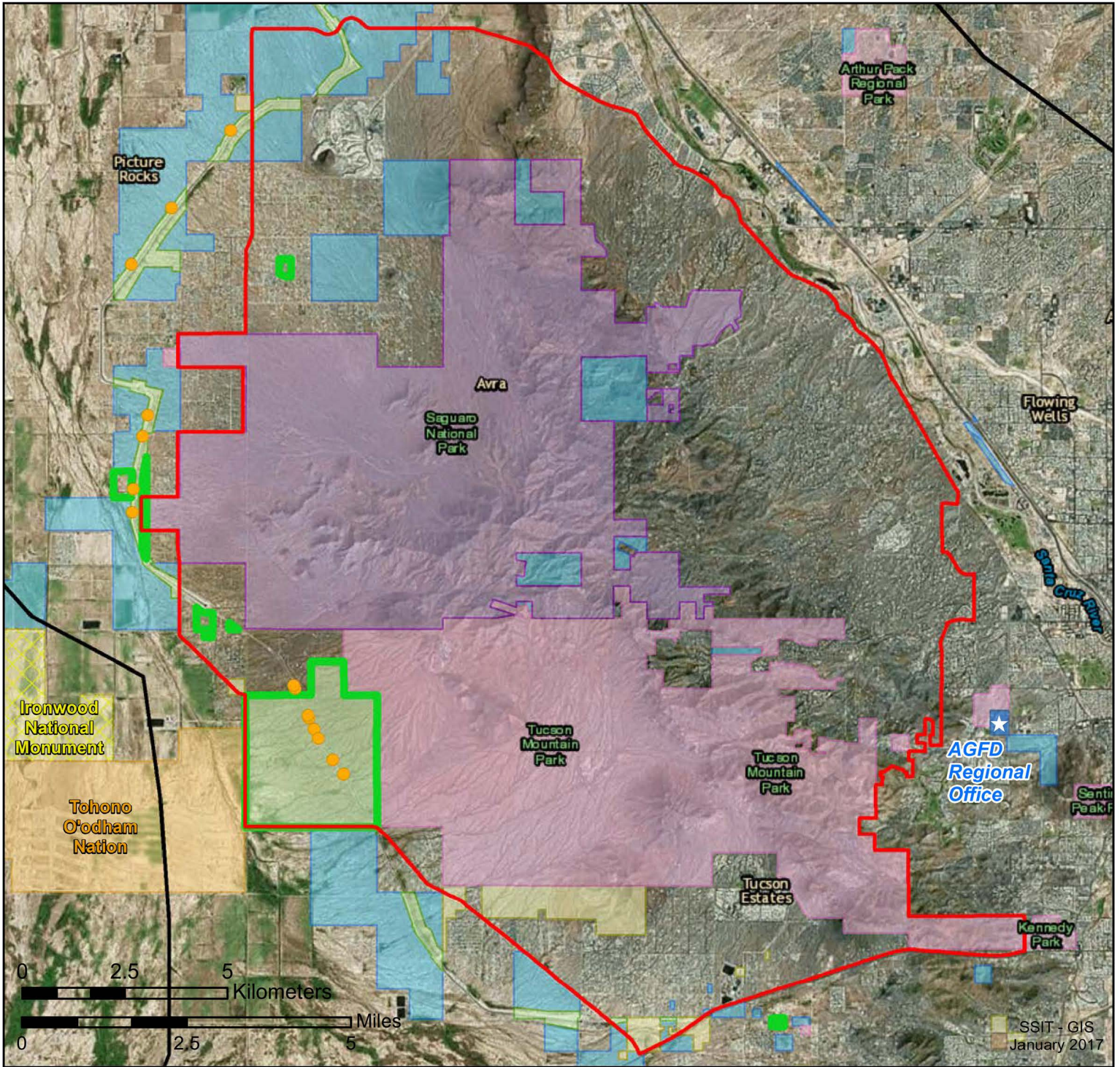
Lisa Ives, AECOM Consultant Team Project Manager

Tab Bommarito, U.S. Bureau of Reclamation

²³ *Id.* at 86.

Attachment A
Map of the Tucson Mountain
Wildlife Area

AGFD Tucson Mountain Wildlife Area



● CAP Designated Wildlife Crossings

— Tucson Mitigation Corridor & Assoc. Parcels

▭ I-11 Study Area Corridor

▭ AGFD Tucson Mountain Wildlife Area

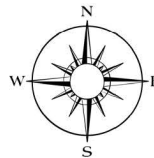
▭ BLM Ironwood National Monument

Land Owners (Private Excluded)

▭ AGFD Regional Office

▭ Bureau of Land Management

▭ City or County Parks



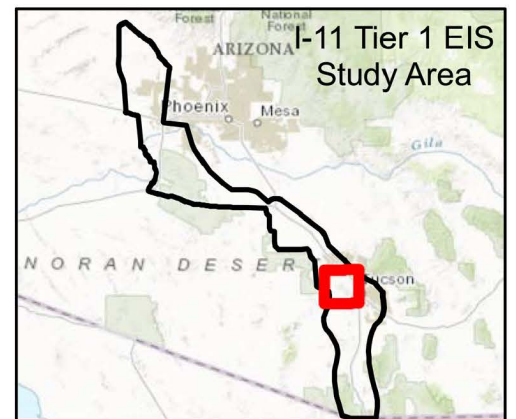
▭ Tohono O'odham Nation

▭ Saguaro National Park

▭ Bureau of Reclamation

▭ County Land

▭ State Trust



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January 2017

Attachment B

Tucson Mountain Wildlife Area Hunting Pamphlet



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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J.W. HARRIS, TUCSON

DIRECTOR

LARRY D. VOYLES

DEPUTY DIRECTOR

TY E. GRAY



Dear Sportsman:

The Tucson Mountain Wildlife Area, which includes Tucson Mountain Park, has been open to hunting for decades. It is the responsibility of hunters to ensure that this remains true for decades to come. Every year the Arizona Game and Fish Department receives several complaints from landowners about the actions of unethical hunters. Some of those landowners intend to contact their City Council Representatives, County Supervisors, and the Arizona Game and Fish Commission to further restrict or eliminate hunting in the area. Your behavior reflects on all hunters and we need your help.

Areas open to hunting **do not** include areas within municipal parks, municipal preserves, county parks, county preserves, airports, golf courses, or posted water treatment facilities (except as specifically opened by the Arizona Game and Fish Department Commission) or areas closed to hunting under Arizona Revised Statutes 17-303 and 17-304 or Commission Rules R12-4-321, R12-4-801, and R12-4-802 and R12-4-803. Saguro National Park is also closed to hunting.

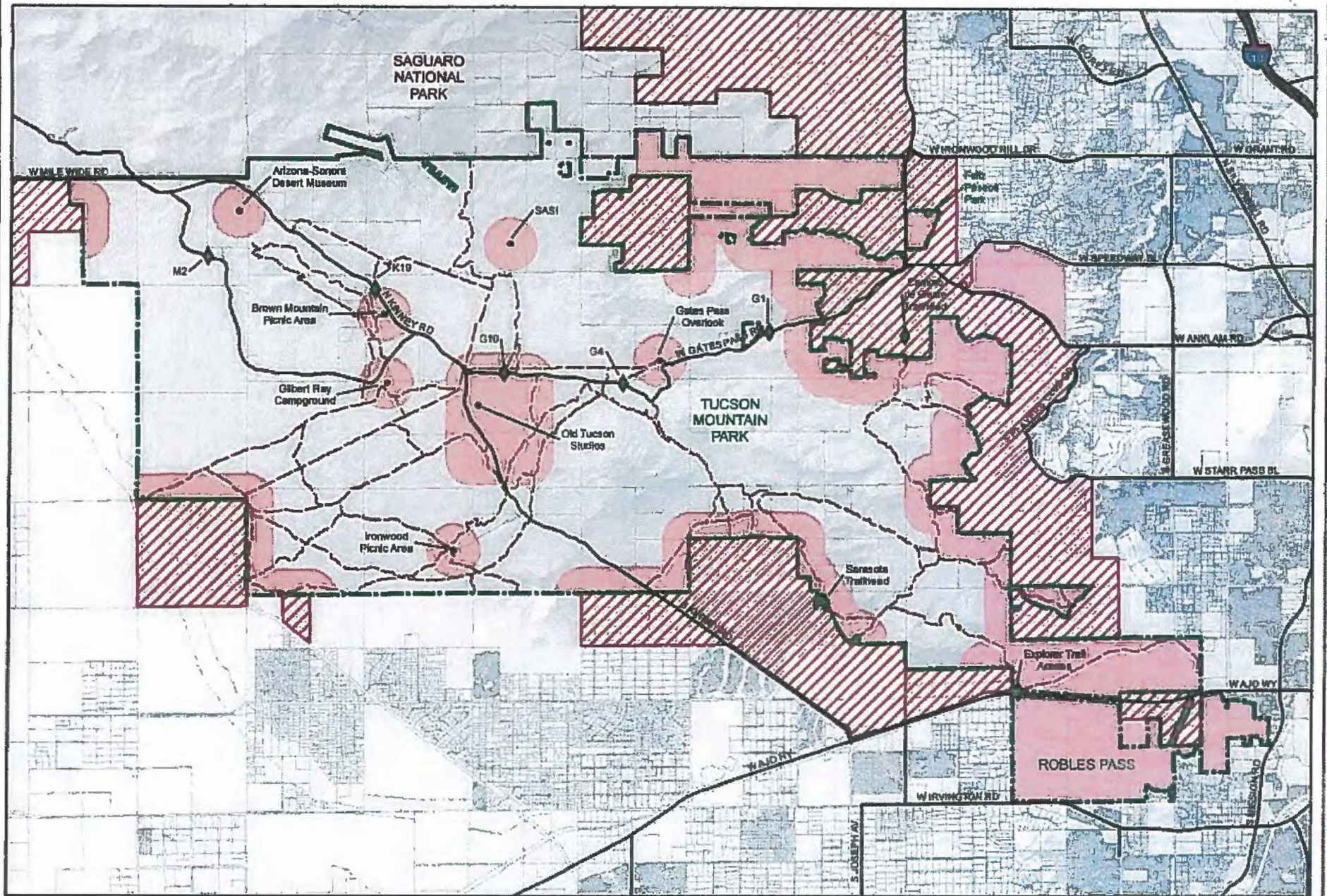
Tucson Mountain Park is opened to hunting for archery-only (see regulations for open seasons). Hunting in County parks, opened by the Commission, is not permitted within 1/4 of any developed picnic area, developed campground, shooting range, occupied building, or golf course (developed areas do not include trails). A copy of the Tucson Mountain Park closure areas map is available at the Pima County Parks and Recreation Office, the Arizona Game and Fish Department Tucson Regional Office, and online at <http://www.pima.gov/nrpr/parks/tmp/index.htm>. Sweetwater Preserve, Robles Pass, Feliz Paseos Park, and any other county owned land within the Tucson Mountain Wildlife Area is closed to hunting by Commission Order. The land ownership of many Tucson metropolitan areas has changed in recent months and what was open to hunting in past years may no longer be available for hunting. Don't assume the areas are open and consult the map often.

Avoid any roads or parking areas that indicate the property is privately owned and/or closed to hunting, especially Sweetwater Drive, Trails End Road, or Tucson Estates Parkway. Hunters who cruise up and down residential roads looking for game reflect poorly on hunters who rightfully avoid using motor vehicles as hunting aids. Do not park near 'No Parking' or 'No Trespassing' signs.

Be respectful and do not enter land posted with 'No Trespassing' or 'No Hunting' signage, regardless of whether it is posted in accordance with Title 17 (Game and Fish laws) or Title 13 (Criminal laws). Hunters must also leave private unposted land if asked to do so by the owner or any other person having lawful control over the property. Hunters who walk down driveways, alongside homes, and enter backyards of unposted private property or undeveloped lands without asking for permission aggravate local sensitivities and increase anti-hunting sentiments by landowners.

Every time you take to the field you represent the hunting community. Be aware of your actions and keep in mind that common sense, courtesy and responsible behavior will help maintain urban hunting opportunities into the future. Help us keep opportunities open by using the OGT Hotline [1-800-352-0700] to report wildlife violations.

THIS MESSAGE IS BROUGHT TO YOU IN PARTNERSHIP BY THE ARIZONA GAME AND FISH DEPARTMENT AND PIMA COUNTY NATURAL RESOURCES, PARKS AND RECREATION DEPARTMENT



**TUCSON MOUNTAIN PARK
ARCHERY HUNTING
CLOSURE ZONES
DECEMBER 2014**

- Archery Hunting Closure Areas
- Residential Zones

- Hunter Access Parking
- Designated Trails

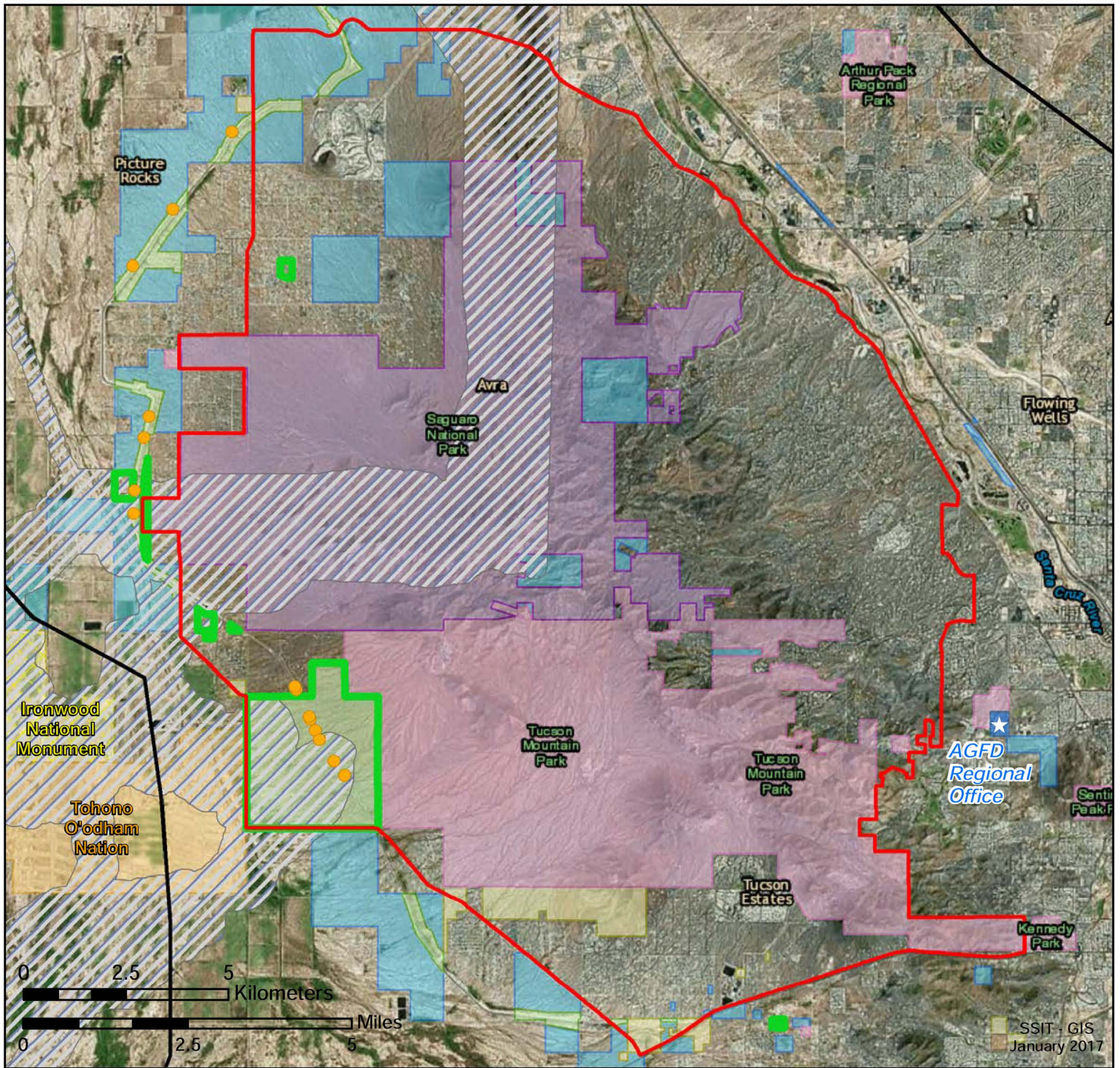
**Residential Zones:
Avoid Hunting in These Areas. Written
Landowner Permission Recommended.**



Attachment C
Map of the
Coyote-Ironwood-Tucson
Linkage Design

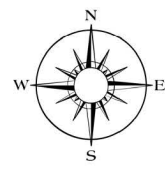
AGFD Tucson Mountain Wildlife Area

with Detailed Linkage Design for Coyote/Ironwood/Tucson area

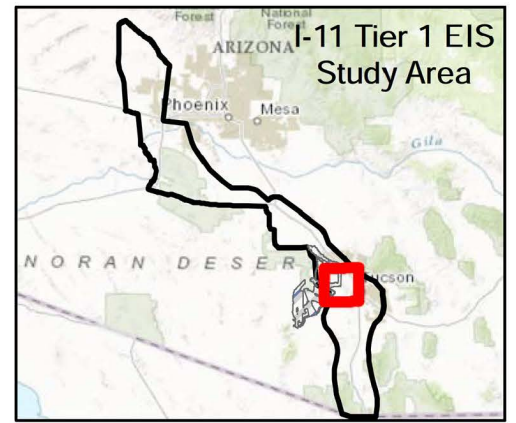


SSIT - GIS
January 2017

- Coyote/Ironwood/Tucson Detailed Linkage Design
- CAP Designated Wildlife Crossings
- Tucson Mitigation Corridor & Assoc. Parcels
- I-11 Study Area Corridor
- AGFD Tucson Mountain Wildlife Area
- BLM Ironwood National Monument
- Land Owners (Private Excluded)**
- AGFD Regional Office
- Bureau of Land Management
- City or County Parks



- Tohono O'odham Nation
- Saguaro National Park
- Bureau of Reclamation
- County Land
- State Trust



Attachment D
2016 Tucson Mountain Bighorn
Sheep Observations

Bighorn sheep – Tucson Mountain District of Saguaro National Park – Summary 2016

In 2016, bighorn sheep were sighted in the Tucson Mountains for the first time in decades, including in the Tucson Mountain District (TMD) of Saguaro National Park (SNP). This document is a summary of these records in and near the park.

1. March 13, 2016- A Tucson Mountain resident emailed SNP with pictures attached. The resident saw two young bighorn sheep next to the fence that separates Camino Del Sapo from the Central Arizona Project (CAP) canal property, approximately ½ mile away from Mile Wide Rd.



Bighorn south of Mile Wide Road, March 13, 2016.

2. March 15, 2016- A Park volunteer identified a picture taken by a visitor as two bighorn sheep on Wasson Peak.

3. March 17, 2016- A wildlife camera EE6, which was located in the north fork wash, just NE of the TMD Visitor on Kinney Road, recorded a bighorn sheep photograph on March 13, 2016. The location is about one mile from where a Tucson Mountain resident saw the sheep (Record #1 above). The camera was set by middle schoolers as part of an environmental education program called the “Lost Carnivores.”



Photo taken by wildlife camera near Visitor Center at TMD, March 13, 2016.

An article entitled “Pair of bighorn sheep spotted in Saguaro West; first since ‘50’s” was published in The Arizona Daily Star by Doug Kreutz on March 17, 2016. This article covered the first sighting of two young rams (#1 above), and published the wildlife camera photo from the TMD Visitor Center (#3 above). This news was picked up by a number of outlets.

4. March 22, 2016- A bighorn sheep picture was posted on the National Park traveler Facebook page. The ram was seen about 4 miles from Hugh Norris trailhead.

5. March 25, 2016- Photo by a Park intern of sheep crossing Ajo Way near Cat Mountain.



Photo taken of 2 bighorn that crossed Ajo Road near Cat Mountain on March 25.

Pima County published an article on April 1, 2016 about this sighting; the two rams are assumed to have come from the Ironwood Forest National Monument.

6. April 3, 2016- Park intern identified bighorn sheep scat at TMD. The intern estimated that the scat was approximately 3 weeks old.



7. April 24, 2016- A visitor emailed the Park to inform them that he had seen a young male bighorn sheep at the north end of the Tucson Mountains at the El Rio Open Space Preserve.



Photo taken at north end of Tucson Mountains by Andrew Core on April 24, 2016.

On April 27, 2016 The Arizona Daily Star published an article written by Doug Kreutz titled "Tucson's travelin' ram seen again, spotted in Continental Ranch area". A picture by the Park visitor is in the paper. The bighorn sheep were spotted at the El Rio Open Space site which is at the north end of Continental Ranch.

8. July 12, 2016- A local conservationist contacted the Arizona Game & Fish Department (AGFD) and stated two bighorn sheep were spotted at the west end of Tucker Rd in a cotton field. It was reported that they have been around for about 3 weeks at this time.
9. September 2, 2016- A newspaper article in the Arizona Daily Star, written by Doug Kreuzt, titled “Another bighorn spotted in Tucson Mountains” was published online. The sheep was spotted and photographed in the Picture Rocks area. The article goes on to state that it is possible that the individual was from the Ironwood Forest herd since earlier this year two ram had been confirmed to have come into the area from the Ironwood Forest National Monument. This herd of individuals is different than that of the individuals in the Catalina Mountains that have been re-established.



10. On September 16, 2016 SNP received an email from a local biologist who saw a bighorn sheep ram at 6:30 A.M. that looked to be in good shape with full horns. The location is a bit uncertain but it was a small bump on the road on Picture Rocks near Sandario as he was traveling to Ajo.

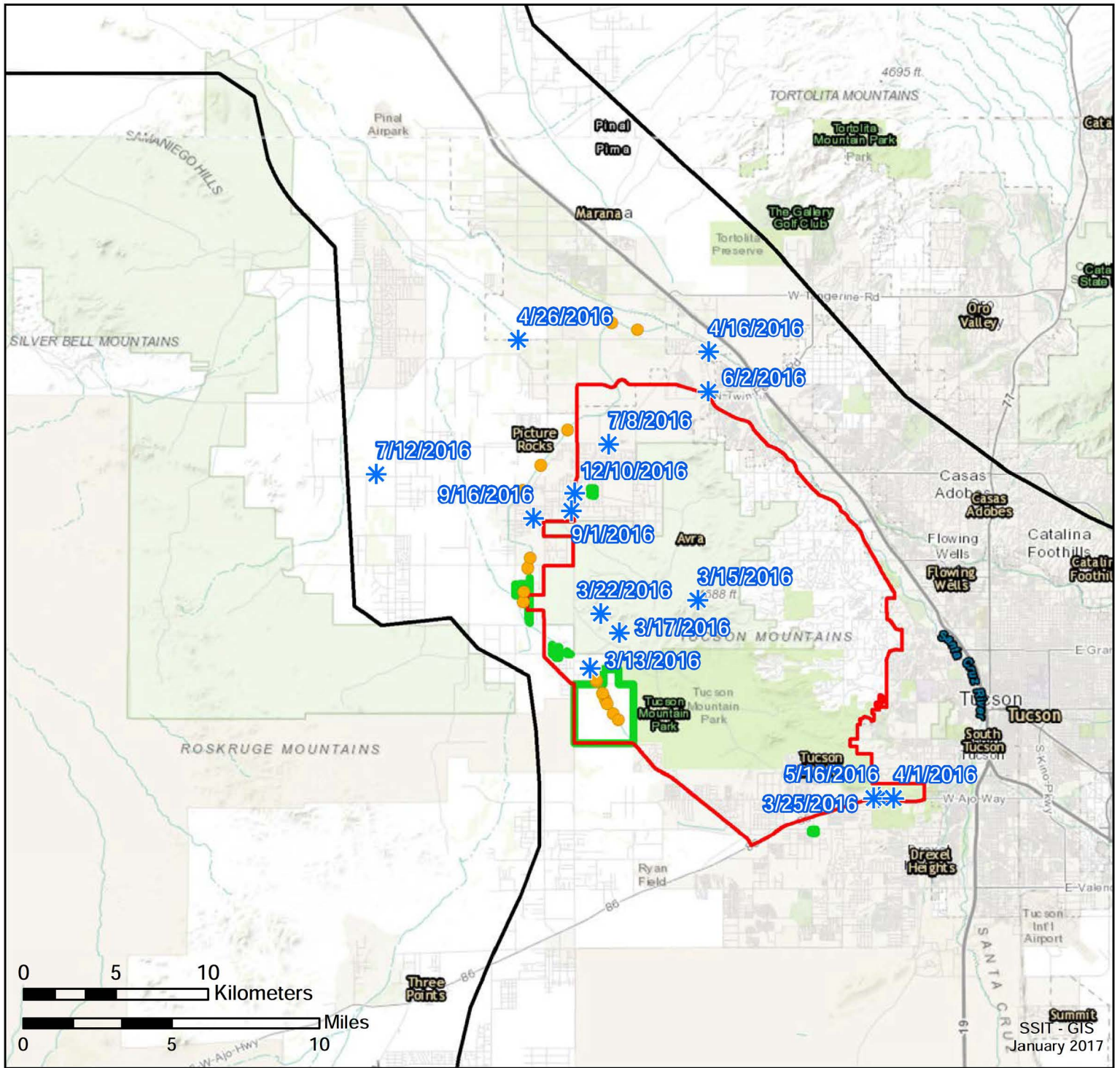
Historic Sighting

Oct. 17, 2016 a letter was written to the park from a local about a bighorn sighting in the Tucson Mountains in 1947. He said he had hiked up the entrance road for Trails End Ranch and hiked up beyond it past one or two large check dams that had been filled with sand and gravel. On the first day he saw a ram looking over a cliff edge and a ewe and lamb running across the cliff face, he did not however have a camera on him. So, he returned the next day and was able to photograph a ram; he did not see the ewe or lamb on the second day. The picture, which he included, was taken on January 31, 1947. He was writing to the park out of curiosity if the park still had bighorn sheep today.








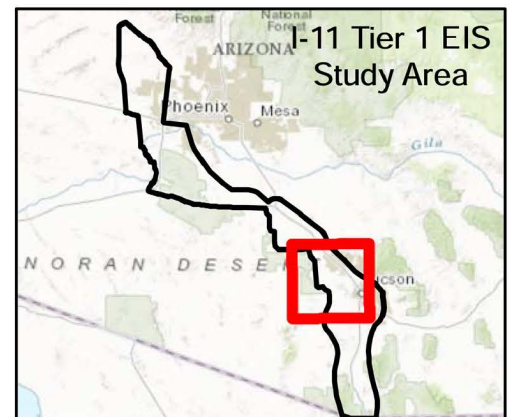
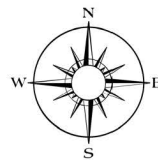
AGFD Tucson Mountain Wildlife Area

2016 Bighorn Sheep Sightings



2016 Bighorn Sheep Sightings

-  2016 Bighorn Sheep Sightings
-  CAP Designated Wildlife Crossings
-  I-11 Study Area Corridor
-  AGFD Tucson Mountain Wildlife Area
-  Tucson Mitigation Corridor and Associated Parcels





Meeting with Arizona Game and Fish Department to discuss GIS data provided for I-11, March 7, 2017



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Lyles, Judy

Sent:

To:

Cc:

Subject:

Attachments:

Hello,

Attached is a summary of our conversation on March 7 to discuss the I-11 ASR and Tier 1 EIS. Please let us know any comments, corrections, or additions you would like to make to the meeting summary.

Thank you!

Jennifer Pyne, AICP

Associate Vice President

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ARIZONA GAME AND FISH DATA

**TUESDAY, MARCH 7, 2017
1:00 PM (AZ TIME)**

OR

SEE WEBEX EMAIL FOR LINK AND CALL-IN INFORMATION

*** * * AGENDA * * ***

1. Introductions
2. Review AGFD Data (Julie)
3. Discuss Evaluation of Habitat Fragmentation
4. Other Issues or Items

MEETING PURPOSE: Meeting with AGFD to discuss GIS data provided for I-11

DATE & TIME: March 7, 2017, 1:00 – 2:30

LOCATION: AGFD Headquarters
5000 W Carefree Hwy, Phoenix, AZ 85086

ATTENDEES: Cheri Boucher, AGFD; Julie Mikolajczyk, AGFD, Anita Richardson, AECOM; Jennifer Pyne, AECOM (via WebEx); Jaclyn Kuechenmeister, CH2M Hill (via WebEx); Doug Smith (AECOM)

MEETING NOTES

Purpose: Discussion of AGFD GIS data that was provided for the Alternatives Selection and Environmental Impact Statement evaluations.

After brief introductions and overview, Julie M. took the lead in going through the GIS data layers that AGFD had provided to the I-11 Team. Two of the primary GIS files were the Avoid 1 and Avoid 2. There was also an Avoid 3, which included areas of lesser concern than Avoid 1 or 2.

Avoid 1 areas should be avoided if at all possible and represent the most critical areas from a wildlife perspective. The Avoid 1 areas include wildlife management areas, large intact blocks, and high-value habitat. The wildlife management areas include land owned by AGFD (deeded) and areas owned by other governmental agencies but managed by AGFD (managed). Included within these are PLO 1015 lands. These lands were withdrawn from the Bureau of Land Management (BLM) jurisdiction in 1954 and “reserved under the jurisdiction of United States Fish and Wildlife Service [USFWS] for wildlife refuge purposes”. The USFWS has a cooperative agreement with AGFD under Section 6 of the Endangered Species Act to manage the lands in connection with the Gila River Waterfowl Project. Within the Gila River area, along SR 85, the wildlife refuges are immediately adjacent to the road right-of-way. Cheri thought that the road existed prior to establishment of the refuges and was widened subsequent to the establishment of the refuges.

“Areas with high landscape integrity” refers to the intact blocks. This data layer categorizes the degree of human modification to the landscape, such as roads, population clusters, airports, large impervious surfaces, etc., with the intent to preserve areas with minimal modification. Typically, large intact blocks tracts of land are 5,000 acres or larger. Category 1 tracts have essentially no human modification. Category 2 areas have limited human modification. The degree of modification was established on a scale of 0 to 3 with 0 being areas with dirt roads or power lines and 3 being areas with some development, such as houses and paved roads.

From a wildlife perspective, AGFD is concerned with fragmenting and isolating large intact blocks. For example, one area of concern is in the Avra Valley area where the proposed alternatives have been placed between the Tohono O’odham Nation and a large Wildlife Management Area. The Wildlife Management Area includes Saguaro National Park, Tucson Mountain Park, and the Tucson Mitigation Corridor. In this area, the Bureau of Reclamation has invested in wildlife bridge crossings

of the Central Arizona Project (CAP) Canal at considerable cost. Based upon the GIS layers of the preliminary alternatives, a proposed corridor overlaps the Wildlife Management Area. All of this area is important in the movement of wildlife between the Wildlife Management Area and the mountains to the west. AGFD is working on identifying what mitigation could look like if I-11 were to go through this area.

The Tucson Mitigation Corridor (TMC) and the Tucson Mountain Wildlife Area are owned by a variety of parties, and although a management agreement is not in place for the full area, AGFD has signatory authority for changes to the TMC. The intended outcomes from establishing the TMC include keeping certain threatened species from being listed, and to implement crossings along the CAP canal. The concern is that I-11 in this area could cause these crossings to lose their functionality. A mitigation package would be identified as part of any alternative in the vicinity of TMC, and AGFD noted that the cost of mitigation should be accounted for.

A second area of concern is the Rainbow Valley Area connecting the Sierra Estrella Mountains with areas to the west such as Margies Peak – Sheep Mountain and the Gila Bend – North Maricopa Mountains. Cheri stated that generally, AGFD would view road widening as less impactful with regard to habitat fragmentation than new roadways. AGFD raised concerns about the options P, O, and L.

There was also discussion of the area north of 1-10 within the study area. This area is largely undeveloped with the White Tank Mountains to the east, the Hassayampa River corridor, and the proposed Vulture Mountain Recreation Management Area to the west. As part of the general discussion, AGFD suggested that the alternatives west of the Vulture Mountain Recreation Area would be preferred by the agency, versus the alternative that uses US 60/US 93. While the alternative located closer to the White Tank Mountains would be closer to the edge of the large tract of undeveloped or minimally impacted land, it would put the corridor within the Hassayampa River area, which is of high wildlife value.

AGFD stressed that research prior to preparing the Tier 2 documents to determine population levels and wildlife movements across the selected Tier 1 corridors would be appropriate mitigation at the Tier 1 stage, so that the best mitigation could be determined at the more detailed Tier 2 level. Another potential mitigation approach would be to identify easements to protect sensitive areas from indirect impacts.

Additional discussion points are listed below.

Key Discussion Points/Action Items:	Responsible Party / Action Item
1. Wildlife areas along the Gila River include deeded and managed lands, with managed lands owned by other federal and state agencies. Within some of the broader land areas are parcels of private land not managed by AGFD. The wildlife areas would be considered Section 4(f) properties, and many were purchased using Section 6(f) funds.	
2. Quality of habitat is included within the Landscape Integrity data provided by AGFD. The quality has been determined either through modeling or expert opinion. Both methods of determination are given equal weight.	
3. Indirect impacts are of equal concern as direct impacts and need to be addressed.	
4. AGFD has concern over habitat isolation, as well as fragmentation. The isolation may take place if a corridor cuts off key linkages between large habitats.	
5. Mitigation for wildlife identified in this Tier 1 EIS may include research	

Key Discussion Points/Action Items:	Responsible Party / Action Item
prior to the Tier 2 process. This research would provide the basis for road design mitigation identified as part of the Tier 2 phase.	
6. Scott Sprague is the liaison with ADOT and plays a key role in wildlife mitigation design.	
7. AGFD will forward information previously provided to FHWA regarding AGFD properties within the I-11 Corridor and a description of the Tucson Mountain Wildlife Area.	Cheri Boucher (received 3/8/17)
8. AGFD intends to comment on the ASR Methodology Report with a request for an additional evaluation criterion for habitat fragmentation/isolation.	

c Document Control



Letter from Arizona Game and Fish Department, June 1, 2017



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Lyles, Judy

From: Pyne, Jennifer
Sent: Thursday, June 01, 2017 4:20 PM
To: AMER-US-AZ Phoenix-i11doccontrol
Subject: FW: AGFD Comments for ASR Public Scoping
Attachments: ASR Public Open-house- AGFD Response.pdf

For Admin record

Jennifer Pyne, AICP

Associate Vice President
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From: Cheri Boucher [<mailto:CBoucher@azgfd.gov>]
Sent: Thursday, June 01, 2017 3:58 PM
To: 'I-11ADOTStudy@hdrinc.com'; 'Yedlin, Rebecca (FHWA)'; 'Lirange, Aryan (FHWA)'; Ives, Lisa; Pyne, Jennifer; 'Jay Van Echo (JVanEcho@azdot.gov)'
Subject: AGFD Comments for ASR Public Scoping

Hi all,
AGFD Comments for the ASR scoping period are attached.

Thanks and have a great weekend,

Cheri A. Bouchér

Project Evaluation Program Specialist
Arizona Game & Fish Department- WMHB
5000 W Carefree Highway
Phoenix AZ 85086-5000
623-236-7615
cboucher@azgfd.gov





THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

5000 W. CAREFREE HIGHWAY
PHOENIX, AZ 85086-5000
(602) 942-3000 • WWW.AZGFD.GOV

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DIRECTOR

LARRY D. VOYLES

DEPUTY DIRECTOR

TY E. GRAY



June 1, 2017

Rebecca Yedlin
FHWA Environmental Coordinator
Federal Highway Administration
4000 N. Central Ave., Suite 1500
Phoenix, AZ 85012

Re: AGFD Comments for the I-11 Tier 1 EIS Alternatives Selection Report Public Open House

Dear Ms. Yedlin:

The Arizona Game and Fish Department (Department) recently attended the May 2017 Federal Highway Administration (FHWA) and Arizona Department of Transportation (ADOT) Cooperating/Participating Agency Meetings and Public Information Meetings that provided preliminary information on the *Alternatives Selection Report (ASR)* for the Tier I Environmental Impact Statement (EIS) process for the I-11 Corridor.

The Department appreciated this opportunity to participate in the meetings, and has the following comments regarding the preliminary ASR information:

- The Department was pleased to see ADOT's recommendation that Segments V (Vulture Mountains), O and P (Arlington Valley), and J (Vekol Valley), not move forward into the EIS for further analysis. These segments all traverse areas of high quality habitat and very sensitive biological resources.
- The portion of Interstate 10 (I-10) between S/T/U and Q should be considered a segment for evaluation. This allows more for more flexibility in identifying connections between the North and Central Study Areas.
- The Department was pleased to see ADOT's recommendation to evaluate a connection between Segments E/F (Santa Cruz Valley) and B (I-10). This allows more for more flexibility in identifying connections through the South Study Areas.

Ms. Rebecca Yedlin

AGFD Comments- Alternatives Selection Report Public Open House

June 1, 2017

2

It is noted that ADOT did not incorporate the Department's criteria recommendations into the May 2017 *Alternative Selection Report Methodology and Criteria Report*. Additionally, only one of the Department's many comments was acknowledged in the May 2017 Comment Response Summary for the *Alternative Selection Report Methodology and Criteria Report*. Had the ASR Methodology and Criteria included habitat fragmentation and loss, it is likely that one or more of the Segments would have been ranked differently. For example, Segment M bisects a large block of primarily intact habitat; the parameters used by ADOT did not capture the significant habitat fragmentation and loss that would occur due to this segment bisecting the East Buckeye Hills and the Maricopa Mountains.

- The Comment Response Summary for the *Alternative Selection Report Methodology and Criteria Report* should be revised to include the Department comments that were submitted to ADOT/FHWA on March 17, 2017. The comments were submitted exactly 30 days from receipt of the Draft report for review.
- Moving forward, the criteria suggested in the Department's March 17, 2017 letter should be included as criteria for analysis of the Alternatives in the Tier 1 EIS. Additionally, indirect impacts to all of the Sensitive Environmental Resources criteria should be analyzed, as the direct impacts alone do not capture the landscape level effects that roadways have to an area.

The Department is currently preparing an extensive report that details wildlife and habitat resources within the I-11 Tier 1 EIS (Wickenburg to Nogales) Study Area. This document will provide expert knowledge of resources within the study area. In the coming weeks, the Department will submit this to ADOT/FHWA for inclusion into the Draft EIS.

The Department trusts our comments and recommendations for *Alternative Selection Report* and its associated *Criteria and Methodology Report* will aid in your alternative selection and evaluation. We continue to look forward to collaborating with FHWA and ADOT on this important transportation project. If you have any questions or wish to further discuss our comments and concerns, please contact me at cboucher@azgfd.gov (623-236-7615).

Sincerely,



Cheri A. Bouchér

Project Evaluation Program Specialist

Arizona Game and Fish Department

cc: Aryan Lirange, FHWA
Jay Van Echo, ADOT Project Manager
Lisa Ives, AECOM Consultant Team Project Manager
Jennifer Pyne, AECOM Associate Vice President
Clifton Meek, EPA



Letter from Arizona Game and Fish Department, August 6, 2018



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August 6, 2018

Rebecca Yedlin
FHWA Environmental Coordinator
Federal Highway Administration
4000 N. Central Ave., Suite 1500
Phoenix, AZ 85012

Re: AGFD Comments on the I-11 Tier 1 Administrative Draft EIS

Dear Ms. Yedlin:

The Arizona Game and Fish Department (Department) has reviewed the Federal Highway Administration (FHWA)/Arizona Department of Transportation's (ADOT's) Administrative Draft Tier I Environmental Impact Statement (EIS) for the Interstate 11 (I-11) Corridor (Wickenburg to Nogales). As a Cooperating Agency, the Department received the Administrative Draft Tier 1 EIS (ADEIS) for review on July 3, 2018.

While section-specific comments on the ADEIS are provided in the attached Comment Matrix as requested by ADOT/FHWA, the Department wanted to highlight a few overarching concerns in the analysis of effects and recommended mitigation measures:

1. The Department has provided extensive information to FHWA/ADOT throughout this Tier 1 NEPA process:
 - Geographical Information Systems (GIS) data in May of 2016 to inform the Alternative Selection modeling; this included Heritage Data Management System (HDMS) data, wildlife corridor and linkage data from numerous mapping efforts, Large Intact Blocks to aid in identifying where fragmentation would occur, and properties owned by the Arizona Game and Fish Commission and/or managed by the Arizona Game and Fish Department.
 - Additional information was submitted to FHWA/ADOT in the form of biological resources report titled Wildlife and Habitat Resources within the I-11 Study Area (attached). The entire Existing Conditions chapter, which detailed wildlife and wildlife habitat within the Study Area, was sent to ADOT early on in their preparation of the EIS (September 1, 2017). Additional sections (3.4 and 3.5.1) detailing potential impacts to wildlife and mitigation recommendations to avoid, minimize, and mitigate those impacts, including extensive landscape connectivity recommendations, were sent to ADOT in the fall/winter of 2017. The Department submits the remaining information as a completed report to ADOT for inclusion into the DEIS.

While select portions of the information already provided to ADOT appear to have been used in the ADEIS, there are numerous sections throughout the ADEIS and its appendices that would benefit greatly from inclusion of the AGFD information provided. Suggestions for data inclusion are incorporated into the comments in this ADEIS Comment Form.

2. Direct, indirect, and cumulative effects to state of Arizona Species of Greatest Conservation Need (SGCN) are not analyzed in this ADEIS. ADOT's approach to SGCN species, as described in Sections 3.14.4.2 and N4.2.1.5, is that the evaluation of impacts, and recommended mitigation measures, for species listed under the Endangered Species Act (ESA) would also address SGCN species. This assumption, however, is incorrect. While a number of SGCN species may be found within habitat where ESA listed species are found, there are thousands of acres of riparian and upland habitats that may not host an ESA listed species; the ADEIS fails to evaluate impacts or recommend mitigation measures for special status species that inhabit these areas.
 - The Department requests that direct, indirect, and cumulative effects to state of Arizona SGCN species be evaluated in the ADEIS, and that reasonable measures to avoid, minimize, and compensate effects to these species be proposed. It is understood that many site- and species-specific analyses and mitigation recommendations cannot be addressed in the Tier 1 NEPA analysis, but some higher level analysis regarding how the project is expected to affect larger taxonomic groups (reptiles, amphibians, large mammals, small mammals, etc.) is essential to adequately compare effects to biological resources of competing alignments (i.e. S vs. T, B vs. C, G vs. F, etc.).

The Department provided extensive information on SGCN species that occur within the Study Area to ADOT on September 1, 2017; Section 2.4 of AGFD's Wildlife and Habitat Resources within the I-11 Study Area (Attachment 1), and additional details on potential impacts and recommended mitigation measures for SGCN species in January 2018 (Section 3.4 of of AGFD's Wildlife and Habitat Resources within the I-11 Study Area (Attachment 1). This information should be used to identify broad measures, including the compensation for, and/or preservation of, habitats that support these species.

3. There is very little discussion of the significant habitat loss (direct, indirect, and cumulative) that will occur due to the new alignments that are recommended. This is a flaw for an EIS that analyzes a project of this scale and magnitude. The I-11 corridor will be a significant part of a larger transportation network that contributes to overall statewide habitat loss, fragmentation, degradation and isolation, and mortality and barrier effects on wildlife, wildlife populations, and wildlife habitats. While the I-11 project by itself is not expected to cause more growth than what is already projected, the project would shift and affect the pace of some of the projected growth in certain locations. Particular land areas would become more accessible due to the I-11 project and would likely be developed. Therefore the I-11 will likely facilitate additional impacts to wildlife and habitat beyond the scope of the interstate.

- A thorough analysis of habitat loss (direct, indirect, and cumulative effects) is critical to a complete and defensible document. Refer to Section 3.3 of AGFD's Wildlife and Habitat Resources within the I-11 Study Area (Attachment 1) for methods to analyze habitat loss and recommendations to mitigate habitat loss.
4. The NEPA analysis for desert tortoise (Sonoran DPS) is inadequate and misrepresents the presence of this Candidate Conservation Agreement (CCA) species within the Study Area. The Department seeks resolution of this issue and follow-up from ADOT. The development of the CCA for Sonoran Desert Tortoise (USFWS May 2015), of which ADOT is a signatory, was intended as a range-wide cooperative approach to management and conservation that was considered in the Species Status Assessment that informed the listing decision. This conservation tool is allowed under the ESA. Although voluntary, the signatory parties recognize that preventing listing is imperative to management flexibility. The impacts analysis for this species only includes BLM habitat (Category I, II, and III), which are important to BLM management decisions, but not applicable to other jurisdictions (i.e. State Trust, privately owned land, etc.) or the management needs of the species across its entire range in Arizona. The impacts analysis must evaluate impacts of the project across its entire range in the Study Area. Whether the species is recognized as an ESA species in the DEIS, or pulled into a new section addressing CCA species, the environmental impacts analysis is insufficient for this species and has resulted in an underestimate and misrepresentation of potential impacts to this species and its habitat as a result of the project.
 - In order for ADOT to fulfill its obligations as a signatory to the Sonoran desert tortoise CCA, Sonoran desert tortoise must be analyzed and mitigated with at least the same level of detail and commitment as the ESA species within the document. A substantial cumulative loss of this species' habitat could result in the need to reexamine the CCA or even the listing status of this species; however, this expected loss is not adequately discussed throughout the NEPA analysis. Given the magnitude of the expected impacts to Sonoran desert tortoise and habitat, adequate preservation and/or compensation strategies for desert tortoise habitat must be clearly outlined at the Tier 1 level, in order to provide consistency in Tier 2 analysis and implementation. If adequate avoidance, minimization, and compensation/preservation strategies are outlined for Sonoran desert tortoise and habitat, this would alleviate many of the Department's concerns about impacts to SGCN species as well, given the habitat overlap of many upland SGCN species with the Sonoran desert tortoise habitat.
 - The GIS data for the Department's Sonoran desert tortoise distribution model is included in this submittal. This distribution should be used to identify suitable habitat for Sonoran desert tortoise within the Study Area, and to estimate the acreage of impacts to this habitat that are expected to occur.
 5. This ADEIS clearly states that a Tier 1 EIS is a programmatic level analysis of the resources (Section ES1.2), however, some of the effects analysis to recreation and biological resources, and much of the mitigation discussion, lacks the detail to support even a programmatic level

decision between some of the alignments. While it is understood that many of the species- and site-specific analyses are appropriate under a Tier 2 level process, the decision to identify only a single 2,000-foot wide and approximately 280-mile long corridor has landscape level implications for habitat fragmentation and wildlife movement, and broad impacts to Sonoran desert tortoise habitat.

- To ensure that mitigation for these landscape-scale issues is approached adequately and consistently in the Tier 2 NEPA analysis, more detail is needed in Sections 3.14.5 and 6.6 of this Tier 1 EIS, describing how mitigation will be identified and implemented. The mitigation recommendations should include:
 - Wildlife Movement - Provide clear direction regarding timing of wildlife movement studies discussed in Tables 3.14-10 and 6-4 (i.e. studies must be conducted at least 2-4 years [depending on the species studied] prior to initiation of the Tier 2 NEPA process in order to ensure the data from studies can inform project level siting and design). Clearly indicate the responsible parties for funding the wildlife movement studies identified in Table 3.14-10 and 6-4, what ADOT vehicle or process will be used to ensure the studies are funded and implemented prior to Tier 2 allocation of funding, and what ADOT process or work unit will be responsible for the implementation the coordination outlined in Table 3.14-10 and 6-4. Refer to the mitigation recommendations for wildlife movement the Department provided to ADOT in November 2017; Section 3.5.1 of AGFD's *Wildlife and Habitat Resources within the I-11 Study Area* (Attachment 1).
 - Habitat Loss and Fragmentation - A clear commitment from ADOT to mitigate for the significant habitat loss through a combination of habitat preservation and compensation. Habitat preservation should occur within wildlife movement linkage areas, where crossing structures and other features are implemented, to ensure the lands within the linkages are unobstructed by development and other land use conflicts, allowing the linkage to provide connectivity between intact habitat blocks. This habitat preservation should focus on areas where land is not already owned or managed for conservation (e.g. privately owned and AZ state trust land). A conservation easement should be placed on the preserved linkage in perpetuity, and an endowment established for future management of the conserved linkage. For linkages that are situated on Bureau of Land Management lands, a conservation easement should be established within linkages where major crossing structures and other features are implemented to ensure connectivity is maintained between large intact habitat blocks.

ADOT must provide clear direction regarding the timing of habitat preservation, provide clear direction identifying how this mitigation will be funded, provide clear direction on what ADOT vehicle or process will be used to ensure this process occurs during the Tier 2 allocation of funding, and identify what ADOT process or work unit will be responsible for the implementation and coordination required to establish the habitat preservation and/or conservation easements. Refer to the Department's

mitigation recommendations for habitat loss and fragmentation. See (Section 3.3.1 of AGFD's *Wildlife and Habitat Resources within the I-11 Study Area*).

6. Outdoor recreation accounts for a significant contribution to Arizona's economy, which should be reflected in Section 3.6 of this ADEIS. There is no analysis of the economic impacts to tourism and recreation, specifically the outdoor and wildlife-related recreation described in Section 3.4. Portions of the Recommended Alternative move through or immediately adjacent to habitats that host unique species and/or wildlife populations; these areas include, but are not limited to the Santa Cruz Flats, the Gila River and the surrounding agricultural complex, the "thrasher spot" immediately adjacent to Segment R, and the Tucson Mountains, including Saguaro National Park. These areas receive use from hunters and wildlife watchers from all around the globe.
 - It is imperative that outdoor recreation be considered within the economic analysis. Detail regarding outdoor recreation's contribution to Arizona's economy was sent to ADOT/FHWA (Section 2.7) on September 1, 2017, as part of the AGFD's *Wildlife and Habitat Resources within the I-11 Study Area- Existing Conditions*, a document detailing wildlife, wildlife habitat, and recreation resources within the I-11 study area (Attachment 1). Given the unique nature of these areas that will be affected, the DEIS must recognize this impact and identify mitigation measures in Section 3.6.5 to avoid and minimize effects.
7. The Gila River PLO 1015 property, which is conservation land that the Department manages, was omitted from the 4(f) evaluation entirely. Two parcels of this property will be impacted by Segment N as it passes through the Gila River. The Department provided shapefiles of our deeded and managed areas that included the PLO 1015 property in May of 2016, and a description of the PLO 1015 property was included in a memo sent on February 1, 2017, and was also discussed in Section 2.6 of the existing conditions portions of the *Wildlife and Habitat Resources within the I-11 Study Area* (Attachment 1), which was sent to ADOT on September 1, 2017.
 - The Gila River PLO 1015 property must be included in the 4(f) evaluation found in Chapter 4 as the intended use of the property is a wildlife refuge for waterfowl management.
8. Throughout the ADEIS, it needs to be clear that the Orange alternative would generally have fewer impacts to biological and recreation resources due to the use of existing facilities. There are many statements and comparisons within the document that are misleading or have inconsistent comparisons (e.g. if the document highlights that the Purple alternative would reduce or "minimize" impacts to a certain resource, it must also identify that Orange alternative impacts to the same resource would be even less, and have the potential to improve upon existing conditions for wildlife due to the use of existing facilities with novel mitigation).

Ms. Rebecca Yedlin

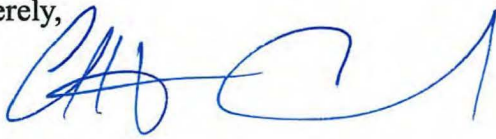
AGFD Comments on the I-11 Tier 1 Administrative Draft EIS

6

- Clarity and consistency when comparing impacts between alternatives is critical to a transparent and sincere analysis. Throughout the document, if adverse or beneficial effects to a resource are discussed for a specific alternative, the corresponding effects to that resource for other alternatives must be disclosed.

We look forward to continuing collaboration with FHWA and ADOT on this important transportation project. If you have any questions or wish to further discuss our comments and concerns, please contact Cheri Boucher at cboucher@azgfd.gov or 623-236-7615.

Sincerely,



Clayton Crowder
Branch Chief, Habitat, Evaluation, and Lands Branch
Arizona Game and Fish Department

cc: Jay Van Echo, ADOT Project Manager
Aryan Lirange, FHWA
Jennifer Pyne, AECOM Associate Vice President
Clifton Meek, US EPA
Thomas Bommarito, Bureau of Reclamation
Robert Lehman, USFWS

M18-07050925



Letter from Arizona Game and Fish Department, July 8, 2019



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July 8, 2019

Karla S. Petty
Arizona Division Administrator
Federal Highway Administration
4000 N. Central Ave., Suite 1500
Phoenix, AZ 85012

Re: AGFD Comments on FHWA-AZ-EIS-19-01-D, *Draft Tier 1 Environmental Impact Statement and Preliminary Section 4(f) Evaluation* (Draft Tier 1 EIS) for the Interstate 11 Corridor between Nogales and Wickenburg, AZ project (Federal Highway Administration and ADOT) (April 5, 2019) and Errata (April 25, 2019)

Dear Ms. Petty:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) have worked cooperatively with the Department throughout the Tier 1 NEPA process. The Department appreciates that extensive information about the wildlife, habitat, and wildlife-related recreation within the Study Area has been incorporated into the Affected Environment section of the DEIS which identifies Species of Greatest Conservation Need (SGCN) and Species of Economic and Recreational Importance (SERI); hunting and other wildlife recreation activities, the importance of ecotourism and outdoor and wildlife-related recreation to Arizona's economy; and the recognition of Game Management Units. The Department also appreciates the level of detail of project impacts to habitat fragmentation and ADOT's intent to address wildlife connectivity through pre-Tier 2 studies to identify the crossing structures, design features, and other measures to facilitate wildlife movement across freeways.

While section-specific comments on the DEIS were requested by ADOT/FHWA, the Department first wanted to comment on some overarching concerns in the analysis of effects and recommended mitigation measures. Section-specific comments on the DEIS can be found in the appendix at the end of this letter.

Mitigation Strategies

While many species- and site-specific analyses are more appropriate under a Tier 2 level analysis process, the decision to identify a single 2,000-foot wide and 280-mile long corridor has landscape-level implications for habitat fragmentation, habitat loss, wildlife movement, wildlife related recreation, and Sonoran desert tortoise habitat may be predecisional without the appropriate analysis. The Tier 2 analysis will refine the 2000-foot corridor down to a 400-foot right-of-way which could result in direct impacts to over 12,000 acres (400-foot width by approximately 250 miles of new infrastructure). Impact avoidance and minimization measures alone will not be adequate to mitigate the landscape-scale cumulative loss and degradation of

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LELAND S. "BILL" BRAKE, ELGIN | JAMES E. GOUGHNOUR, PAYSON **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

habitat. Therefore, a clear acknowledgment is needed that mitigation for habitat loss throughout the corridor, through a combination of habitat preservation and acquisition, is an appropriate mitigation strategy (See 23 CFR 777.5 - FHWA policy permits the expenditure of federal funds by FHWA and State DOTs for habitat mitigation, including establishment of wetlands and acquisition of lands).

Arizona Game and Fish Commission Policy A1.9 and *Department Policy 12.3* states the Department shall seek compensation at a 100% level, when feasible, for actual or potential habitat losses resulting from land and water projects. FHWA's policy authorizing the expenditure of federal Title 23 funds for compensatory mitigation is consistent with the Commission's Policy for compensating for project-related loss of wildlife habitat. A *Programmatic Mitigation Plan* should be developed in consultation with the Department that identifies key corridor areas and strategies to focus habitat mitigation efforts prior to and during Tier 2 implementation. This Plan can focus on key wildlife linkages and movement areas; vegetation restoration/habitat preservation for special status species, including the Sonoran desert tortoise; invasive, non-native vegetation control/abatement; runoff and erosion prevention, limiting introduction of nutrients and pollutants and fire abatement strategies for areas identified as high occurrence and/or risk. In addition, key elements of the *Programmatic Mitigation Plan* should be included within the Tier 1 Record of Decision (ROD).

Section 4(f) Finding for the Tucson Mountain Wildlife Area

The Department does not concur with the finding in the DEIS, Section 4.3.1, that the Department's Tucson Mountain Wildlife Area (WA) does not qualify for Section 4(f) protection. Significant wildlife refuges are protected by Section 4(f). Significance is determined in consultation with officials having jurisdiction over those properties (23 CFR 774.11).

On February 1, 2017, the Department submitted to FHWA a seven-page letter, with attachments (Appendix F of the DEIS). This memorandum outlined the history of the Tucson Mountain WA, stating that the publicly-owned portions of this wildlife management area qualify as a *significant* state wildlife refuge pursuant to 23 U.S.C. §138, 49 U.S.C. §303, and 23 CFR 774.11. Furthermore, while the Tucson Mountain WA is open to the public, public access does not interfere with the primary purpose of the refuge (*see* 23 CFR 774.11(d)). The Department's letter outlined the *significance* of the Tucson Mountain WA which functions as an open wildlife migratory corridor from the Tucson Mountains and Saguaro National Park to Ironwood Forest National Monument, the Tohono O'odham Nation, and the Roskruges to prevent genetic isolation and species extirpation.

DOT Regulation 23 CFR 774.11 states that, unless the official(s) with jurisdiction determine that the property is not significant, "the Section 4(f) property will be presumed to be significant" (emphasis added). 23 CFR 774.11(c). The Department's "significance determination" of the Tucson Mountain WA is subject to review by FHWA for reasonableness. 23 CFR 774.11(d). FHWA's Section 4(f) Policy Paper at 3.1 states that FHWA will make an independent evaluation to assure that the official's finding of "significance" is reasonable. In situations where FHWA's determination overrides that of the official with jurisdiction, "the reason for FHWA's

determination should be documented in the project file and discussed” in the EIS. The FHWA project file does not contain any such documents of a determination by ADOT or FHWA that the Department’s “significance” finding for the Tucson Mountain WA is unreasonable, or that the Wildlife Area is not a significant state resource. The only documentation is an October 31, 2018 Memorandum from ADOT to FHWA (Appendix F) that analyzes Arlington, Robbins Butte, and Powers Butte Wildlife Areas and concludes that these Wildlife Areas are Section 4(f) resources. The Tucson Mountain Wildlife Area is not mentioned in this analysis. FHWA also agreed that the Department-managed Public Land Order 1015 Lands in the lower Gila River Wildlife Area are Section 4(f) Properties¹.

FHWA’s position is found at Page 4-12 of the *Errata*:

Tucson Mountain Wildlife Area. This area is managed by various agencies and is made up of publicly and privately-owned land. This broad area does not qualify for Section 4(f) protection; however, Tucson Mountain Park, Saguaro National Park (SNP), and the Tucson Mitigation Corridor (TMC) fall within this Wildlife Area and do qualify for Section 4(f) protection.

This conclusory statement - that the Tucson Mountain WA “does not qualify” for Section 4(f) protection - is an inadequate basis for overriding the State’s significance determination. It lacks rationale for why it does not qualify, therefore, the decision is arbitrary and capricious.

There can be more than one official with jurisdiction for the same Section 4(f) property (23 CFR 774.17). In the case of a wildlife or waterfowl refuge, the official(s) with jurisdiction are the official(s) that own or administer the property in question. BOR, as owner of the 2,514 acre Tucson Mitigation Corridor, is an Official with Jurisdiction. The Arizona Game and Fish Commission and Department, as the administrating agency of the Tucson Mountain WA, is also an Official with Jurisdiction.

The Department insists the Tucson Mountain Wildlife Area be added as a Section 4(f) Property to Table 4-1 to Ch. 4, *Errata to the Draft Tier 1 Environmental Impact Statement and Preliminary Section 4(f) Evaluation*. In addition, ADOT and FHWA should engage in direct coordination with the Department in connection with any Programmatic Section 4(f) evaluation of the use of the Tucson Mountain WA as a corridor for the I-11 freeway. ADOT and FHWA should also consult with the Department, as an Official with Jurisdiction over the Tucson Mountain WA, in a decision involving a programmatic Net Benefit agreement for TMC. If either the BOR or the Department does not concur with a net benefit finding, FHWA should conduct an individual project Section 4(f) evaluation of TMC.

¹ Table 4-1, *Errata to the Draft Tier 1 Environmental Impact Statement and Preliminary Section 4(f) Evaluation* (“*Errata*”) (April 2019).

Detail in 4(f) Determinations

The DEIS does not describe how the Section 4(f) determinations were reached for the Option B Tucson Alternative, versus the Options C and D Tucson Mitigation Corridor (TMC) Alternatives. It is difficult for the reader to understand what type and level of coordination with landowners occurred, and if the potential to mitigate and/or achieve Net Benefit was examined for the Tucson 4(f) properties. Without this additional detail, the level of analysis for the TMC versus the downtown Tucson 4(f) properties appears disparate enough to preclude a fair comparison. The fact that there are more Section 4(f) properties through downtown Tucson does not directly correlate to the collective greater significance of those properties when compared to the TMC, or the lack of ability to mitigate the properties. The DEIS should provide more detail about the coordination and analysis that occurred on the downtown Tucson Section 4(f) properties and describe how the significant impacts to the Tucson Mitigation Corridor could be considered a "Minor Use" that qualifies for a Programmatic 4(f) determination.

Compensation Proposed for the Tucson Mitigation Corridor

Table 3.14-12 proposes "acquiring property (at a 1:1 ratio) to support additional wildlife connectivity corridors within Avra Valley for the number of acres of the TMC that will be impacted by I-11." A freeway through the center of the Tucson Mitigation Corridor, which was set aside as mitigation for the CAP's impacts to wildlife movement, would severely impact the effectiveness and functionality of the TMC. In order to achieve a no-net-loss of both acreage and function, and meet the "Net Benefit" determination that FHWA is seeking for the property, substantial preservation of off-site habitat is needed. Mitigating for habitat loss at a 1:1 ratio, coupled with the other mitigation strategies outlined such as crossings, may serve to offset habitat impacts for the original CAP mitigation, but will not offset the decrease in functionality for wildlife movement as a result of I-11. The functionality of wildlife movement through the Avra Valley cannot be achieved by mitigating for a set number of acres off-site. The location of the habitat preservation must be strategic, allowing for connectivity between the Tucson Mountains and the Roskrige and Silverbell Mountains to the west. This will require habitat preservation greater than a 1:1 ratio.

The Department looks forward to continuing collaboration with FHWA and ADOT on this important transportation project. If you have any questions or wish to further discuss our comments and concerns, please contact Cheri Boucher at cboucher@azgfd.gov or 623-236-7615.

Sincerely,



Jim deVos
Assistant Director, Wildlife Management Division

cc: Jay Van Echo, ADOT Project Manager
Aryan Lirange, FHWA
Rebecca Yedlin, FHWA

Ms. Karla S. Petty
AGFD Comments on the I-11 Tier 1 Draft EIS
Page 5

Laynee Jones, AECOM
Clifton Meek, US EPA
Thomas Bommarito, BOR
Robert Lehman, USFWS

AGFD # M19-04093042

Page Specific Comments on the I-11 DEIS Tier I

Table 3.2-1 through Table 3.2-3, Pages 3.2-2 through 3.2-18:

All new road construction will result in habitat loss and increase fragmentation. Although fragmentation impacts will be greatest in LIBs, all roads result in fragmentation.

- Habitat loss and fragmentation impacts from all new road construction should be identified, analyzed, and mitigated.

Section 3.4.4.2, Lines 26 through 32, and Section 3.4.4.3, Lines 7 through 14:

- Add final sentence to this paragraph that states “Although the BLM’s Extensive Recreation Management Area within the Sonoran Desert National Monument may not be directly impacted by this alternative, the presence of the interstate would eliminate certain activities along the northern boundary, such as recreational shooting.”

Section 3.4.4.2, Lines 37 through 39, and Section 3.4.4.3, Lines 20 through 23:

- Add the following at the end of the final sentence “... , and this alternative would affect hunting and recreation shooting within the western portion of the VRMA”.

Section 3.4.6, Page 3.4-12, Lines 18-30:

The inclusion of items that would be analyzed in the future Tier 2 analysis is helpful, as it lets the reader know that these items have been considered, but not addressed in detail due to NEPA tiering. Measures that inform roadway siting and design typically include a suite of studies to gather empirical data about resources in order to develop preliminary siting and design recommendations. In order to address impacts to recreation resources, studies (at least two years) should be conducted to identify recreation use within and adjacent to the chosen corridor. This should include: the identification of different types of recreation uses in an area, the amount of recreation use an area receives, seasonal fluctuations, access points, and contributions to the local economy. The Department recommends the following analyses prior to, and during, the Tier 2 analysis:

Pre-Design and Pre-Tier 2 NEPA

Compilation/examination of existing recreation data:

- Understanding what data already exists in an area is crucial to avoiding and minimizing impacts to recreation in the most efficient and cost-effective way possible. Existing data that documents recreation use or its impact on the economy should be compiled from sources including, but not limited to: online wildlife watching resources such as eBird and iNaturalist; hunting tags and licenses and Sportsman’s Value Mapping Surveys; satellite Outdoor Recreation accounts developed by the Bureau of Economic Analysis; recreation permits (OHV, etc.) for ASLD state trust lands; federal, state, and local recreation planning documents; anecdotal or quantitative data kept by local businesses, tourism boards, and chambers of commerce; and any other data sources relevant to recreation in a given area.

Conduct surveys to gather recreation data:

- Surveys of various recreation user groups should be conducted to identify types of recreation each area receives, and quantify the number, frequency, and seasonality of users for each recreation type, specific resources the recreation user is pursuing (i.e. dove hunting, viewing wintering raptors, using OHV trails, etc.), and how the users are contributing to the local economies. Surveys can be conducted online, in-person, by telephone, email, U.S. Postal Service, or any other medium designed to reach recreationists.

The development of preliminary siting and design recommendations for recreation resources should include:

- Geospatial analysis of recreation user data and associated economic spending.
- Identification of recreation resource or user “hotspots” to be avoided during siting.
- Recommendations to accommodate user access, including limiting interstate interchanges if necessary.
- Identification of roadway design features that minimize pollutants, noise, visual obstructions/deterrents, and other detractors that would impact nearby recreation lands.
- Identification of habitat modifications necessary to enhance remaining recreation lands, such as the construction of wildlife waters where access to current water sources are no longer accessible, creation or enhancement of wetland or riparian habitats to offset nearby impacts to similar habitat, etc.

Design/Tier 2 NEPA, Construction, and Post-Construction

- Measures to maintain and/or enhance recreation should reflect the recommendations developed during the pre-NEPA studies described above. Extensive coordination should occur between relevant agencies, landowners, recreation user groups, local municipalities, and other stakeholders to ensure the development and implementation of these measures adequately address the site-specific and broader recreation concerns along the corridor.

Table 3.4-5, Page 3.4-15 through 3.4-16:

The inclusion of Indirect and Cumulative Impacts into the table is helpful, as it allows the reader to assess the broader range of impacts. However, the bulleted determinations are unsubstantiated because there is no Cumulative Effects or Indirect Effects analysis for Recreation.

- Please provide a Cumulative Effects and Indirect Effects analysis for Recreation. A narrative explaining how the bulleted determinations were made is necessary to substantiate the determinations. If necessary, this discussion could be located in Appendix E17, which currently provides no analysis.

Table 3.4-5, Page 3.4-15, Orange Alternative:

- Revise last sentence of bullet to read “However, these resources are already located adjacent to a transportation facility in the South and Central Sections; therefore, impacts

to these resources are expected to be minimal compared to those created by new facilities.

Section 3.6.6, Page 3.6-19, Lines 26-38:

- All economic data related to outdoor and wildlife-related recreation (Section 3.4) that is gathered prior to, and during, the Tier 2 analysis should be included in this analysis. See AGFD's comments for Section 3.4.6 for a list of recommended studies and analyses needed to adequately address the impacts to the economic contributions from outdoor and wildlife-related recreation.

Section 3.6.6, Page 3.6-19, Lines 34-36:

- Revise sentence to read "These new satellite accounts developed by the Bureau of Economic Analysis would facilitate the translation of data gathered through tracker surveys into impacts on outdoor recreation and the overall regional economy, allowing for a true quantitative analysis of the economic impacts to outdoor and wildlife-related recreation."

Table 3.8-4, Page 3.8-11:

This table is potentially misleading, as it shows the predicted 2040 noise levels, without discussing the expected increase in noise level; a slight increase in noise along an existing roadway is a less significant change than a sharp increase in noise due to a new facility.

- An asterisk should be added to indicate existing facilities on Table 3.8-4, as well as a new column (or an entirely new table) showing the current ambient noise readings for the same locations, with a final column showing the expected increase in noise for each location.

Section 3.14.1.1 page 3.14.1 Wilderness Act:

- Revise to include the three Congressional acts that designated wilderness in Arizona: Wilderness Designations 1976 (Saguaro NPS Wilderness), Arizona Wilderness Act of 1984, and Arizona Desert Wilderness Act of 1990.

Section 3.14.1.2 page 3.14.2 State Laws and Regulations:

- Add Arizona Revised Statutes Title 17 provides Arizona Game and Fish Commission and Department authorities to manage wildlife in Arizona.

Section 3.14.4.1, Page 3.14-32:

- Table 3.14-7 should be situated before the Species of Economic and Recreation Importance discussion.

Section 3.14.4.2 and elsewhere as needed:

- Please do a global correction on the spelling of Yuma Ridgway's Rail. There is no (e) in Ridgway https://www.fws.gov/southwest/es/arizona/Yuma_Rail.htm

Section 3.14.4.2, Page 3.14-33, Line 33:

- Add a comma after Yuma Ridgway's Rail.

Section 3.14.4.3, Page 3.14-40, Lines 20 through 21:

- Revise to read "...5,000 hectare threshold under which a habitat block is no longer considered functional to meet all of the habitat needs for many wildlife species."

Table 3.14-10, Page 3.14-51, Wildlife Connectivity, Orange Alternative:

- Revise 4th bullet to read "...therefore, the least potential negative impacts to wildlife connectivity."
- Add 5th bullet: "The Orange Alternative provides the most opportunity to improve existing wildlife connectivity issues along existing infrastructure."

Table 3.14-10, Pages 3.14-51 through 3.14-53, Indirect Effects and Cumulative Effects:

- Add a bullet under the Green and Purple alternatives that states "Substantial habitat loss is expected to occur along the corridor due to increased residential and industrial development."
- Add a bullet under the Orange alternative that states "Least likely for habitat loss to occur along the corridor due to increased residential and industrial development."

Section 3.14.5, Pages 3.14-54 through 3.14-58:

ADOT has committed to address impacts to wildlife connectivity through the funding of pre-Tier 2 studies. These measures should include, but are not limited to, the following:

Pre-Design and Pre-Tier 2 NEPA

Roadway siting and design typically includes empirical data about wildlife populations and their movement patterns on the landscape, and develop preliminary siting and design recommendations. Studies (at least two years) to gather this should include:

Compilation/examination of existing movement and mortality data:

- Understanding what data already exists in an area is crucial to mitigating in the most efficient and cost-effective way possible; existing data should be compiled to identify data gaps and deficiencies, so that efforts can focus on closing those data gaps.

Compilation/examination of existing conservation and wildlife linkage plans:

- Understanding local conservation and land use plans to conserve wildlife linkages and/or open space in the future is crucial to developing mitigation that aligns with future land use and transportation decisions and plans. Conservation and open space plans may not reflect or accommodate current natural movement patterns by wildlife, but reflect decisions and commitments for long-range development. Wildlife movement and mortality studies used to inform roadway siting and design should systematically include these areas as part of the study design to ensure adequate mitigation is developed for these areas, as well as other high priority movement areas.

Surveys for focal species, including, but not limited to:

- GPS telemetry studies of collared focal species are recommended for pre and post-construction to track wildlife movement. GPS studies should be designed to collect data on both local daily movements and movements between populations; this will require different study designs. The Department recommends select mammal and reptile species from the list of focal species, such as bighorn sheep, mountain lion, mule deer, kit fox, and desert tortoise.
- Camera traps - Cameras should be placed at major washes, canal crossings, and other likely movement areas within and adjacent to the Tier 1 EIS's preferred 2000-foot corridor to document wildlife movement patterns. Cameras may also be placed at random to verify assumptions about likely movement areas. ADOT should coordinate with the Department and other stakeholders to identify the appropriate number and locations of cameras to be deployed.
- Tracking surveys - In areas where cameras cannot be placed, tracking studies can supplement wildlife movement data to identify and further understand the movement patterns and distribution of a broader suite of common species moving through an area.
- Small mammal surveys - General surveys using standard trapping techniques (e.g. Sherman and Tomahawk traps) for small and medium-sized mammals should be conducted within the corridor to capture the baseline conditions prior to development; this data could be used for comparative analysis between prioritized mitigation areas in addition to targeted focal species movement data.
- Herpetological surveys - General surveys using standard trapping techniques (e.g. box funnel traps) or visual encounter surveys for herpetofauna should be conducted within the corridor to capture the baseline conditions prior to development; this data could be used for comparative analysis between prioritized mitigation areas in addition to targeted focal species movement data.
- Visual surveys - Visual surveys can be used systematically as a broader landscape measure of diversity and wildlife distribution patterns, and may be important for comparative analysis between prioritized mitigation areas in addition to targeted focal species movement data.

Wildlife mortality (i.e. roadkill) surveys

- Where new alignments encompass existing roadway, and for alignments that will expand existing roadway rather than create entirely new structures, baseline studies for wildlife-vehicle mortality should be conducted. Roadkill data should be collected for no less than 2 years prior to the design of roadway improvement in order to inform the design. In addition, roadkill surveys should be conducted both at dusk and dawn to avoid any scavenging that may bias the results, and within any vegetated road medians and road edges. ADOT should coordinate with the Department to develop a statistically sound, repeatable study. Not only will the study provide critical data for roadway design, but it will be compared to post-construction results to measure success criteria and inform adaptive management.

The development of preliminary siting and design recommendations should include:

- Geospatial analysis of wildlife movement study data; as well as the influence of traffic patterns or other existing barriers.
- Identification of focal species' movement areas for proposed new road locations and/or hotspot crossing locations across existing roadways proposed for expansion.
- Recommendations for design parameters that accommodate focal species at crossing/movement locations and associated roadway facilities. These recommendations will likely include, but are not limited to, the following:
 - Designated wildlife crossing structures (large culverts, overpasses, underpasses, etc.) for new and expanded roadway facilities. These should be placed every 1 to 2 miles at minimum, as topography and hydrology allow with consideration for environmental factors (movement pathways, water/forage resources) that increase the likelihood of wildlife utilization. Rip-rap should be avoided where possible; if scour protection is necessary, alternatives to rip-rap should be considered.
 - Other culverts and drainage infrastructure should be networked together with wildlife funnel fencing and designed to facilitate crossings of smaller species.
 - Funnel fencing (i.e. exclusion fencing) that will direct wildlife toward crossings and culverts and inhibit movement across the roadway.
 - Reptile exclusion fencing should also be included where necessary, in order to reduce impacts to special status species such as Sonoran desert tortoise. Reptile exclusion fencing should be co-located with ROW fencing and funnel fencing associated with culverts, pipes and reptile/amphibian upland crossing structures.
 - Culverts should be tied into funnel-fencing and have natural substrate to accommodate movement for smaller wildlife. Rip-rap should be avoided where possible; if scour protection is necessary, alternatives to rip-rap should be considered.
 - Roadway and other lighting in the vicinity of crossings and movement corridors should be limited. Both terrestrial and avian species can react negatively to artificial night lighting; night lighting could inhibit use of the crossings by wildlife.
 - Habitat restoration on either side of crossing structures that is designed to encourage wildlife use of the crossing structures, using appropriate vegetative cover/structure, water catchments, topography, and substrate. Habitat restoration should also take place on any overpasses designed for wildlife movement. Further, when irreplaceable wildlife habitat (e.g. rock outcrops) is impacted during construction of I-11, the parent material should be used to create new wildlife habitat within the movement corridors/mitigation areas.
 - Crossing solutions should be co-located with wildlife linkages to complement other existing or planned solutions for nearby barriers, in such a way that roadway designs do not negate other mitigations or the overall linkage functionality between core habitat blocks. This will require coordination with the Department, as well as local conservation and land use planning.
 - When designing roadways that may be expanded in the future, use designs that can be easily upgraded as opposed to reconstructed.

- Mitigate loss of water sources; if roadway construction eliminates or fragments access to a local natural or constructed water source (ephemeral or permanent) along the project alignment, replacement with an in-kind at the nearest alternate location.
- Land adjacent to wildlife crossings and within designated corridors should be conserved in perpetuity to maintain long-term integrity of the crossings.
- Identification of adaptive management actions, and the success standards and thresholds that would trigger adaptive management actions.

Design, Construction, and Post-Construction

Measures to maintain and/or enhance permeability typically include: targeted roadway siting and design that incorporates wildlife movement structures and appropriate fencing, and maintenance and monitoring of crossing structures and associated fencing.

Interagency coordination to design and construct targeted roadway mitigations that incorporate wildlife movement structures and appropriate fencing should include:

- Interagency planning between roadway engineers, Department road ecology experts (biologists), and other stakeholders as necessary, to incorporate wildlife crossing design recommendations into the engineering specifications - A comprehensive network of crossing structures including overpasses, underpasses, culverts, cameras, funnel fencing, jump-outs, and other components should be incorporated at the earliest design stages.
- Interagency plans for post-construction maintenance and monitoring responsibilities for crossing structures and associated facilities with clearly outlined objectives.
- Interagency construction coordination to facilitate engineer/biologist solutions and expertise to resolve design issues, adjustments, and clarifications while constructing crossing structures as needed.

Maintenance and monitoring of crossing structures and associated fencing should include:

- Crossing structures, fencing, and other roadway facilities should be maintained in good condition by ADOT or responsible municipality. This should include regular monitoring of facilities to identify maintenance needs.
- At least four years of post-construction monitoring of wildlife movement and crossing structure use, to evaluate effectiveness and inform adaptive management and additional design responses, including:
 - Surveys for focal species, including, but not limited to:
 - Monitoring of cameras that are installed in crossing structures.
 - Continued GPS telemetry studies of wildlife species collared during pre-construction surveys. New collars may need to be deployed, depending on the animal species and battery life of the original collars.
 - In areas where cameras have not been placed, tracking studies can supplement the wildlife movement data to identify species that are moving through the area.

- Small mammal surveys - General surveys using standard trapping techniques (e.g. Sherman and Tomahawk traps) for small and medium-sized mammals should be conducted within the corridor to capture the baseline conditions prior to design.
- Herpetological surveys - General surveys using standard trapping techniques (e.g. box funnel traps) or visual encounter surveys for herpetofauna should be conducted within the corridor to capture the baseline conditions prior to design.
- Wildlife mortality (i.e. roadkill) surveys - post-construction roadkill surveys should be conducted using the same locations and survey protocol as pre-construction roadkill surveys, in order to provide a true before-after comparison. Additionally, roadkill surveys should be conducted on completely new roadway, where no surveys could have been conducted pre-construction. Post-construction roadkill data should be examined to determine if there are certain “hot spots” that require adaptive management.
- Implementation of adaptive management actions if specified thresholds are reached during post-construction monitoring - If roadkill or other post-construction wildlife movement data are showing roadkill “hot spots”, or wildlife crossings are showing a lack of use, the facilities should be examined to identify the problem and, if feasible, modifications or adjustments should be made to resolve the issue. Further monitoring to determine effectiveness of adaptive management should also be conducted.

Maintaining and/or Improving Permeability of Nearby Existing Barriers and Reasonably Foreseeable Future Barriers and/or Community Development Plans

- During implementation of all of the mitigation measures above, nearby barriers must be considered and included in design and implementation plans. It is also critical that planned future barriers are considered to ensure retrofits are minimized.

Section 3.15.5, Page 3.15-2, Lines 31-32:

- Revise to read “These situations would require detours which could make getting to the businesses, or outdoor recreation areas, more difficult.”

Table 3.17-3, Page 3.17-32 through 3.17-46:

The summary of the Indirect and Cumulative Impacts is helpful but there is no analysis of Cumulative Effects or Indirect Effects for most of the resources within this Tier 1 EIS. The bulleted determinations are unsubstantiated.

- Please provide a Cumulative Effects and Indirect Effects analysis for the various resources. While a quantitative analysis may not be feasible at the Tier 1 stage, a qualitative narrative explaining how the bulleted determinations were made is necessary to substantiate the determinations. If necessary, this discussion could be located in the various appendices, which currently provide no analysis.

Table 4-1, Page 4-17, TMC:

- Revise Classification to read “Wildlife ~~Travel~~ Movement Corridor.”

- Revise Features/Attributes to read “...by providing for wildlife ~~travel~~ movement on public lands and across...”

Table 4-1, Page 4-25:

The Classifications for the Department’s Wildlife Areas are inconsistent.

- Property #95, Arlington Wildlife Area - Revise Classification to read “State Wildlife Area, wildlife refuge.”
- Property #96, Powers Butte Wildlife Area - Revise Classification to read “State Wildlife Area, wildlife refuge.”
- Property #98, Robbins Butte Wildlife Area - Revise Classification to read “State Wildlife Area, wildlife refuge.”

Table 4-4, Page 4-44, TMC:

- Include the acreage and percent use of the alternative that is colocated with the CAP.
- Define the footnote to the end of the table that is indicated on this row; currently, there is no footnote associated with the superscript (1).

Table 4-5, Page 4-60, Last 3 Rows:

- In order to clearly understand the full scope of impacts to the Section 4(f) properties that will have Use or Potential Use, please include data from Table 4-4 showing the acreage and percent use of each of the properties. Given that there are a maximum of eight Use or Potential Use properties in each Alternative, this data could be added to the end of Table 4-5 or a new Table could be created for this Use summary.

Section 4.4.3.3:

Page 4-81, Lines 9-13, states that FHWA and ADOT are coordinating with BOR to develop a conceptual I-11 ROW design to minimize impacts to wildlife movement across the Tucson Mitigation Corridor (TMC), a Section 4(f) property; the mitigation concepts are described on Pages 4-81 through 4-84. The text further states that this coordination was critical to “resolving concerns” regarding the use of TMC for a freeway. The reader is left with the impression that BOR and FHWA agree, and that FHWA is prepared to make a preliminary net benefit determination in the final Tier 1 ROD. The Department believes that BOR has not submitted a written concurrence with this programmatic approach. The text as written is pre-decisional.

- Consult with the Department, as an Official with Jurisdiction over the Tucson Mountain WA, in a decision involving a programmatic Net Benefit agreement for TMC. If either BOR or the Department does not concur with a net benefit finding, FHWA is to conduct an individual project Section 4(f) evaluation of TMC.

Section 4.4.4.3:

As seen on Table 4-4, forty-two acres of the PLO 1015 lands owned by USFWS and managed by the Department are within the 2,000-foot corridor of FHWA’s Recommended Alternative *Option N*. FHWA has determined that it can avoid the direct use of the PLO 1015 lands by locating a 400-foot-wide linear freeway ROW between the parcels. As a result, FHWA concludes on page

4-61 that the I-11 freeway will make “no use” of the PLO 1015 lands. FHWA also assessed whether the I-11 freeway on either side of the PLO 1015 lands amounted to “constructive use” of the PLO 1015 lands pursuant to 23 CFR 774.15(d).

In its December 20, 2018 *White Paper* (Appendix F), FHWA asserts that the noise, vibration, and light impacts of the I-11 freeway would not substantially interfere with the ability of the PLO 1015 lands to provide small game hunting shooting opportunities or reduce game bird habitat. FHWA also determined that ecological intrusion impacts from I-11 would not reduce the value of wildlife habitat.

DOT Regulation 23 CFR 774.15 provides that a constructive use occurs if the proximity of the proposed project results in a restriction of access which substantially diminishes its utility. The Ninth Circuit has held that a “use” under Section 4(f) occurs whenever the proposed project has significant air, water, noise, land, accessibility, aesthetic, or other environmental impacts on or around the site. *Adler v. Lewis*, 675 F.2d 1085 (9th Cir. 1982). “Use” under Section 4(f) is to be “construed broadly”. *Id.* at 1092.

As FHWA’s *White Paper* acknowledges, the primary purpose of the PLO 1015 lands are open space, wildlife habitat, and outdoor-related recreation. A freeway between these two PLO 1015 parcels will greatly restrict their use by hunters. It is a crime to knowingly discharge a firearm across or into a road. A.R.S. §17-301(B). It is unlikely that a hunter will want to assume the risk of shooting at small game in the vicinity of a freeway. As a result, the use of these PLO properties for hunting with firearms will be effectively precluded.

DOT Regulation 23 CFR 774.15 also states that a constructive use occurs if the ecological intrusion of a project substantially diminishes the value of the wildlife habitat and waterfowl refuge adjacent to the project or substantially reduces the wildlife use of the refuge. The Department does not concur with FHWA’s conclusion that the noise, light, and vibration effects of I-11 will not reduce game bird habitat. Waterfowl and game birds will avoid the freeway. Unless I-11 is elevated at this location, riparian habitat (when the Gila River flows) will be lost to waterfowl. FHWA concedes the freeway will cause some wildlife to “move away”. I-11 creates a barrier to wildlife movement across and through the floodplain. FHWA states that connectivity between the 1015 parcels “would be provided by wildlife crossing opportunities” under the freeway but no specifics or commitments are offered.

- Determine that Recommended *Option N* makes constructive use of the PLO 1015 properties, thus qualifying them as Section 4(f) Properties entitled to protection. Coordinate with the USFWS for a programmatic or individual Section 4(f) evaluation in the event FHWA selects *Options R* and *N* as its Preferred Alternative in the Final I-11 EIS.

These PLO 1015 properties are located in the Gila River floodplain. As noted below, EO 11988 and *Department of Transportation Order* 5650.2 (1979) require that a preferred alternative involving a significant encroachment into a floodplain shall not be approved unless FHWA makes a written finding incorporated into a final EIS, that the proposed encroachment is the only

practical alternative, why other alternatives were not practicable, and a statement that the action conforms to state or local floodplain protection standards. This finding must be in the Final Tier 1 EIS.

Table 6-2, Pages 6-14 through 6-16:

- Revise title to read “Additional Areas of Analysis - Potential for Change in Impact Analysis from Corridor Shifts”
- Please add headers to the columns to clarify which column represents each additional area of analysis.

Section 6.2.2, Page 6-7, Lines 9-11:

The Department disagrees with the statement that the Draft Tier 1 EIS “identifies effective mitigation strategies to avoid, minimize, and mitigate” the environmental impacts of the Recommended Option D, Sahuarita to Marana. Other than the specific mitigations identified for the Tucson Mitigation Corridor (TMC), no mitigation is described for the loss of wildlife linkages for the length of Corridor Option D. Table 3.14-12 merely states that for impacted Coyote-Ironwood-Tucson Linkage, FHWA will “avoid or minimize impacts to linkages” and coordinate with agencies to “implement modifications” to enhance wildlife movement.

- A more specific commitment to preserve essential wildlife linkages must be made in the form of a *Programmatic Mitigation Plan* for inclusion in this Tier 1 ROD.

Section 6.2.3:

For the Recommended *Option F*, Marana to Casa Grande, FHWA recommends a new freeway corridor through undeveloped and agricultural lands west of I-10, with a new crossing over the Santa Cruz River. *Option F* basically parallels the existing I-10. FHWA prefers to construct a new freeway instead of co-locating I-11 with the existing I-10 (*Option G*), although the I-10 freeway has sufficient capacity to expand to accommodate I-11 traffic. The EIS states that I-10 “frequently experiences crashes and other incidents that delay travel”, and that “building redundancy” into a transportation network is desirable for several reasons. *Option F* also “extends through areas that are vacant or agricultural today” but provides access to planned growth areas around Marana and Eloy. The text further notes that *Option F* “extends through sensitive environmental resources”, such as the Santa Cruz River’s floodplains and riparian habitat. Impacts to these resources “would be minimized and mitigated through Tier 2 design considerations, such as conveyance structures for floodwaters, wildlife connectivity, and habitat impacts.”

While NEPA does not require FHWA to select the alternative with the fewest environmental impacts, the discussion of alternatives should reflect a *reasoned* choice among the alternatives, in accordance with *Alaska Wilderness Recreation v. Morrison*, 67 F. 3d 723,729 (9th Cir. 1995). Two parallel freeways separated by only 5-10 miles will result in major habitat fragmentation.

No specific mitigation commitments appear in Chapters 3 or 6 for *Option F*. The summary of Key Environmental Effects in Table 3.2-2 says that *Option F* creates a new barrier to wildlife connectivity through the Ironwood-Picacho Wildlife Linkage. The Table states “Mitigation

strategies would be applied” for riparian habitats and wildlife linkages along the Santa Cruz River. These “strategies” are not described.

A mitigation plan satisfies NEPA only if it is reasonably thorough to ensure the environmental consequences have been fairly evaluated. cursory descriptions of mitigation measures are inadequate. *Okanogan Highlands Alliance v. Williams*, 236 F. 3d 468 (9th Cir. 2000). The EIS and the Record of Decision should also indicate the likelihood that such measures will be adopted by ADOT in any Tier 2 EIS. CEQA, 1502.16(h), 1505.2.

- The text requires a more robust evaluation of the environmental trade-offs involved in constructing a new freeway through open undeveloped lands, including growth-inducing indirect impacts and cumulative impacts, as compared to co-locating I-11 with the existing I-10 at this location. Describe the mitigation strategies in greater detail.

Section 6.2.3:

The DEIS at Page 6-9 states that impacts to resources caused by a new *Option F* freeway “would be minimized and mitigated through Tier 2 design considerations, such as conveyance structures for floodwaters, wildlife connectivity, and habitat impacts”. The bolded text at Page 6-10 states that *Option F* “commits to mitigation measures to minimize the impacts of the new alignment on floodplains”. The “Specific Mitigation Strategies” for *Option F* in Table 3.14-12 merely states: “Avoid or minimize impacts to the Santa Cruz River along Option F.” This cursory description of “mitigation” is ambiguous and inadequate under NEPA.

- Describe the mitigation commitments in greater detail. The described mitigation does not represent a commitment unless it is included in the Final Tier 1 EIS and ROD.

Section 6.2.4:

FHWA identifies as its Recommended Alternative a new freeway from Casa Grande to Buckeye using *Options I2, L, N and R*. These options are recommended over the alternative Orange *Options K, H, Q1 and Q2*, which would have co-located I-11 along the existing I-8 and Highway 85. The text states this Recommended Alternative directly connects western Pinal and Maricopa Counties, reducing travel time between Nogales and Wickenburg. This Recommended Alternative will fragment wildlife habitat within the Gila Bend-Sierra Estrella Linkage.

On Page 6-11, the text states that ADOT will fund and facilitate wildlife connectivity studies to identify effective mitigation strategies during Tier 2 studies. “If a Build Corridor Alternative is selected, these mitigation strategies will be included in the ROD for the Tier 1 EIS”. It is not clear what “mitigation strategies” for *Options I2, L, N and R* are to be identified in the Tier 1 ROD.

- Describe these mitigation strategies in a *Programmatic Mitigation Plan* for incorporation in the Final Tier 1 EIS and ROD.

Section 6.2.4:

The recommended *Option N* requires a new crossing of the Gila River, with impacts to “sensitive riparian and wildlife resources” and proposed critical habitat for the western yellow-billed cuckoo. Option N also involves potential impacts to wetlands along Waterman and Lum Washes.

App. E13 at E13-35. The bolded text at Page 6-11 states that this Recommended Alternative includes mitigation strategies developed to address the impacts of a new Gila River crossing. The Specific Mitigation Strategies for Option N include pre-construction surveys for the cuckoo, Southwestern willow flycatcher, and Yuma Ridgway rail; “minimize the footprint of the bridge” crossing the Gila River; “avoid or minimize impacts to this major riparian corridor.”

Table 3.13-3 states that it “may be difficult to avoid impacts” at new river crossings. These impacts include stormwater runoff, automotive-based nonpoint source contamination, and trash, potentially degrading water quality and aquatic habitat.

Under NEPA, these vague mitigation concepts are insufficient. Nothing in these descriptions assure the reader that they will be effective in mitigating impacts to the Gila River’s riparian ecosystem. While NEPA authorizes “tiering” of EISs, that does not mean that all reasonably detailed discussion of mitigations can be delayed to Tier 2.

- Describe these mitigation strategies for the Gila River in a *Programmatic Mitigation Plan* for inclusion in the Final Tier 1 EIS.

Sections 6.2.2 through 6.2.4:

Executive Order 11990 (42 Fed. R. 26961), implemented in *Department of Transportation Order* 5660.1A, was issued to minimize the loss or degradation of wetlands associated with federal infrastructure projects. FHWA must first make a finding that “no practicable alternative” to new highway construction exists; and (2) include “all practicable measures to minimize harm to wetlands which may result from such use” 23 CFR § 777.3. This regulation “sets forth a more exacting standard” than NEPA alone. *City of Carmel v. U.S. Dept. of Transp.*, 123 F.3d 1142, 1167 (1997); *National Wildlife Federation v. Adams*, 629 F.2d 587, 591 (1980).

FHWA recommends *Option N*, involving a new crossing of the Gila River, over *Option Q2*, which utilizes the existing Highway 85 Gila River crossing. The text in Ch. 6, Section 6.2.4 does not describe why *Option N* is preferable over *Option Q2*. Page 2-23 states that the Highway 85 *Option Q2* segment is already planned for conversion to a fully access-controlled freeway and can accommodate I-11 traffic. In the event FWHWA chooses the new *Option N* crossing over the Gila River, the “no practical alternative” finding and the minimization and mitigation measures must be made in this Tier 1 EIS, not deferred to a Tier 2 analysis. Without this analysis, there is not an “informed comparison” of Build Corridor Options.

- In the event *Option N* is the Preferred Option, conduct the necessary hydrological and biological studies analyzing the impact of a new *Option N* freeway crossing over the Gila River, as compared to the impacts if the existing Highway 85 Gila River crossing were used for the I-11 Corridor. Document the findings and decision in an “Only Practical Alternative” memorandum for the I-11 Final EIS and ROD. These measures must be in the form of commitments incorporated into the Final Tier 1 EIS and ROD.

FHWA must also conduct the necessary analyses for effective mitigation strategies in consultation with USFWS and the Department. The use of waters or channels of a body of water for federal construction projects must be in accordance with plans approved jointly by the

USFWS and the Arizona Game and Fish Department, as the state agency exercising jurisdiction over the State's wildlife resources. Fish and Wildlife Coordination Act, 16 U.S.C. §§ 661-667c.

EO 11990 applies to Recommended *Option F*, a new corridor segment that parallels, and then crosses the Santa Cruz River near Marana. Figure 3.13-4 shows the existence of emergent and shrub wetlands where *Option F* crosses the river. FHWA must also make a "no practical alternative" finding in the event that Option F is the Preferred Alternative to *Option G*, which co-locates I-11 with the existing I-10.

- In the event *Option F* is the Preferred Option, conduct the necessary hydrological and biological studies analyzing the impact of a new *Option F* freeway crossing the Santa Cruz River, as compared to the impacts were I-11 co-located with I-10. Document any determination that no practical alternative exists in a "River Only Practical Alternative" memorandum for the I-10 Final Tier 1 EIS and ROD.

EO 11990 also applies to Recommended *Option R*, a new corridor segment that creates a new crossing over the Hassayampa River near Buckeye, with potential impacts to riverine wetlands, as shown in App. E13 at E13-35. FHWA recommends this segment over *Option Q3*, which co-locates along the existing I-10 at its Hassayampa River crossing. FHWA must make a "no practical alternative" finding in the event that *Option R* is the Preferred Alternative to *Option Q3*.

- In the event *Option R* is the Preferred Option, conduct the necessary hydrological and biological studies analyzing the impact of a new *Option R* freeway crossing the Hassayampa River, as compared to the impacts were I-11 co-located with I-10 at this location. Document the findings and decision in a "River Only Practical Alternative" memorandum for the I-11 Final Tier 1 EIS and ROD.

Sections 6.2.2 through 6.2.4:

Executive Order 11988 (42 Fed. R. 26951) requires every federal agency to determine whether an action will occur in a floodplain, consider alternatives to avoid adverse effects, and proceed only if it finds that the "only practical alternative" requires siting in a floodplain, in accordance with *City of Carmel v. United States Department of Transportation*, 123 F.3d 1142, 1166 (9th Cir. 1997).

The mandate of EO 11988 is described in *Department of Transportation Order 5650.2* (1979). DOT 5650.2 states that it is DOT's policy to avoid highway encroachments into floodplains. The DOT Order at Section 9 requires that a preferred alternative involving a significant encroachment into a floodplain shall not be approved unless the responsible official makes a finding in writing, incorporated into a final EIS, that the proposed encroachment is the only practical alternative, together with a description why the proposed action must be located in a floodplain, why other alternatives were not practicable, and a statement that the action conforms to state or local floodplain protection standards.

New-Build Recommended Alternatives *Option N* (located within the Gila River floodplain and crosses the river); *Option R* (crosses the Hassayampa River); *Option F* (crosses Santa Cruz River); *Option D* (parallels Santa Cruz River) all create new crossings over mapped floodplains.

As seen in Tables E13-15 (Page E13-34) and E13-16 (Page E13-36), their impacts to these river floodplains are rated “high.” FHWA has not conducted this mandatory analysis for Recommended *Options R, N, F* or *D*. These analyses must be conducted in this Tier 1 EIS.

- In the event FHWA selects *Option N, Option R, Option F* or *D* as its Preferred Alternative(s), prepare a “Floodplain Only Practicable Alternative Finding” for each Preferred Corridor Option segment for the Tier 1 Final EIS and ROD.

Sections 6.2.2 through 6.2.4:

Chapter 6, Recommended Alternative, analyzes each Alternative in terms of how each best meets the I-11 Purpose and Need. The text on Page 6-7 assures the reader that environmental impacts of the Recommended Alternative - nearly 280 miles of all new-build freeways - can be mitigated with “effective mitigation strategies to avoid, minimize and mitigate” these impacts. General Mitigation Strategies Applicable to All Corridor Options are set forth in Table 3.14-11. Specific Mitigation Strategies for Each Corridor Option is set forth in Table 3.14-12.

- The Final Tier 1 EIS and ROD must indicate the likelihood that FHWA and ADOT will commit to these mitigation strategies by adopting them by reference in the Tier 1 FEIS and ROD.

Section 6.4:

The lack of a summary of Recommended Alternative impacts to resources requires the reader to go back through Chapter 3 and cross reference the resource impacts associated with each Segment chosen for the Recommended Alternative. The lack of summary requires extra effort for the reader to thoroughly understand and analyze the impacts.

- Insert a table similar to Tables 3.2-1 through 3.2-3 that summarizes the effects for the Recommended Alternative, and include the acres of upland and riparian habitat within in each Segment.

Appendix E14, Table E14-10:

- Add Globe Chamomile (*Oncosiphon piluliferum*) to the list of non-native plant species found in the study area. This species has only recently been recognized as a prolific weed in the Phoenix Metropolitan area and elsewhere in Arizona.



Arizona State Historic Preservation Office



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Pre-Scoping Meeting with State Historic Preservation Office, Meeting Notes, April 27, 2016



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MEETING PURPOSE: Pre-Scoping Meeting with State Historic Preservation Office (SHPO)

DATE & TIME: April 27, 2016, 11:00 AM

LOCATION: SHPO, 1100 W. Washington St., Phoenix, AZ

ATTENDEES: Jay Van Echo (ADOT), Joanie Cady (ADOT), Rebecca Yedlin (FHWA), Aryan Lirange (FHWA), Lisa Ives (AECOM), Jennifer Pyne (AECOM), Gene Rogge (AECOM), David Jacobs (SHPO), Mary- Ellen Walsh (SHPO), Jim Garrison (SPHO), Lauren Clementino (ADOT)

MEETING NOTES

Purpose: Meet prior to formal scoping to present preliminary project information, answer questions, and discuss communication protocols going forward.	
Key Discussion Points/Action Items:	Responsible Party / Action Item
1. Jay van Echo provided a history of the I-11 Corridor.	N/A
2. The Notice of Intent (NOI) is expected to publish in late May 2016, and public and agency scoping meetings will be scheduled. The Tier 1 EIS will build upon the prior studies.	N/A
3. Lisa Ives discussed the approach to a Tier 1 EIS and how it differs from the more typical NEPA processes; the purpose of Quantm; and how the team intends to combine FEIS with a ROD. The group discussed that the Tier 1 ROD would clear a 2000 foot corridor based on typical sections. Lisa also explained that the Tier 1 EIS would also identify segments of independent utility that, as funding became available, could be advanced as individual projects.	N/A
4. David Jacobs asked whether Quantm could address a range of sensitivities. During this early phase of alternatives analysis, the team has identified major cultural resources (e.g. landmarks, archaeological districts, listed sites) and labeled them as high constraints. David suggested that at least 3 categories of sensitivity be considered. To protect what is most important (including in areas that have not yet been surveyed) would probably require consideration of traditional cultural resources based on tribal input, major waterways, and ethnographic/cultural landscapes.	The study team will assess methodology and coordination during ASR and EIS phases.

Purpose: Meet prior to formal scoping to present preliminary project information, answer questions, and discuss communication protocols going forward.	
Key Discussion Points/Action Items:	Responsible Party / Action Item
5. David recommended that the tribes be engaged early in the process including during alternatives development and screening. The group discussed accelerating some aspects of the cultural data collection work to the ASR phase and/or developing a sensitivity map during the ASR process.	The study team will assess methodology and coordination during ASR and EIS phases.
6. Potential bottlenecks within the study area from a cultural/historic perspective include the Gila River area, and Ironwood/Picacho Peak area. The area around the proposed Sonoran Valley Parkway is a potential opportunity area.	N/A
7. Lisa asked about the De Anza national Historic Trail, which the National Park Service maps as a wide swath through the study area. David responded that documentation of the De Anza trail is a corridor identified on the basis of historic documents and there is little physical evidence of the trail. He noted that prehistoric tribal trails cross the study area. He pointed out that foot trails are not constrained like vehicle trails and might have several paths in a broader corridor that converge at passes, watering holes, and other topographic constraints, and the physical evidence of trails often is found at such locations.	N/A
8. Mary-Ellen will be the point of contact for SHPO going forward; cc David Jacobs on correspondence. Letters regarding the Section 106 consultation process will be sent out in late May.	N/A
Next Meeting Date: TBD	

c Document Control

Attachments: Agenda, Handout

PRE-SCOPING MEETING WITH STATE HISTORIC PRESERVATION OFFICE

DATE & TIME: WEDNESDAY, APRIL 27, 2016 11:00AM- 12:00PM
SHPO OFFICE
1100 W WASHINGTON STREET
PHOENIX, AZ 85007

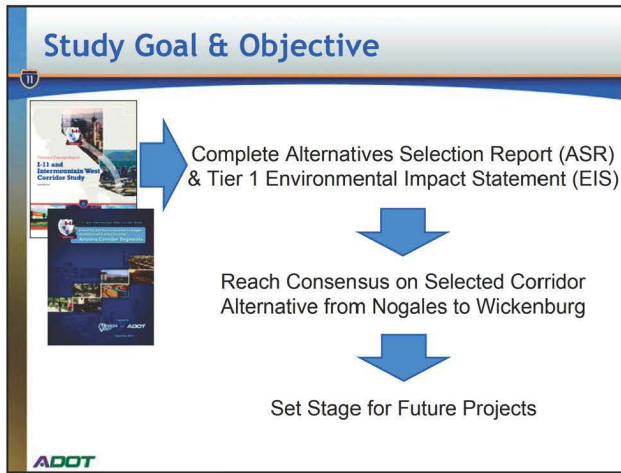
AND/OR
888-369-1427
CONFERENCE CODE 3520623#

* * * AGENDA * * *

1. Introductions and Purpose of Meeting
2. History of I-11 Corridor
3. Overview of Environmental Review and Section 106 Processes
 - a. Scoping/Initiate Section 106
 - b. Alternatives Selection Report
 - c. Tier 1 Environmental Impact Statement
4. SHPO Experience with Other Tier 1 EIS
5. Discussion of I-11 Corridor Issues Relevant to SHPO
6. On-Going Communication Protocols and Outreach Efforts
 - a. FHWA/ADOT and SHPO Coordination
 - b. Consulting Party Outreach and Involvement
7. Contact Information
 - a. Project E-Mail: I-11ADOTStudy@hdrinc.com
 - b. Toll Free Hotline: 1-844-544-8049 (Bilingual)
 - c. Website: <http://i11study.com/Arizona>
 - d. Mail: Interstate 11 Tier 1 EIS Study Team
c/o ADOT Communications
1655 W. Jackson St., MD 126F
Phoenix, AZ 85007
8. Other Issues or Items
9. Next Steps



Interstate 11 Corridor Tier 1 Environment Impact Statement OVERVIEW OF STUDY PROCESS



1

I-11 Corridor

- 280-Mile Study Area from Nogales to Wickenburg
- Initially Studied in Sections during ASR
 - ▶ South (Nogales to Casa Grande)
 - ▶ Central (Casa Grande to Buckeye)
 - ▶ North (Buckeye to Wickenburg)

2

Corridor Alternatives Studied in ASR

I-11 Corridor

Study Area varies in width from approximately 5 to 25 miles

280 Miles

I-11 Corridor Study Area (Nogales to Wickenburg)

Corridor Alternatives Studied within I-11 Corridor in ASR

Corridor Alternatives within the I-11 Corridor represent the approximate area needed to build & operate a proposed transportation facility, including potential highway, rail, & utility components.

3

Identifying Corridor Alternatives

STUDY AREA

Conduct Free-to-Roam Analysis Looking for Routes

ROUTE ANALYSIS

Identify Route Trends for Corridor Alternatives

CORRIDOR ALTERNATIVE

Evaluate & Refine Corridor Alternatives

Quantm will map potential routes for a proposed transportation facility within the I-11 Corridor between Nogales & Wickenburg. The proposed transportation facility could include potential highway, rail, & utility components.

Route trends will emerge for potential Corridor Alternatives. They will be analyzed & screened to reduce the number of recommended corridor alternatives that will advance into the Tier 1 EIS.

4

Recommended Corridor Alternatives Advance into Tier 1 EIS

2,000-Foot Corridor in Tier 1 EIS to Assess Social, Economic, & Natural Environment (i.e., Study Area)

Build Alternative

Segments of Independent Utility (SIU)

Proposed Transportation Facility

Recommended Corridor Alternatives will advance into the Tier 1 EIS as "Build" Alternatives to compare against a "No Build" Alternative (i.e., do nothing alternative).

Build Alternatives will have smaller, individual projects (or SIUs).

5

What Questions will Tier 1 EIS Answer?

- Primary Goal is to Reach Consensus on a Selected Corridor Alternative for the I-11 Corridor, including:
 - ▶ Defined Corridor between Nogales & Wickenburg for Proposed Transportation Facility
 - ▶ Type of Transportation Facility, including Potential Highway, Rail, & Utility Components
 - ▶ Footprint to Accommodate Proposed Transportation Facility
 - ▶ Smaller, Individual Projects (or SIUs) for Future Implementation

The Tier 1 EIS will Provide a Roadmap for Advancing These Individual Projects in the Future.

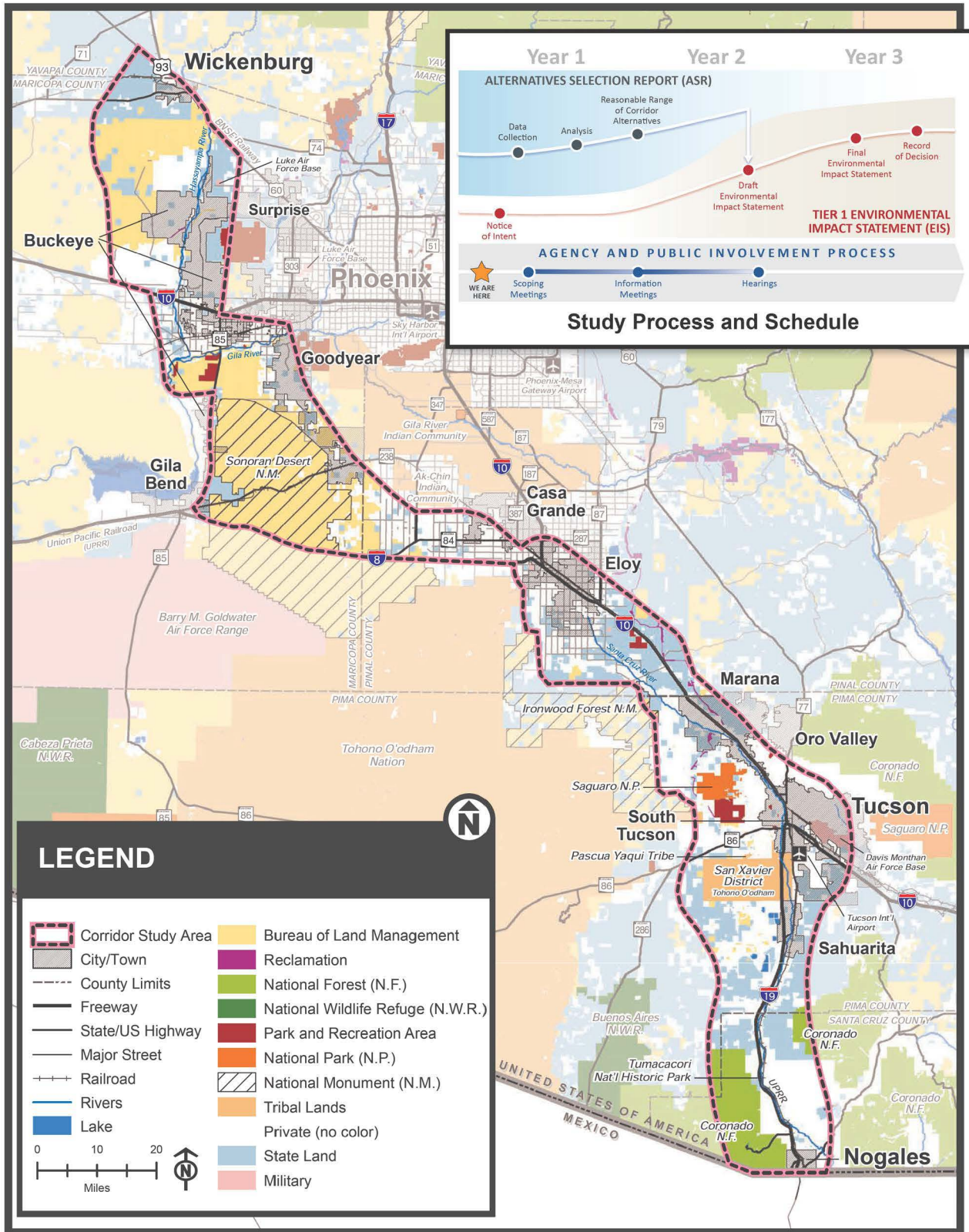
6





Interstate 11 Corridor Tier 1 Environment Impact Statement

I-11 CORRIDOR STUDY AREA



Project No. M5180 01P / Federal Aid No. 999-M[161]5



Interstate 11 Tier 1 EIS Study Team
 c/o ADOT Communications
 1655 W. Jackson Street, Mail Drop 126F
 Phoenix, AZ 85007

FOR MORE INFORMATION:
 1-844-544-8049
 i-11ADOTStudy@hdrinc.com
 i11study.com/Arizona



Letter from State Historic Preservation Office, June 7, 2016



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Doug Ducey
Governor

Sue Black
Executive Director



June 7, 2016

Karla S. Petty, Division Administration
U. S. Department of Transportation
Federal Highway Administration
4000 North Central Avenue, Suite 1500
Phoenix, Arizona 85012-3500

Attention: Rebecca Yedlin, FHWA Environmental Coordinator

Re: Multiple counties, I-11 Corridor; Alternatives Selection Report, Tier I Environmental Impact Statement (EIS); Federal Highway Administration (FHWA): SHPO-2014-0246(131230)

Dear Ms. Petty:

The Arizona State Historic Preservation Office (SHPO) accepts FHWA's invitation to be a Participating Agency in the Tier I EIS process for the I-11 Corridor between Nogales and Wickenburg in Santa Cruz, Pima, Pinal, Maricopa and Yavapai counties, Arizona. We understand that the Alternatives Selection Report (ASR) will assess a wide range of corridor alternatives, and that the corridor ranges from 5 to 25 miles wide between Nogales and Wickenburg, Arizona. At a pre-scoping meeting among FHWA, FHWA's environmental consultant, and SHPO on 27 April 2016, we had several comments that we wish to carry forward into this consultation.

1. We strongly recommend that FHWA include interested Native American Tribes in the selection of alternatives. This can be achieved, in part, through ethnographic studies completed early in the Tier 1 process to obtain Tribal perspectives about the 280-mile section of the transportation corridor, rather than later as mitigation to resolve adverse effects of the undertaking to resources and places of traditional cultural value.
2. We recommend that a full Class I inventory of the I-11 corridor, as currently defined, be completed as part of the ASR and Tier I EIS. As explained to us at the above-cited meeting, current plans call for the identification of only those cultural properties and landmarks listed in the National Register of Historic Places (NRHP), an approach that would significantly limit information about potential culturally- and archaeologically-sensitive areas.
3. We advocate preservation of NRHP-eligible and listed resources by using existing infrastructure, where possible, rather than new construction.


State Historic Preservation Office

1100 W. Washington St | Phoenix, AZ 85007 | 602.542.4009 | AZStateParks.com

"Managing and conserving natural, cultural, and recreational resources for the benefit of the people, both in our Parks and through our Partners."

We look forward to working with you on this project. Please contact me by telephone, 602.542.7120, or email, mwalsh@azstateparks.gov, if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Mary-Ellen Walsh".

Mary-Ellen Walsh, M.A. RPA
Archaeological Compliance Specialist
State Historic Preservation Office



I-11 Cultural Resources Update Meeting Notes, September 14, 2016



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I-11 Cultural Resources Update Meeting

Wednesday September 14, 2016

2:00 – 3:00 PM

ADOT, 1611 Small Conference Room

Attendees: Rebecca Yedlin, Lauren Clementino, Jay Van Echo, Mary-Ellen Walsh, David Jacobs, Aryan Lirange

Meeting Summary

Lauren opened the meeting with an overview of the agenda. The purpose of the meeting was to follow up with SHPO after the agency scoping meeting. Introductions were made. Mary-Ellen stated that she will be the lead SHPO contact for this project.

Lauren provided an overview of the Section 106 process to date including 88+ consulting parties. The project team had not received any comments on the cultural methodology. GRIC was the only tribe to date to request a meeting with the team.

The Cultural Resources Density Area maps were presented at the meeting. Lauren explained what data was used to prepare the map. Archaeology Southwest provided the team with the sensitivity areas shown as blue on the map within the southern portion of the study area. Mary-Ellen suggested that the team contact Pima County and the City of Tucson for more archaeological information in the form of GIS map layers. Lauren also explained that some areas labelled on the map as “un-surveyed” may have actually been surveyed on tribal lands, but not recorded in ADOT’s data bases. ACS, the project team’s sub consultant searched AZSITE for the entire study area. The density maps do not reflect the type of sites.

David Jacobs noted that many times archaeological sites are located near water sources such as washes and natural drainage features.

David and Mary-Ellen appreciated that the team is reaching out to the tribes early and agreed that the team is headed in the right direction regarding the Section 106 approach.

Jay Van Echo and Aryan Lirange explained the study timeframe and that there is no funding currently planned for the next phase of the study.



I-11 Cultural Resources Update Meeting Notes, April 16, 2018



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I-11 Cultural Resources Update Meeting

Monday, April 16, 2018

1:00 – 2:15 PM

ADOT, 1611 Large Conference Room

Attendees: Rebecca Yedlin (FHWA), Aryan Lirange (FHWA), Linda Davis (ADOT), Jay Van Echo (ADOT), Katie Rodriguez (ADOT), Carlos Lopez (ADOT), Mary-Ellen Walsh (SHPO, by phone), David Jacobs (SHPO by phone), Shearon Vaughn (ADOT, meeting notes)

Meeting Summary

Rebecca Yedlin opened the meeting at 1 p.m. Introductions around the table, with David and Mary-Ellen on the phone.

Jay Van Echo: This project has been in progress since the Notice of Intent in May 2016. Public scoping plans and purpose and need were developed, and public meetings were held. For the draft EIS, the team whittled it down from a universe of alternatives to a reasonable range of manageable alternatives (see *Options Combined...* figure). Figure shows project end-to-end, Nogales to Wickenburg. Team is now in the throes of developing the draft EIS and hope to finish the draft by late summer or early fall of 2018. Then with a year to address comments on the draft, the Final EIS should be complete by fall of 2019, followed by a Record of Decision by the end of 2019. Consideration will be given on the end-to-end project but also look at options and details within the project corridor(s).

Rebecca discussed the three corridor alternatives shown on the figure noted above, orange, green and purple. The Orange Corridor Alternative Option B goes through Tucson, impacting many historic resources. Rebecca introduced the map of *Section 4(F) Properties in the South Section* and accompanying table of I-11 Alternatives within Tucson.

Jay emphasized that engineering has not laid out details at this stage of the work but very generally:

- Alternative 1 largely widens what is there already and impacts many historic districts and neighborhoods.
- Alternative 2 involves elevated express lanes from roughly I-19 north to Prince Road. This minimizes properties being taken but has huge visible impacts.

- Alternative 3 is a collector-distributor design with frontage roads realigned outside of the right-of-way envelope and more formal access control, affecting local business access the most.
- Alternative 4 proposed tunneling below grade, which would be very expensive and possible affect the Santa Cruz River adjacent.

Rebecca asked Mary-Ellen and David how familiar they are with the barrios and districts in Tucson. David said he is very familiar, Mary-Ellen is not so familiar.

Linda introduced two aerial pdf figures of the Tucson area, one showing overview of greater Tucson with the alternatives, and one more detailed of Alternative B with sites (prehistoric and historic). There are also multiple figures showing the Barrio Anita Historic District, the Barrio El Membrillo, and the El Paso and Southwestern Railroad District, both aerial and street views.

David mentioned that archaic sites there are buried very deep, often several meters down. Linda said that this is known and that Tier 2 projects would take it into account.

Rebecca introduced the table Parks, Recreation Areas, and Wildlife/Waterfowl Refuges in Project Corridor, a list of 4(f) properties under consideration. Whichever alternative is chosen will affect some properties, some more than others, though the goal is to find the least harm. Alternative B has the most impacts. SHPO is the official with jurisdiction.

David asked about trying to objectify this analysis and how it is going to be done. Will values be assigned, and where will this classification come from?

Rebecca said they are hoping not to have to do that, and to use a more qualitative approach with no numeric values. There will likely be adverse effects with any alternative but the team is trying to find a way not to rise to a formal Adverse Effect during the Tier 1.

Jay said that even with 8 lanes each way on both I-10 and I-19 more lanes will be needed eventually, maybe 12 lanes by 2040. This will be a continuing process. He noted that many communities are eliminating overhead viaducts now, due partly to vulnerability.

David asked if the railroad was (as he suspected) non-touchable?

Jay said yes.

Aryan said that the UPRR is not adjacent until Speedway Boulevard and up to Picacho, so not a big factor. But if David meant the historic EPSW rail district, it is not an active rail line.

David said he likes the elevated lanes personally, and doesn't want to widen the existing.

Rebecca agreed that there are a lot of resources along there that would be affected.

David returned to the quantification of resources. There are known archaeological sites and historic built structures, as well as the unknowns out in the not-surveyed-but-modelled areas. And people like water, and this project is close to the Santa Cruz River. What kind of categories would be used?

Jay said quantifying would be like comparative analysis: C vs D. There are less obvious resources on D largely because there are larger unsurveyed areas.

David said that there would be archaic sites out there, which are less known anyway. Sometimes projects closer in went right through later materials to get to the less known archaic sites.

Mary-Ellen said we would need a sampling strategy to rule things out.

David said when a system is decided, it should be used on other projects as a model.

Linda noted that these alternatives in the draft EIS are 2000' foot wide alignments, and there will be multiple Tier 2 project later on, involving CEs, EAs, or EISs as appropriate. They will narrow to approximately 400' or less rights-of-way. We may be able to weave and avoid sites as needed. The Class I literature reviews and records search for both historic structures and archaeology will be sent out in consultation soon. The usual sources were accessed as well as input from tribes. The Class I reports will have smaller maps and aggregated tables, with KMZ files on a CD with the details. The KMZ files allow the consulting party to zoom in and study details. For the large area not yet surveyed, modeling looked at results of prior surveys in adjacent areas, historic maps and aerial photos, landforms, hydrology, and geology to assess the potential unrecorded sites.

Mary-Ellen mentioned she has seen a BLM predictability modelling project which could be used for quantification.

Linda said that the team used something similar for modeling, categorizing as low potential, moderate potential, and high potential.

Mary-Ellen said she has no further questions on this and will send Linda the BLM modelling to look at.

Rebecca said that there is no quantification in the Tier 1 study. That will be done in Tier 2.

Jay said that the next phase of work will give another chance to investigate the alternatives.

Rebecca asked if there were any more questions on the methodology

David and Mary-Ellen said this is similar to work done before, but they are concerned about the lack of information on the other two alternatives. Mary-Ellen said there will still be ground-proofing on the modelling results to help avoid as much as possible.

Jay said he has been through three I-10 widening projects and meetings with the barrios down in Tucson. We've already done a lot of work there and have a good foundation. He mentioned it's like death by a thousand cuts, slicing up those barrios little by little.

Mary-Ellen agreed.

Jay said the team is sensitive to the issues.

David said to remember that when the railroad first arrived, it needed a certain location and the community shifted to adjust, and then the freeway arrived and things change again. Traffic is still an issue, and there will always be hostile crowds. We do our best to identify interested parties for consultation, but if they don't step up their voice is not heard. He thinks we need evaluations early for prehistoric and historic period resources.

Mary-Ellen asked what kind of sites are in the areas not already surveyed? Better to get as much info as possible early.

Rebecca said the Draft PA will include strategies for the Tier 2 work.

Jay noted that the PA and the Tier 1 will provide a roadmap. The congestion issues are especially true in Tucson.

Rebecca says the Class I reports will go out soon, at the same time, but separate reports. Look at them and we can meet again

Linda said the PA will be out soon, too.

Mary-Ellen and David had no more to discuss.

The meeting closed at 2 p.m.

Post meeting discussion: It was generally felt that SHPO didn't seem to have any real issues with the methodology. The chance of predictability studies coming up with more 4(f) properties is unlikely. Team has asked tribes about TCPs. The 2000-foot alignments could be moved, per Jay, if absolutely needed. It was noted that David favors the elevated alternative, despite the fact that it would also have an adverse effect and be less prudent. He sees it as less impact.



FHWA, ADOT, and SHPO I-11 Coordination Meeting Notes, November 7, 2018



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FHWA, ADOT AND SHPO I-11 COORDINATION MEETING

**WEDNESDAY, NOVEMBER 7, 2018
8:00 AM**

**ADOT ENVIRONMENTAL PLANNING OFFICE
1611 W JACKSON STREET
PHOENIX, AZ 85007**

*** * * MEETING NOTES * * ***

Introductions

Aryan Lirange, FHWA
Rebecca Yedlin, FHWA
Jay Van Echo, ADOT
Katie Rodriguez, ADOT
Linda Davis, ADOT
Erin Davis, SHPO

General I-11 Tier 1 EIS and Section 106 Status Update

Jay provided a general overview and status update of the I-11 Tier 1 EIS project and the process that has been followed for the Tier 1 Draft EIS.

Linda provided an update of the Section 106 process and tasks that have been completed and are in process, including the Programmatic Agreement, Class I, and ongoing coordination with Tribes.

Discussion of I-11 Impacts through South Section

Rebecca and Jay discussed the alternatives analysis and the alternatives being evaluated in the DEIS. Jay explained each of the alternatives and attributes by section (South, Central, North) and the evaluation of impacts that have occurred within the 2,000 foot corridor .

Rebecca communicated that the focus of the meeting was to discuss the potential Section 4(f) impacts in the South Section of project with SHPO and agree to potential impact determinations. Rebecca also discussed the various types of Section 4(f) impacts that are discussed in the DEIS, including the language regarding “accommodation in corridor.” The language was discussed and it was agreed the language for accommodation in the corridor was appropriate for the Tier 1 level of effort.

Tables and maps were provided to all meeting attendees to aid in the discussion of the Section 4(f) properties within the Southern section build corridor alternatives. FHWA preliminary determinations regarding accommodations or avoidance of Section 4(f) properties were discussed, and that direct impacts to Section 4(f) properties along I-19 are a low risk. SHPO agreed that direct impacts are a low risk for the Section 4(f) properties along I-19, and that Tier 2 projects would address any potential indirect and/or visual effects, with consideration to the fact that I-19 and existing development is already in place through these areas.

The discussion continued into the potential effects of Section 4(f) properties within the I-10 downtown Tucson area. Aryan discussed the potential design options through downtown Tucson, which includes tunneling, elevated structures, and widening. Rebecca and Linda discussed the various Section 4(f) properties and districts that were identified through the Downtown Tucson area and the potential direct and indirect impacts to each property and district. SHPO agreed that the potential effects from the indirect, direct, and cumulative impacts could be substantial with any of the potential design options discussed. SHPO also stated that the design options do not provide any opportunities for avoidance or minimization due to the location and the built environment, and would likely result in Section 106 adverse effects.

Linda discussed the previous comments provided by the City of Tucson and SHPO, as well as the need for future discussions following the Notice of Availability (NOA) for the I-11 DEIS in early 2019. Rebecca and Linda also stated that FHWA would send a formal letter to SHPO regarding the discussion of Section 4(f) impacts and the assessment for SHPO concurrence.

Rebecca mentioned the desire for additional coordination with the historic districts in Downtown Tucson, and asked if SHPO had any contacts for the various communities, since ADOT and FHWA would like to receive comments from them for the project as well.

Property Name	Classification	Build Corridor Alternative	Official(s) with Jurisdiction	NRHP Eligibility	Use Finding	Avoidance Options Considered
Southern Pacific Railroad (now Union Pacific), including Phoenix Main Line (AZ A:2:40(ASM))	Historic railroad corridor (1865-1988)	Crosses Purple, Green, and Orange Corridor Alternatives	SHPO	Some segments determined NRHP-eligible, Criterion A for association with the expansion of rail travel.	No use - grade-separate	Not applicable
Arizona Southern Railroad – railroad grade AZ AA:10:19(ASM)	Historic railroad corridor (1904-1933)	Crosses Purple, Green, and Orange Corridor Alternatives	SHPO	Some segments determined NRHP-eligible, Criterion A for association with the movement of mined materials.	No use - grade-separate	Not applicable
Canoa Ranch Rural Historic District (Hacienda de la Canoa, Raul M. Grijalva Canoa Ranch Conservation Park)	Historic site (1912-1951) and recreation area	Partially in Orange and Green Corridor Alternatives	SHPO	Listed in 2016, Criterion A for association with cattle ranching in AZ and C for cluster of features associated with the headquarters of an early ranching and agriculture operation.	No use – accommodate through a commitment to avoid the property during the tier 2 projects	Not applicable

Property Name	Classification	Build Corridor Alternative	Official(s) with Jurisdiction	NRHP Eligibility	Use Finding	Avoidance Options Considered
Tumacacori National Monument and Museum (National Historical Park)	Historic site (three 17th and 18th Century missions and museum complex)	Partially in Purple, Green, and Orange Corridor Alternatives	NPS, SHPO	NHL-listed in 1987, Criterion A for association with Spanish Colonial Jesuit mission period (17th and 18th Centuries) and Criterion C for Mission and Spanish Colonial architecture.	No use – accommodate through a commitment to avoid the property during the tier 2 projects	Not applicable
Agustin del Tucson Mission site, AZ BB:13:6(ASM)	Homestead	Partially in Orange Corridor Alternative	SHPO	NRHP-eligible, Criterion A for significance as mission settlement.	No use – accommodate through a commitment to avoid the property during the tier 2 projects	Not applicable

Property Name	Classification	Build Corridor Alternative	Official(s) with Jurisdiction	NRHP Eligibility	Use Finding	Avoidance Options Considered
Barrio El Hoyo Historic District	Historic neighborhood (1908-1950)	Partially in Orange Corridor Alternative	SHPO	-listed in 2008, Criterion A as an early, garden neighborhood along the Santa Cruz River, Criterion C for its collection of residential structures built in 1908-1950 in the Sonoran style.	Potential use	<p>An alignment shift moving the roadway alignment away from the Historic District would result in the use of one or more Section 4(f) Properties. Thus, alignment shift is not considered an avoidance alternative.</p> <p>Tunneling was considered as a means to avoid the Historic District. Found it is not an avoidance alternative due to construction of tunnel vents and access facilities, and potential disturbance from staging areas. Cost of 6 miles of tunnel would add \$5.1 billion to the projected overall capital costs.</p> <p>Elevated lanes (bridges) were considered to avoid impacts to the Historic District. The elevated lanes would go over existing interchanges, creating a third level at a minimum of seven locations. Elevated lanes would avoid direct impacts, but would likely result in indirect adverse visual and noise impacts. Cost of elevated lanes would add \$1 billion to the overall capital costs.</p>

Property Name	Classification	Build Corridor Alternative	Official(s) with Jurisdiction	NRHP Eligibility	Use Finding	Avoidance Options Considered
Barrio El Membrillo Historic District	Historic neighborhood (1920's)	In Orange Corridor Alternative	SHPO	NRHP-listed in 2009, Criterion A as an historic Hispanic neighborhood along the Santa Cruz River, Criterion C for its collection of residential structures built in the 1920s in the Sonoran style.	Potential use	<p>An alignment shift moving the roadway alignment away from the Historic District would result in the use of one or more Section 4(f) Properties. Thus, alignment shift is not considered an avoidance alternative.</p> <p>Tunneling was considered as a means to avoid the Historic District. Found it is not an avoidance alternative due to construction of tunnel vents and access facilities, and potential disturbance from staging areas. Cost of 6 miles of tunnel would add \$5.1 billion to the projected overall capital costs.</p> <p>Elevated lanes (bridges) were considered to avoid impacts to the Historic District. The elevated lanes would go over existing interchanges, creating a third level at a minimum of seven locations. Elevated lanes would avoid direct impacts, but would likely result in indirect adverse visual and noise impacts. Cost of elevated lanes would add \$1 billion to the overall capital costs.</p>
El Paso & Southwestern Railroad District	Historic building (1913) and associated structures and features	In Orange Corridor Alternative	SHPO	Depot building was NRHP-listed in 2004, Criterion A for its association with railroad transportation and mining in AZ and C for its Classical Revival style. District determined NRHP-eligible under Criterion A for railroad association.	No use – accommodate through a commitment to avoid the property during the tier 2 projects	Not applicable

Property Name	Classification	Build Corridor Alternative	Official(s) with Jurisdiction	NRHP Eligibility	Use Finding	Avoidance Options Considered
Menlo Park Historic District	Historic neighborhood (1877-1964)	Partially in Orange Corridor Alternative	SHPO	NRHP-listed in 2010, Criterion A as an Anglo-European/American neighborhood, Criterion C for its mix of Spanish Colonial Revival, Craftsman bungalow, prairie, post-World War II ranch, and Mid-Century Modern architectural styles.	Potential use	<p>An alignment shift moving the roadway alignment away from the Historic District would result in the use of one or more Section 4(f) Properties. Thus, alignment shift is not considered an avoidance alternative.</p> <p>Tunneling was considered as a means to avoid the Historic District. Found it is not an avoidance alternative due to construction of tunnel vents and access facilities, and potential disturbance from staging areas. Cost of 6 miles of tunnel would add an estimated \$5.1 billion to the projected overall capital costs.</p> <p>Elevated lanes (bridges) were considered to avoid impacts to the Historic District. The elevated lanes would go over existing interchanges, creating a third level at a minimum of seven locations. Elevated lanes would avoid direct impacts, but would likely result in indirect adverse visual and noise impacts. Cost of elevated lanes would add \$1 billion to the overall capital costs.</p>

Property Name	Classification	Build Corridor Alternative	Official(s) with Jurisdiction	NRHP Eligibility	Use Finding	Avoidance Options Considered
Levi H. Manning House	Historic site (1908)	In Orange Corridor Alternative	SHPO	NRHP-listed in 1979, Criterion C for its combination of southwestern styles and association with former Tucson Mayor Levi Manning and architect Henry Trost.	Potential use	<p>An alignment shift moving the roadway alignment away from the Historic District would result in the use of one or more Section 4(f) Properties. Thus, alignment shift is not considered an avoidance alternative.</p> <p>Tunneling was considered as a means to avoid the Historic District. Found it is not an avoidance alternative due to construction of tunnel vents and access facilities, and potential disturbance from staging areas. Cost of 6 miles of tunnel would add \$5.1 billion to the projected overall capital costs.</p> <p>Elevated lanes (bridges) were considered to avoid impacts to the Historic District. The elevated lanes would go over existing interchanges, creating a third level at a minimum of seven locations. Elevated lanes would avoid direct impacts, but would likely result in indirect adverse visual and noise impacts. Cost of elevated lanes would add \$1 billion to the overall capital costs.</p>
Barrio El Presidio	Historic neighborhood (1860-1920)	Partially in Orange Corridor Alternative	SHPO	NRHP-listed in 1976, Criterion A as originally an 18th Century Spanish village, subsequent Mexican village, Criterion C for architecture in Sonoran, Transitional, American Territorial, Mission Revival, and Craftsman Bungalow styles.	No use – accommodate through a commitment to avoid the property during the tier 2 projects	Not applicable

Property Name	Classification	Build Corridor Alternative	Official(s) with Jurisdiction	NRHP Eligibility	Use Finding	Avoidance Options Considered
Barrio Anita Historic District	Historic neighborhood (1903)	Partially in Orange Corridor Alternative	SHPO	NRHP-listed in 2011, Criterion A began as a Hispanic barrio in 1920, named after Annie Hughes, sister of Sam Hughes, Criterion C for architecture in Sonoran, Territorial and Queen Anne styles.	Potential use	<p>An alignment shift moving the roadway alignment away from the Historic District would result in the use of one or more Section 4(f) Properties. Thus, alignment shift is not considered an avoidance alternative.</p> <p>Tunneling was considered as a means to avoid the Historic District. Found it is not an avoidance alternative due to construction of tunnel vents and access facilities, and potential disturbance from staging areas. Cost of 6 miles of tunnel would add \$5.1 billion to the projected overall capital costs.</p> <p>Elevated lanes (bridges) were considered to avoid impacts to the Historic District. The elevated lanes would go over existing interchanges, creating a third level at a minimum of seven locations. Elevated lanes would avoid direct impacts, but would likely result in indirect adverse visual and noise impacts. Cost of elevated lanes would add \$1 billion to the overall capital costs.</p>
Ronstadt-Sims Warehouse	Historic site (1920)	Outside/adjacent to Orange Corridor Alternative	SHPO	NRHP-listed in 1989, Criterion A for agricultural association, Criterion C post-railroad Sonoran style and engineering technology; non-contiguous contributor to John Spring Neighborhood District and John Spring Multiple Resource Area.	No use	Not applicable

Property Name	Classification	Build Corridor Alternative	Official(s) with Jurisdiction	NRHP Eligibility	Use Finding	Avoidance Options Considered
US Department of Agriculture Plant Materials Center	Historic site (1934)	Partially in Orange Corridor Alternative	SHPO	NRHP-listed in 1997, Criterion A for its operation as a producer of nursery stock and seeds for regional soil stabilization and conservation projects.	No use – accommodate through a commitment to avoid the property during the tier 2 projects	Not applicable
Cortaro Farms Canal/Cortaro-Marana Irrigation District Canal	Historic water conduit (1920)	Crosses Purple and partially in Orange Corridor Alternative	SHPO	NRHP-eligible, Criterion A for its significant contribution to the expansion of irrigated agriculture in the region.	No use - grade-separate	Not applicable
Julian Wash Archaeological Park	Sculpture garden within the Julian Wash Archaeological site and site of the former St. Luke's Orphanage	Large portion in Orange Corridor Alternative	City of Tucson SHPO		No use – grade separated and accommodate through a commitment to avoid the property during the tier 2 projects	Not applicable

Property Name	Classification	Build Corridor Alternative	Official(s) with Jurisdiction	NRHP Eligibility	Use Finding	Avoidance Options Considered
Tumamoc Preserve	Nature preserve and National Historical Landmark	Within Study Area; approximately 3,800 ft. west of Orange Corridor Alternative	University of Arizona		No use	Not applicable



Letter to State Historic Preservation Office, Arizona State Parks, Concurrence Received
November 23, 2018



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U.S. Department
of Transportation
Federal Highway
Administration

ARIZONA DIVISION

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SHPO - 2014 - 0246(145935)
ARIZONA STATE HISTORIC PRESERVATION OFFICE

November 21, 2018

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PRESERVATION OFFICE

In Reply Refer To:

999-M(161)
TRACS No. 999 SW 0 M5180 01P
I-11, I-19/SR 189 to US 93/SR 89
I-11 Corridor Tier 1 EIS

Section 106 and Section 4(f) Continuing Consultation:
Potential Impacts to Properties within the metro-Tucson Area

Ms. Erin Davis, Compliance Specialist
State Historic Preservation Office, Arizona State Parks
1100 West Washington Street
Phoenix, Arizona 85007

Dear Ms. Davis:

The Federal Highway Administration (FHWA) and Arizona Department of Transportation (ADOT) are preparing a Tier 1 Environmental Impact Statement (Tier 1 EIS) for the Interstate 11 (I-11) Corridor between Nogales and Wickenburg, Arizona. The I-11 Corridor study area includes portions of the Santa Cruz, Pima, Pinal, Maricopa, and Yavapai counties. The FHWA is the Federal Lead Agency and ADOT is the Local Project Sponsor for the Tier 1 EIS. To make the project eligible for federal funds, the project is being assessed as an undertaking and will be subject to review pursuant to Section 106 of the National Historic Preservation Act. Land ownership of the project area has yet to be determined since corridor alternatives are still under development.

FHWA and ADOT met with the State Historic Preservation Office (SHPO) on Wednesday, November 7, 2018 to discuss the potential impacts to and FHWA's recommendations regarding the adverse effects to historic properties afforded Section 4(f) protection within the proposed Build Corridor Alternatives in the southern section encompassing the metro-Tucson area of which SHPO is the official with jurisdiction. Meeting notes are enclosed for your review and comment. Additionally, a table containing information on the historic properties within the three proposed build corridor alternatives discussed at the meeting is enclosed.

Five historic properties within the proposed Orange Build Corridor Alternative, Option B along Interstate 19 (I-19) and I-10 through the metro Tucson area would potentially be adversely affected and may result in a Section 4(f) use. Three historic properties within the Orange Build Corridor Alternative, Option B would be grade separated, thus no adverse effects/Section 4(f) use. Six historic properties within the Orange Build Corridor Alternative, Option B would be accommodated through a commitment to avoid the properties during the tier 2 projects. Thus, there would be no adverse effects/Section 4(f) use. One historic property would be grade separated and also accommodated through a commitment to avoid the property during the tier 2 projects, thus no adverse effects/Section 4(f) use. Two historic properties are located outside the 2,000 foot wide build corridor alternative, thus they would not be adversely affected and there

would be no Section 4(f) use. SHPO agreed with these recommendations and commitments at the meeting.

One historic property is located within the proposed Green Build Corridor Alternative, Option D that is co-located with Interstate 19 (I-19) to a point near El Toro Road in Sahuarita where it diverts to the west to Sandario Road and continues north. This property would be accommodated through a commitment to avoid the property during the tier 2 projects. SHPO agreed with this commitment at the meeting.

The Purple Build Corridor Alternative, Option C is co-located with I-19 to Elephant Head Road, then diverts to the west to Sandario Road and continues north. No historic properties afforded protection under Section 4(f) are located within the Purple Build Corridor Alternative, Option C.

The Green Build Corridor Alternative, Option D and the Purple Build Corridor Alternative, Option C would adversely impact the Tucson Mitigation Corridor (TMC), a wildlife refuge that is afforded protection under Section 4(f). Coordination is ongoing between FHWA, ADOT, and the official with jurisdiction, the Bureau of Reclamation, in an effort to achieve a net benefit finding for the TMC as part of a Preliminary Nationwide Programmatic Section 4(f) Evaluation. Proposed mitigation measures would protect and enhance wildlife connectivity and movements across the proposed Green Build Corridor Alternative, Option D and the Purple Build Corridor Alternative where they cross the TMC.

Widening of Interstate 10 (I-10) from 8 lanes to 12 lanes through downtown Tucson (Orange Build Corridor Alternative, Option B) would result in adverse effects (direct and/or indirect) to historic buildings and districts. Because these adverse effects cannot be mitigated, the following design options and recommendations to avoid these adverse effects were discussed at the meeting.

The evaluated design avoidance alternatives for Orange Build Corridor Alternative, Option B include alignment shifts, tunneling, and elevated lanes. There was not an alignment shift that would avoid historic buildings and districts because any shift to avoid a resource would result in additional direct impacts to one or more other historic buildings and districts. Surface structures (vents, emergency access, etc.) associated with tunneling portions of I-10 through downtown Tucson would potentially result in adverse effects to historic buildings and districts and therefore be a Section 4(f) use. These surface structures would also adversely affect subsurface archaeological resources. Although it is recognized that cost is not the foremost factor, the tunneling option would not be prudent due to cost. While elevated lanes along I-10 through downtown Tucson would likely avoid direct impacts, they would create a third level of roadway at a minimum of seven interchange locations resulting in potential adverse indirect visual and noise impacts to historic buildings and districts, and therefore be a Section 4(f) use. While it is recognized that cost is not the foremost factor, the elevated lanes would not be prudent due to cost.

Please review and comment on the enclosed meeting notes, table, and the information provided in this letter. If you have any comments or changes, please respond in writing and return to Rebecca Yedlin at the address in the letterhead or email Rebecca.Yedlin@dot.gov. If you concur

with the recommendations and commitments made at the November 7, 2018 meeting and in this letter, please indicate your concurrence by signing below and return to Rebecca Yedlin. If you have any questions or concerns, please feel free to contact Linda Davis at (602) 712-8636 or email ldavis2@azdot.gov.

Sincerely,



Karla S. Petty
Division Administrator



Signature for SHPO Concurrence
999-M(161)



Date

Enclosures

ecc:
RYedlin
LDavis

NOV 28 2018



Letter to State Historic Preservation Office, Arizona State Parks, Concurrence Received
December 19, 2018



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December 19, 2018

In Reply Refer To:



999-M(161)
TRACS No. 999 SW 0 M5180 01P
I-11, I-19/SR 189 to US 93/SR 89
I-11 Corridor Tier 1 EIS

Section 106 and Section 4(f) Continuing Consultation:
Revised Potential Impacts to Properties within the metro-Tucson Area

Ms. Erin Davis, Compliance Specialist
State Historic Preservation Office, Arizona State Parks
1100 West Washington Street
Phoenix, Arizona 85007

Dear Ms. Davis:

On November 21, 2018 the Federal Highway Administration (FHWA) consulted with the State Historic Preservation Office (SHPO) regarding the potential impacts to and FHWA's recommendations regarding the adverse effects to historic properties afforded Section 4(f) protection within the proposed Build Corridor Alternatives in the southern section encompassing the metro-Tucson area of which SHPO is the official with jurisdiction (Petty [FHWA] to Davis [SHPO] SHPO concurrence November 23, 2018).

Since the November 21st meeting, the project team refined the footprint of the proposed Orange Build Corridor Alternative, Option B along Interstate 10 (I-10) through the metro Tucson area in an effort to make a more definitive determination of potential impacts. As a result of this analysis, impacts to some historic properties have changed. A revised table containing information on the historic properties included in the original consultation with the changes highlighted in yellow and a figure are included to assist you in your review.

The refinement resulted in changes to the potential impacts to three historic properties within the proposed Orange Build Corridor Alternative, Option B along I-10 through the metro Tucson area:


- The Barrio El Hoyo Historic District and the Menlo Park Historic District are now located on the outer fringes of the footprint and would be avoided through accommodation. Thus there now would be no adverse effects or Section 4(f) use.
- The boundary of the El Paso and Southwestern Railroad District was revised. The original boundary included only the National Register of Historic Properties (NRHP) listed railroad station because the original Section 4(f) methodology included only NRHP listed properties. A NRHP nomination has been drafted for a larger El Paso and Southwestern Railroad District that is considered eligible. Because nomination of the district is in process and the City of Tucson includes the District on their website as a pending NRHP District, the decision was made to include the eligible District in the analysis. A roundhouse and areas of the abandoned railroad corridor that are contributing

properties to the El Paso and Southwestern Railroad District would potentially be adversely affected and may result in a Section 4(f) use.

The refinement of the footprint was only analyzed within the Orange Build Corridor Alternative, Option B along I-10. There are no changes to potential impact to historic properties or FHWA's recommendations along the Purple Build Corridor Alternative, Option C or the Green Build Corridor Alternative, Option D

Please review the enclosed table, figure, and the information provided in this letter. If you have any comments, please respond in writing and return to Rebecca Yedlin at the address in the letterhead or email Rebecca.Yedlin@dot.gov. If you concur with FHWA's recommendations, please indicate your concurrence by signing below and return to Rebecca Yedlin. If you have any questions or concerns, please feel free to contact Linda Davis at (602) 712-8636 or email ldavis2@azdot.gov.

Sincerely,


for Karla S. Petty
Division Administrator



Signature for SHPO Concurrence
999-M(161)



Date

Enclosures

ecc:
RYedlin
LDavis



Arizona State Land Department



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Pre-Scoping Meeting with Arizona State Land Department, April 14, 2016



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MEETING PURPOSE: Pre-Scoping Meeting with Arizona State Land Dept. (ASLD)

DATE & TIME: April 14, 2016, 2:00 PM

LOCATION: ASLD, 1616 West Adams, Phoenix

ATTENDEES: Joshua Fife (ADOT), Joanie Cady (ADOT), Michael Kies (ADOT), Aryan Lirange (FHWA), Jennifer Pyne (AECOM), Jay Van Echo (ADOT), Rebecca Yedlin (FHWA), Micah Horowitz (ASLD), Max Masel (ASLD), Mike Dennis (ASLD), Michelle Green (ASLD), Mark Edelman (ASLD), Ruben Ojeda (ASLD), Alan Hansen (FHWA)

MEETING NOTES

Purpose:	
Meet prior to formal scoping to present preliminary project information, answer questions, and discuss communication protocols going forward.	
Key Discussion Points/Action Items:	Responsible Party / Action Item
1. Rebecca Yedlin initiated the meeting and Jay van Echo provided a history of the I-11 Corridor.	N/A
2. The Notice of Intent (NOI) is expected to publish in May 2016, and public and agency scoping meetings will be scheduled. The Tier 1 EIS will build upon the prior studies and PEL. Jennifer Pyne provided an overview of the environmental process that will be initiated. The group discussed that the Tier 1 ROD would clear a 2000 foot corridor based on typical sections. The level of the analysis will match the level of project definition. A refined alignment within this corridor would be cleared as part of subsequent Tier 2 NEPA analysis.	N/A
3. The I-11 study team intends to disclose in the NOI that a combined FEIS and ROD will be pursued unless statutory or practicability considerations preclude this option pursuant to MAP-21 and FAST Act. Discussion noted that a preferred alternative would need to be identified in the DEIS to enable the combined FEIS/ROD.	N/A
4. ASLD is most interested in providing input on where to direct the I-11 location, to best leverage economic development opportunities. They would prefer to not create isolated state land parcels that would be more difficult to sell or lease. ASLD completes five year plans, but most properties that are considered within that timeframe are in more urbanized areas. It is expected that state trust land within the I-11 study area would take longer to develop since it is generally more rural in nature. Typically the development of state land follows private or other	Jennifer Pyne will provide a shapefile of the study area boundary so ASLD can begin to assess its resources within the boundary.

Purpose:	
Meet prior to formal scoping to present preliminary project information, answer questions, and discuss communication protocols going forward.	
Key Discussion Points/Action Items:	Responsible Party / Action Item
investment in an area.	
5. It was asked if the study would identify the spacing and number of interchanges, but it is expected that this analysis would largely consider typical sections and more detailed concepts would follow as part of a subsequent phase.	N/A
6. The group discussed whether ALSD would 'preserve' lands that are identified within a preferred corridor. Generally that would not occur, but ALSD would look at sales on a case by case basis. ALSD does not support sales for land speculation.	N/A
7. Mark Edelman and Ruben Ojeda are the points of contact for ALSD. Invitation letters should be sent to them. ALSD was a participating agency on the North-South corridor, and expect to be involved in this project similarly.	Participating agency letters to be sent in late May 2016.
Next Meeting Date: TBD	

c Document Control

Attachments: Agenda, Handout

PRE-SCOPING MEETING WITH ARIZONA STATE LAND DEPARTMENT

THURSDAY, APRIL 14, 2016
2:00 PM

1616 WEST ADAMS
PHOENIX, AZ

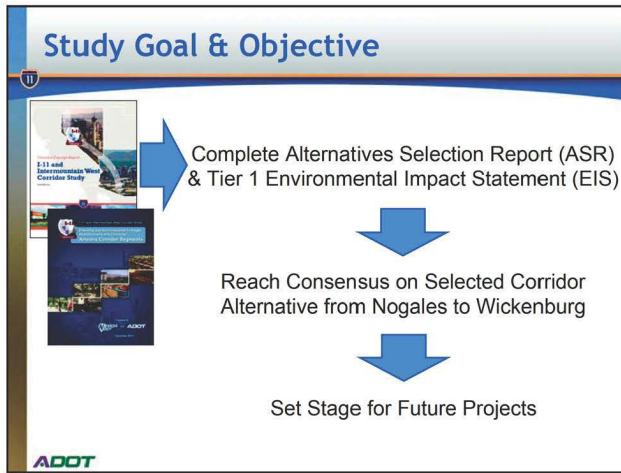
*** * * AGENDA * * ***

1. Introductions and Purpose of Meeting
2. History of I-11 Corridor
3. Overview of Environmental Review Process
 - a. Scoping
 - b. Alternatives Selection Report
 - c. Tier 1 Environmental Impact Statement (EIS)
 - d. Combined FEIS/ROD
4. ASLD Experience with Other Tier 1 EIS
5. Discussion of I-11 Corridor Issues Relevant to ASLD
6. On-Going Communication Protocols and Outreach Efforts
 - a. FHWA/ADOT and ASLD Coordination
 - b. Stakeholder Outreach and Involvement
7. Contact Information
 - a. Project E-Mail: I-11ADOTStudy@hdrinc.com
 - b. Toll Free Hotline: 1-844-544-8049 (Bilingual)
 - c. Website: <http://i11study.com/Arizona>
 - d. Mail: Interstate 11 Tier 1 EIS Study Team
c/o ADOT Communications
1655 W. Jackson St., MD 126F
Phoenix, AZ 85007
8. Other Issues or Items
9. Next Steps



Interstate 11 Corridor Tier 1 Environment Impact Statement

OVERVIEW OF STUDY PROCESS



1

I-11 Corridor

- 280-Mile Study Area from Nogales to Wickenburg
- Initially Studied in Sections during ASR
 - ▶ South (Nogales to Casa Grande)
 - ▶ Central (Casa Grande to Buckeye)
 - ▶ North (Buckeye to Wickenburg)

2

Corridor Alternatives Studied in ASR

I-11 Corridor

Study Area varies in width from approximately 5 to 25 miles

280 Miles

I-11 Corridor Study Area (Nogales to Wickenburg)

Corridor Alternatives Studied within I-11 Corridor in ASR

Corridor Alternatives within the I-11 Corridor represent the approximate area needed to build & operate a proposed transportation facility, including potential highway, rail, & utility components.

3

Identifying Corridor Alternatives

STUDY AREA

Conduct Free-to-Roam Analysis Looking for Routes

ROUTE ANALYSIS

Identify Route Trends for Corridor Alternatives

CORRIDOR ALTERNATIVE

Evaluate & Refine Corridor Alternatives

Quantm will map potential routes for a proposed transportation facility within the I-11 Corridor between Nogales & Wickenburg. The proposed transportation facility could include potential highway, rail, & utility components.

Route trends will emerge for potential Corridor Alternatives. They will be analyzed & screened to reduce the number of recommended corridor alternatives that will advance into the Tier 1 EIS.

4

Recommended Corridor Alternatives Advance into Tier 1 EIS

2,000-Foot Corridor in Tier 1 EIS to Assess Social, Economic, & Natural Environment (i.e., Study Area)

Build Alternative

Proposed Transportation Facility

Segments of Independent Utility (SIU)

Recommended Corridor Alternatives will advance into the Tier 1 EIS as "Build" Alternatives to compare against a "No Build" Alternative (i.e., do nothing alternative).

Build Alternatives will have smaller, individual projects (or SIUs).

5

What Questions will Tier 1 EIS Answer?

- Primary Goal is to Reach Consensus on a Selected Corridor Alternative for the I-11 Corridor, including:
 - ▶ Defined Corridor between Nogales & Wickenburg for Proposed Transportation Facility
 - ▶ Type of Transportation Facility, including Potential Highway, Rail, & Utility Components
 - ▶ Footprint to Accommodate Proposed Transportation Facility
 - ▶ Smaller, Individual Projects (or SIUs) for Future Implementation

The Tier 1 EIS will Provide a Roadmap for Advancing These Individual Projects in the Future.

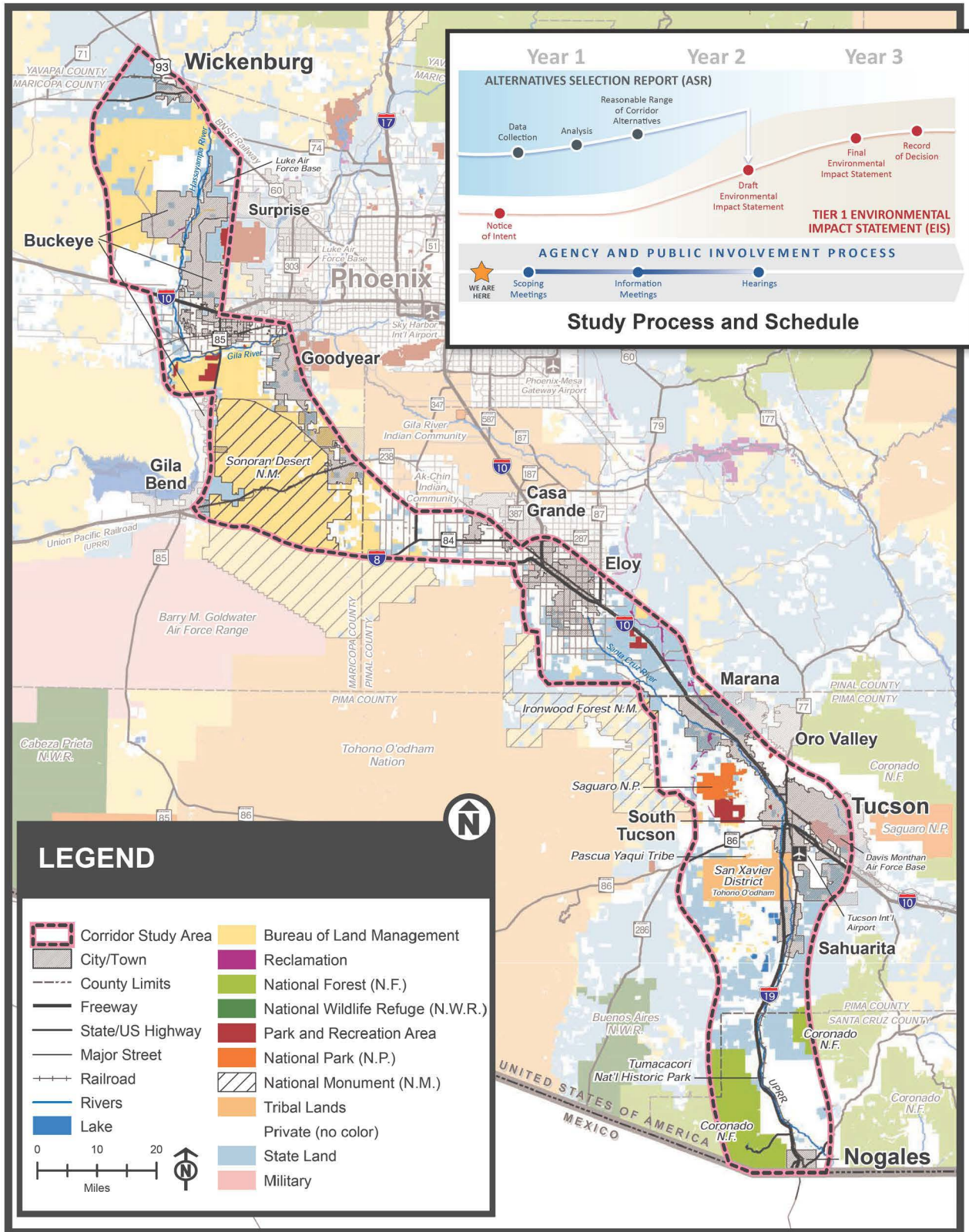
6





Interstate 11 Corridor Tier 1 Environment Impact Statement

I-11 CORRIDOR STUDY AREA



LEGEND

- Corridor Study Area
- City/Town
- County Limits
- Freeway
- State/US Highway
- Major Street
- Railroad
- Rivers
- Lake
- Bureau of Land Management
- Reclamation
- National Forest (N.F.)
- National Wildlife Refuge (N.W.R.)
- Park and Recreation Area
- National Park (N.P.)
- National Monument (N.M.)
- Tribal Lands
- Private (no color)
- State Land
- Military



Letter from Arizona State Land Department, July 8, 2019



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Douglas A. Ducey
Governor



Lisa A. Atkins
Commissioner

Arizona State Land Department

1616 West Adams, Phoenix, AZ 85007
(602) 542-4631

July 8, 2019

I-11 Tier 1 EIS Study Team
c/o ADOT Communications
1655 West Jackson Street, Mail Drop 126F
Phoenix, AZ 85007

RE: Interstate 11 ("I-11") Draft Tier 1 Environmental Impact Statement ("DEIS")

Thank you for providing the Arizona State Land Department ("ASLD") with the opportunity to comment on the I-11 DEIS. The Study Area includes a significant amount of State Trust land ("STL"). A cross-check between the DEIS' I-11 Recommended Alternative alignment and ASLD's business records show a direct impact to approximately 150 ASLD Grazing and Agricultural leases.

ASLD is charged with managing approximately 9.2 million acres of STL throughout Arizona. Arizona's STL is managed for the economic benefit of the Trust's beneficiaries which include 13 beneficiaries such as K-12 public schools, public universities, and other charitable and penal public institutions.

ASLD views the development of this corridor as a significant opportunity to strengthen the economy and generate revenue for the Trust beneficiaries.

We have two specific concerns about the current access and alignment. (1) The most critical component of highway infrastructure like I-11 is the provision of access between the roadway and the State Trust land on which it is sited. Interchanges allow access and the ability to increase the value of STL. The current plans show significant stretches of I-11 across State Trust land with no planned traffic interchanges. (2) The I-10/I-11 system interchange proposed on State Trust land near the 363rd Avenue alignment, does not appear to have any access provided or planned. If there is no access this major interchange creates no additional value, and in fact may diminish the value to State Trust Land beneficiaries. A pass-through only facility without access is an encumbrance on State Trust land and ASLD's disposition determinations must reflect this.

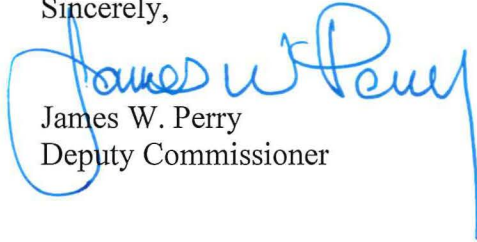
I-11 Tier 1 EIS Study Team

July 8, 2019

Page 2

ASLD looks forward to our ongoing efforts with The Federal Highway Administration (“FHWA”) and the Arizona Department of Transportation (“ADOT”) on this important study and to address the concerns expressed above. If you have questions, feel free to contact me or Mark Edelman at medelman@azland.gov or at 602-542-6331.

Sincerely,

A handwritten signature in blue ink that reads "James W. Perry". The signature is written in a cursive style with a large initial "J" and "P".

James W. Perry
Deputy Commissioner



Coordination Meeting with Arizona State Land Department, January 27, 2020



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Meeting Minutes

Purpose: Coordination Meeting with Arizona State Land Department

Date/Time: Monday, January 27, 2020, 11:00 AM (AZ Time)

Location: 1616 W Adams, Room 321

Prepared by: Allison Shinn, allison.shinn@aecom.com, 602-648-2362

Attendees: ADOT: Jay Van Echo, Katie Rodriguez
 FHWA: Aryan Lirange
 ASLD: Karen Dada, Mark Edelman, Mike Naber, Ruben Ojeda, Chris Lowman*
 AECOM: Anita Richardson Frijia, Allison Shinn
 *participating via conference call

If you have revisions to the meeting notes, please send to the preparer of the notes within 5 business days of receipt and the notes will be revised and re-circulated as appropriate. After revisions, if any, the notes will be filed as final.

MEETING NOTES

Purpose: Coordination meeting between the FHWA, ADOT, and ASLD for the I-11 Corridor Tier 1 Environmental Impact Statement (EIS)

Key Discussion Points/Action Items:

1. Introductions

Jay Van Echo began the meeting with introductions.

2. Schedule & Project Update

The I-11 Project Team is considering changes to the Recommended Alternative on or near State Trust Lands near Wickenburg and Marana in response to agency and public comments on the Draft Tier 1 EIS.

3. Wickenburg Area

The Town of Wickenburg and residents of the Vista Royale community north of Wickenburg commented about concerns over the proximity of the Recommended Alternative to the Vista Royale neighborhood. ADOT proposes to move the corridor approximately 1 mile to the west so as to be farther away from Vista Royale. ASLD did not have any major issues with this change but asked the I-11 Project Team to look at the impacts to grazing operations in future studies. Past widenings of US93 introduced wildlife crossings that created grazing trespassing issues.

4. Marana Area (I-10 Connector)

The Recommended Alternative places the I-11/I-10 connector through areas of planned development in Marana. ADOT is considering alternatives that would move the connector to tie into Aries Drive or Park Link Drive, just north of Marana. This change would place the connector entirely on State Trust lands. ASLD had no major concerns with either of those locations; however, they asked that during the Tier 2 study ADOT evaluate how parcels are divided so as to avoid stranded parcels.

5. Tucson Mountain Wildlife Area

The I-11 Project Team asked ASLD how they manage State Trust lands within the Tucson Mountain Wildlife Area. ASLD explained that State Trust Lands are not publicly owned. The purpose of the State Trust Land is to generate revenue for the named beneficiaries and not for the general public. In situations where public use of State Trust Land is permitted, it is closely regulated to protect the monetary value of the land and resources. ASLD does not have an agreement with Arizona Game and Fish Department (AGFD) for management of the lands within the TMWA; however, AGFD issues hunting permits on behalf of ASLD and manages hunting activity on State Lands.

6. General Discussion

ASLD asked about the project schedule moving forward into a Tier 2 study. Jay Van Echo, ADOT, responded that no Tier 2 studies are currently planned or programmed.

Karen Dada, ASLD, asked about ASLD becoming a Cooperating Agency during a Tier 2 study. Katie Rodriguez, ADOT, responded that more conversations will happen during a Tier 2 study to identify Cooperating Agencies.

c: Document Control

Attachments:

1. Sign-in sheet

Meeting Purpose: 1-11 and ASLD coordination Meeting

Location: 1616 W. Adams Phoenix, AZ Room 321

Date: 1/27/2020 Time: 11 AM

SIGN-IN SHEET

Name	Organization	Phone	Email	Address
Karen Dada	ASLD	602-542-3118	Kdada@azland.gov	1616 W. Adams Phx 85007
Anita Richardson Jirjis	AECOM	602-648-2498	anita.richardson@aecom.com	1616 W. Adams Phx
MARK EDZMAN	ASLD	602-542-6331	medelman@azland.gov	1616 W. Adams Phx
Tom Van Eub	ADOT	520-400-6207	juvanedo@azdot.gov	1221 S 2nd TOUSSIM AZ
Katle Rodriguez	ADOT	602-712-8858	Krodnqueza@azdot.gov	1611 W. Jackson St., Phx
ARIAN LIRANGE	FELWA	602-382-8973	ARIAN.LIRANGE@DOT.GOV	
Mike Nabee	ASLD	602-542-2448	MNABEE@AZLAND.GOV	1616 W. Adams
RUBEN OJEDA	ASLD - ROW	602-542-2648	ROJEDA@AZLAND.GOV	1616 W. ADAMS ST. PHOENIX 85007
Allison Shinn	AECOM	602-648-2362	allison.shinn@aecom.com	
Chris Lowman	ASLD			



Arizona State Parks



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Email from Arizona State Parks, July 8, 2016



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Ives, Lisa

From: Yedlin, Rebecca (FHWA) <Rebecca.Yedlin@dot.gov>
Sent: Monday, July 18, 2016 4:20 PM
To: Jay Van Echo (JVanEcho@azdot.gov); Ives, Lisa
Cc: Lirange, Aryan (FHWA); AMER-US-AZ Phoenix-i11doccontrol
Subject: FW: I-11 Corridor Tier 1 EIS - Participating Agency Invitation Letter

fyi

From: Leigh Johnson [mailto:ljohnson@azstateparks.gov]
Sent: Friday, July 08, 2016 3:19 PM
To: Yedlin, Rebecca (FHWA)
Subject: Re: I-11 Corridor Tier 1 EIS - Participating Agency Invitation Letter

Hi Rebecca,

Here are some thoughts we had on this phase of the EIS process. We are happy to be a part of this process and we will continue to fine-tune our comments as this process unfolds and actual alignments come to the forefront.

Arizona State Parks (ASP) is responsible for the stewardship of the State Park system, trails, and maintains the State Historic Preservation Office. The State Park system is a State asset and should be protected as such. As State assets, they are important economic drivers to the local areas in which they occur. As stewards for the natural and historic resources of the State, ASP has an interest in making sure that any proposed alignments within the study area do not impact present or future environmentally important lands and/or historic/archaeological resources yet to be designated as such.

ASP values the potential improvement in access to State Parks from existing interstates or from the proposed I-11 interstate. For example, providing proximate exits, access roads, signage, etc. would be a benefit to the State Park system. Likewise, to improve or provide interpretive pull-out areas for historic sites, trail, events, etc. may increase tourism. Rest Areas often act as visitor orientation stations for the State's historic and natural resources, parks, and trails and provide another opportunity to showcase the State's assets.

ASP views the proposed interstate as a potential opportunity for funding proposed trail sections that run adjacent to or are within the same corridor as the proposed I-11 alignment. (e.g. bikeways, hiking trails, equestrian trails, OHV trails, etc.) and will contribute to the multi-modal goals of I-11 and could contribute to a future statewide active transportation plan. However, the project should avoid or minimize negative impacts to statewide trails or provide multi-use trail crossings when those impacts are unavoidable.

All proposed and existing parks, open spaces, monuments, wilderness, etc. designations within the study area should be mapped more clearly on I-11 project materials so that all impacts can be evaluated by staff and the public. ASP prefers that State Park properties within study area are avoided; for example, but not limited to: Sonoita Creek Natural Area, Patagonia Lake State Park, Tubac Presidio State Historic Park, and Picacho Peak State Park. Specifically, avoiding Picacho Peak State Park by keeping any alignment expansions east of the existing interstate.

ASP prefers that the Vulture Mountain Recreation Area is avoided by keeping any proposed alignments westward towards the existing power line alignment. ASP has already invested in the Vulture area via grant funding to other agencies for various Off-Highway Vehicle programs or projects in this area. Off-Highway Vehicle usage is a popular activity in this area and provides a positive economic impact to the local area and to the State. This area is valued by the community and is a popular recreational area for a number of activities while also maintaining ecological value.

ASP appreciates the opportunity to serve a Participating Agency and looks forward to future discussions regarding this project.

Again, we look forward to working with you.

Kind Regards,
Leigh

Leigh Johnson, AICP
State Parks Planner
Arizona State Parks
23751 N. 23rd Ave.
Phoenix, AZ 85085
602-364-2059
<http://azstateparks.gov>

From: "Yedlin, Rebecca (FHWA)" <Rebecca.Yedlin@dot.gov>
Date: Monday, June 20, 2016 at 8:01 AM
To: Leigh Johnson <ljohnson@azstateparks.gov>
Subject: RE: I-11 Corridor Tier 1 EIS - Participating Agency Invitation Letter

Thanks Leigh

From: Leigh Johnson [mailto:ljohnson@azstateparks.gov]
Sent: Monday, June 20, 2016 7:39 AM
To: Yedlin, Rebecca (FHWA)
Cc: Russell Moore; Skip Varney; James Keegan; Lirange, Aryan (FHWA)
Subject: Re: I-11 Corridor Tier 1 EIS - Participating Agency Invitation Letter

Hi Rebecca –

We would like participate as a Participating Agency. We will provide initial comments during the scoping meeting.

Thank you,

Leigh

From: "Yedlin, Rebecca (FHWA)" <Rebecca.Yedlin@dot.gov>

Date: Monday, June 13, 2016 at 5:53 AM

To: Leigh Johnson <ljohnson@azstateparks.gov>

Cc: Russell Moore <rmoore@azstateparks.gov>, Skip Varney <wvarney@azstateparks.gov>, James Keegan <jkeegan@azstateparks.gov>, "Lirange, Aryan (FHWA)" <Aryan.lirange@dot.gov>

Subject: RE: I-11 Corridor Tier 1 EIS - Participating Agency Invitation Letter

The I-11 project team looks forward to your participation and comments during the June 22nd agency scoping meeting. Has Arizona State Parks decided to become a Participating Agency on the project, or are you still considering this option and will let us know when you submit your formal scoping comments? Thanks, Rebecca

From: Leigh Johnson [mailto:ljohnson@azstateparks.gov]

Sent: Friday, June 10, 2016 1:33 PM

To: Yedlin, Rebecca (FHWA)

Cc: Russell Moore; Skip Varney; James Keegan

Subject: I-11 Corridor Tier 1 EIS - Participating Agency Invitation Letter

Rebecca,

I just reviewed your letter dated May 24, 2016 regarding the Tier 1 Environmental Impact Statement for the I-11 Corridor that invites Arizona State Parks to be a participating agency.

We will either attend the June 22 meeting in person, or join in via the webinar option.

In the meantime, please keep us informed of all activities related to this project.

Kind Regards,
Leigh Johnson

Leigh Johnson, AICP
State Parks Planner
Arizona State Parks
23751 N. 23rd Ave.
Phoenix, AZ 85085
602-364-2059





Letter to Arizona State Parks regarding Picacho Peak State Park, October 8, 2020



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U.S. Department
of Transportation
**Federal Highway
Administration**

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
Phone: (602) 379-3646
Fax: (602) 382-8998
<http://www.fhwa.dot.gov/azdiv/index.htm>

October 8, 2020

In Reply Refer To:
999-M(161)
TRACS No. 999 SW 0 M5180 01P
I-11 Corridor Tier 1 EIS
Section 4(f) Consultation

Ms. Darla Cook, Deputy Director
Development and Operations
Arizona State Parks
23751 N. 23rd Avenue, #190
Phoenix, AZ 85085

Dear Ms. Cook;

The purpose of this letter is to consult with you, as the official with jurisdiction over Picacho Peak State Park, related to the I-11 Corridor Tier 1 Environmental Impact Statement (EIS) and Preliminary Section 4(f) Evaluation. Federal Highway Administration (FHWA) identified properties that may be protected by Section 4(f) of the U.S. Department of Transportation Act of 1966 [Section 4(f)], now codified at 49 United States Code 303 et seq. and implemented in 23 Code of Federal Regulations (CFR) 774, and is requesting your assistance by verifying the information in this letter or, if needed, providing accurate information.

Project Overview

The Arizona Department of Transportation (ADOT), in cooperation with FHWA as the lead federal agency, published a Draft Tier 1 EIS and Preliminary Section 4(f) Evaluation on April 5, 2019. The project would provide a new interstate highway from Nogales to Wickenburg, Arizona. The Draft Tier 1 EIS provides a programmatic approach for identifying existing and future conditions by evaluating 2,000-foot-wide Build Corridor Alternatives, within which project-level highway alignments could be identified in Tier 2.

Overview of Section 4(f) Properties

As a part of the Tier 1 EIS process, an analysis of properties eligible for protection under Section 4(f) must be completed. Section 4(f) properties are any publicly owned parks and recreation areas (including trails); waterfowl and wildlife refuges; and National Register of Historic Places (NRHP) eligible historic sites considered to have national, state, or local significance.

Section 4(f) properties are publicly owned land considered to be a park, recreation area, or wildlife and waterfowl refuge when the land has been officially designated as such by a federal, state or local agency, and the officials with jurisdiction over the land determine that its primary purpose is as a park, recreation area, or refuge. Primary purpose is related to a property's primary function and how it is intended to be managed. Incidental, secondary, occasional, or dispersed activities similar to park, recreational, or refuge activities do not constitute a primary purpose within the context of Section 4(f).

Additionally, a property must be a significant public park, recreation area, or wildlife and waterfowl refuge. The term significant means that, in comparing the availability and function of the park, recreation area, or wildlife and waterfowl refuge with the park, recreation, or refuge objectives of the agency, the property in question plays an important role in meeting those objectives.

Request for Agreement

FHWA and ADOT recognize Picacho Peak State Park within the Corridor Study Area as having Section 4(f) protection. FHWA respectfully requests that Arizona State Parks verify the following information about Picacho Peak State Park:

1. Figure 1 shows the location and boundaries of the property in relation to the Build Corridor Alternatives. As the official with jurisdiction over Picacho Peak State Park, meaning the agency that owns or administers the property in question and the person who is empowered to represent the agency on matters related to the property, do you agree that Picacho Peak State Park is protected by Section 4(f)? Do you agree that the boundaries of the property shown in Figure 1 are correct? If not, would you please assist us by providing the correct boundary information?
2. As the official with jurisdiction over Picacho Peak State Park, is it accurate to say the property is significant when compared to the objectives of the agency?

Next Steps

FHWA and ADOT will use your response to further evaluate whether the project would have the potential to impact Picacho Peak State Park. The results of the Preliminary Section 4(f) Evaluation will be reported in the I-11 Final Tier 1 EIS, currently in preparation. FHWA will continue to coordinate with Arizona State Parks as the project advances.

During Tier 2 studies, the 2,000-foot width of a selected Build Corridor Alternative would be refined to a specific roadway alignment. At that time, ADOT would continue coordination with Arizona State Parks. ADOT would undertake a Final Section 4(f) Evaluation as part of the Tier 2 studies. That evaluation would examine the applicability of Section 4(f) to the Picacho Peak State Park related to the specific roadway alignment.

We appreciate your assistance with our request and respectfully ask for your response by November 6, 2020. For your convenience, a signature line is provided below if you agree with the preceding information. You can sign it and send it back to FHWA. If you do not agree, please provide us with the correct information. If you have any questions or need additional information, please feel free to contact Rebecca Yedlin, FHWA Environmental Coordinator, at 602.382.8979 or Rebecca.Yedlin@dot.gov.

Sincerely,

REBECCA
ANNE YEDLIN

Digitally signed by
REBECCA ANNE YEDLIN
Date: 2020.10.08
10:27:16 -07'00'

for
Karla S. Petty
Division Administrator

We, Arizona State Parks, as the official with jurisdiction under Section 4(f) for the Picacho Peak State Park, have reviewed Figure 1. The boundaries of Picacho Peak State Park, as shown on Figure 1, are accurate. The park is significant as defined by Section 4(f) and compared to the objectives of Arizona State Parks. Arizona State Parks is the sole official with jurisdiction over Picacho Peak State Park.

Signature for Arizona State Parks Agreement
999-M(161)

Date

Enclosure

ecc:
RYedlin
JVanEcho

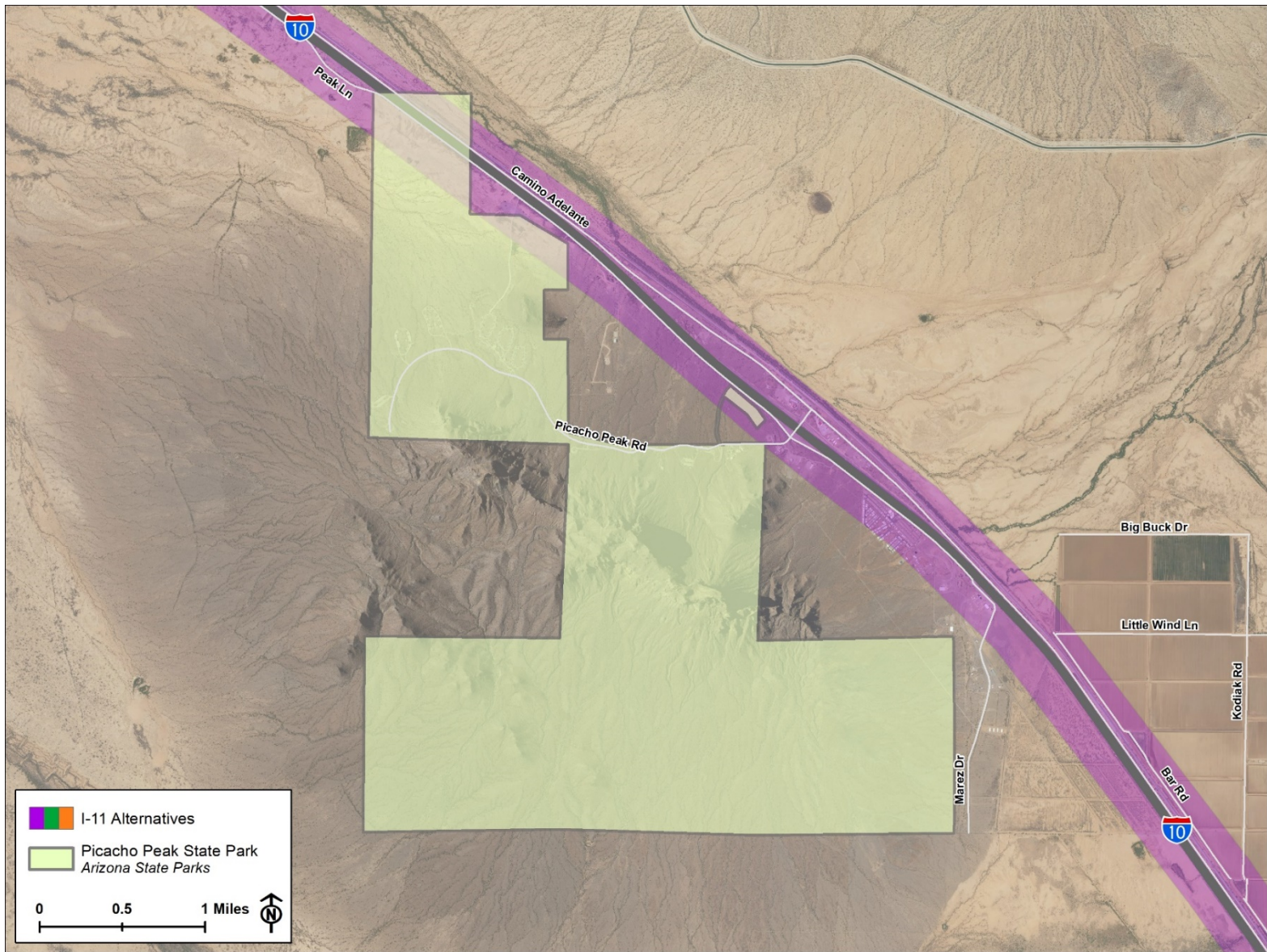


Figure 1 – Picacho Peak State Park



Email from Arizona State Parks regarding Picacho Peak State Park, November 6, 2020



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Rietz, Jessica

From: Jones, Laynee
Sent: Monday, November 9, 2020 11:19 AM
To: Roche, Leslie; Richardson, Anita; Anderson, Seth; Rietz, Jessica
Subject: Fwd: I-11 - Section 4(f) Consultation
Attachments: Info for I-11 consultation (1).docx; PIPE_Boundary.zip; PIPE_Boundary (1).pdf

Get [Outlook for iOS](#)

From: Yedlin, Rebecca (FHWA) <Rebecca.Yedlin@dot.gov>
Sent: Monday, November 9, 2020 5:49:32 AM
To: Jay Van Echo (JVanEcho@azdot.gov) <JVanEcho@azdot.gov>; Jones, Laynee <laynee.jones@aecom.com>; Roche, Leslie <Leslie.Roche@aecom.com>
Cc: 'jayv@horrocks.com' <jayv@horrocks.com>
Subject: [EXTERNAL] FW: I-11 - Section 4(f) Consultation

FYI - Let me know if we need any additional info. Thanks, Rebecca

From: Darla Cook <dcook@azstateparks.gov>
Sent: Friday, November 6, 2020 3:00 PM
To: Yedlin, Rebecca (FHWA) <Rebecca.Yedlin@dot.gov>
Cc: Mark Weise <mweise@azstateparks.gov>; Thomas Allen <tallen@azstateparks.gov>
Subject: I-11 - Section 4(f) Consultation

unless you recognize the sender and know the content is safe.

Hi Rebecca

Our GIS records indicate a slight variance in property boundary for Picacho Peak State Park.

The attachments include two GIS maps that show our actual property boundaries for Picacho Peak State Park and Word document that includes various information you can use to show the Park's relative "significance" in regards to our agency mission, historical, cultural and wildlife resources.

Let me know if you need anything else.

Thanks,
Darla Cook

--

Darla Cook

Assistant Director - Development/Operations

Arizona State Parks & Trails

23751 N 23rd Ave, Suite 190

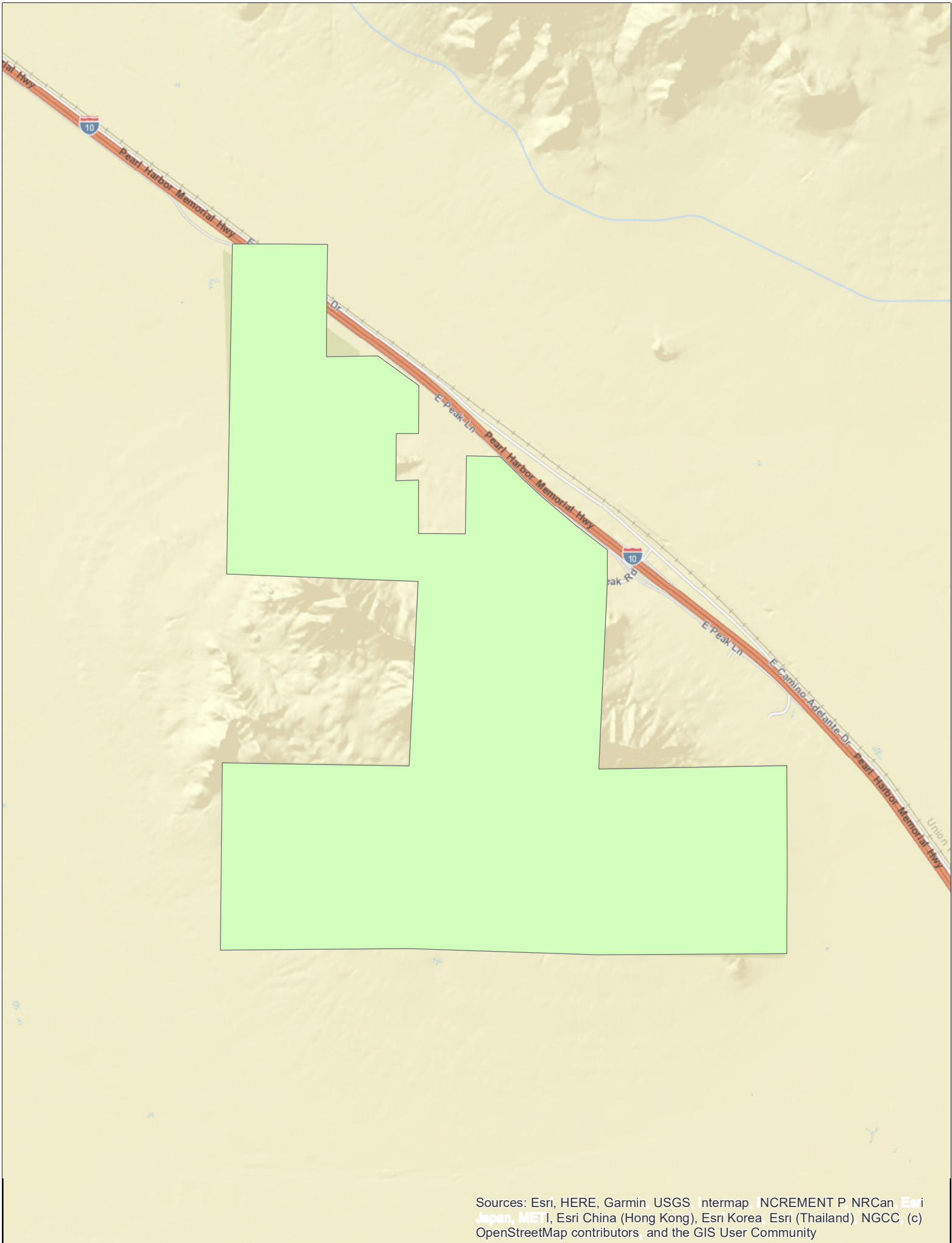
Phoenix, AZ 85085

(602) 542-6936

dcook@azstateparks.gov

1-877-MY-Parks|AZStateParks.com





Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Mission Statement for Arizona State Parks and Trails

“Managing and conserving Arizona’s natural, cultural and recreational resources for the benefit of the people, both in our Parks and through our Partners.”

Picacho Peak State Park offers all of the above resources with a recently constructed visitor center with exhibits and a park store, a playground, historical markers, a campground, and numerous picnic areas. Many hiking trails traverse the desert and offer hikers both scenic and challenging hikes. Diverse wildlife watching opportunities, hands-on geology, and renowned wildflower blooms add to the appeal. Due to its location, the park also offers dark skies for stargazing.

Picacho Peak is located in a uniquely centralized location between Tucson and Phoenix. Situated by itself yet within an hours’ drive from Arizona’s two largest population centers and major airports, it offers convenient potential access to its resources for millions of residents and visitors alike.

The park therefore qualifies as significant when compared to the objectives of the agency.

PARK INTRODUCTION/DESCRIPTION

Excerpts from **Arizona State Parks, the Beginning**
by Charles Eatherly

The unique shape of the 1,500-foot Picacho Peak has been used as a landmark by travelers since prehistoric times. One of the first recordings was in the 1700’s by the Anza Expedition as it passed through the area.

In 1848, the Mormon Battalion constructed a wagon road through Picacho Pass. The forty-niners on their way to California used this road. In the late 1850’s the Butterfield Overland Stage was carrying passengers through this area. Picacho Peak’s most noted historic event occurred on April 15, 1862, when Confederate and Union scouting parties met in the Battle of Picacho Pass during the Civil War. This was the largest Civil War clash to take place in Arizona.

Picacho Peak is not a volcanic cone, but is part of a volcanic flow that has been partially eroded away. It has long been known for its spring display of wildflowers. If rains come at the right times in the winter, the spring will bring an explosion of gold to the bajadas of the mountain that appear as a tapestry of color. The wildflowers are predominantly Mexican Gold Poppies.

The Picacho Peak area was identified and included in the 1958 State Parks Board plan for potential acquisition as a State Park. This area of unique geological significance, outstanding and varied desert growth, and historical importance easily met the criteria for a State Park. During 1961, petitions to make this site a state park were received from the Coolidge City Council, Eloy Business and Professional Women’s Club, Eloy Women’s Club, Common Council of Eloy, Town Council of Florence, Oracle School District Board and the Pinal County Board of Supervisors.

Late in 1962, State Park's staff initiated a feasibility report on this proposed park. In March 1963, the Parks Board adopted the feasibility study and authorized Director McCarthy to begin negotiations for the acquisition of section 15 from the Bureau of Land Management (BLM). The feasibility study identified the primary purpose as protection of the resource with adequate land to develop compatible public use facilities. An interpretive program based on the unique geological and botanical significance coupled with the regional historical significance was envisioned for the park. The Park's staff was working with the Transportation Department on the site as early as 1963 to ensure adequate access would be provided to the proposed park when the interstate highway was constructed.

With strong local support for the Park, the Legislature in Chapter 73, Laws 1965, authorized the creation of Picacho Peak State Park and appropriated funds for the acquisition of 640 acres of land (Section 15) at the site. On April 26, 1966, the agency acquired its first 640 acres through the Recreation and Public Purposes process for \$2.50 per acre. Development plans were quickly completed and Jon Clow, Park Manager, initiated construction on the first park facilities and interior roads and parking areas. The State Park officially opened to the public on Memorial Day, May 30, 1968. The Civil War skirmish near Picacho Peak was commemorated at the opening day festivities by honoring the known dead and wounded from that action.

The legislature passed House Bill 217 that was signed by Governor Jack Williams and became Chapter 157, Laws 1970. This legislation authorized the purchase of an additional 2,760 acres of land from the Bureau of Land Management under the Recreation and Public Purposes Act for inclusion in the Park.

During the mid 1970s, legislation was passed that provided for land exchanges of private parcels around Picacho Peak for State trust lands. The Parks Board leased one of these exchange parcels located in Section 10 adjacent to major park developments from the State Land Department. This parcel provided an additional 258 acres to the Park when it was leased on August 1, 1981. In the 1990's, two parcels were purchased and added to the Park for a total acreage of 3,747.

Excerpt from the Park's Operating Plan:

MANAGEMENT OF SPECIAL RESOURCES

9.B. Historic Resources

Picacho Pass, just outside the park boundary, is the site of the westernmost Civil War Skirmish that took place on April 15, 1862. A commemorative marker was relocated for display inside the park boundary. An ADA accessible Civil War interpretive trail in Memorial Loop was completed in 2015.



The Mormon Battalion also passed through the area in 1848 while constructing a wagon road through Picacho Pass. There is a marker to commemorate this event inside the park as well.

By 1858, Picacho Pass was the location for a station along the Butterfield Overland Stage and Mail route. This station was located outside the park boundary, and its outline can be seen in place.

Picacho Peak is also mentioned in records of the Anza Expeditions that came through the area in 1775-76. Today, the auto tour following the designated Juan Bautista de Anza National Historic Trail, which follows a 1,210-mile historic route from Nogales, Arizona to San Francisco, California has Picacho Peak identified as a stop. There is a small interpretive panel about the Anza Expeditions located at the Sunset Vista Trailhead parking lot.

There was mining activity in the 19th and early 20th century along the slopes of the peak. The remnants of numerous small abandoned mines as well as some foundations associated with these mines are located on the backside of Picacho Peak, as well as on Little Black Mountain near the campground.

Hunter Trail, climbing the front side of the mountain, was built in the 1970s after the park was dedicated. It follows the historic trail built in the 1930s that was used to access the light beacon that was located on top of the Peak from the 1930s until the 1950s.

9.B.1. Policy Reference:

Artifact Collections Management; Implementation DATE 10-26-95; REVISION DATE 10-26-95

9.B.2. Historic Resource Inventory & Accession Records

Not available in park records.

9.B.3. Park Management Practices

The actual site of the Civil War skirmish and the location of the former Stage station are outside the park boundary. For the protection of these resources, they are currently not identified on any park map and are not accessible by any official roadways or trails.

Commemorative monuments are located inside the park for their protection.

The old mine shafts and remnants are located away from any hiking trails, and are not identified on the park map. They are occasionally noticed by park visitors. The Ostrich Ranch adjacent to the park also mentions one of these mines as the “Bat Cave” during their “Monster Truck Tours”, which brings visitors into the park asking about the Bat Cave. Park staff then explain that the cave is located on private property, and discourage visitors from accessing the cave through park property.

Destructing, defacing, collecting and/or removing any natural or man-made item or artifact from the park is prohibited.

9.E. Cultural/Archaeological Resources

9.E.1. Identification of Cultural/Archaeological Resources

The area around the Peak is thought to have been frequented by members of the Hohokam tribe. Structures from that period consist mainly of rock rings and caves that show evidence of possible temporary habitation based on soot deposits and “metates”, grain/seed grinding holes in the solid volcanic rock, mainly in the area around Little Black Mountain.

Several locations, especially in the area around Little Black Mountain, contain what more recent generations left behind, such as old car parts, rusting metal pieces, old tin cans, thick-walled glass bottles, china shards, etc.

9.F. Geologic Resources

9.F.1. Identification of Unique Geological Resources

Picacho Peak is an eroded, resistant lava flow in a sequence of lava flows interlaid with thin strata of gravelly sedimentary rocks. This entire sequence was tilted steeply towards the northeast, then

faulted and eroded. These rocks are now exposed as a part of the High Picacho Mountains block whereas their detached relatives now lie buried beneath the low flanking valley or basins. The entire sequence that makes up the Peak is believed to be about 22 million years old.

Hiking trails lead to the top of the Peak. Several trails also explore the lower elevations while providing a view of the Peak. There are scenic views from all areas of the park, either toward the Peak itself or toward the Picacho Mountains to the North.

There are a couple of unusual black volcanic outcroppings located in the valley adjacent to the Peak.

The Peak also has some natural caves and overhangs (including one that has a stalagmite growing in it) that support bat populations.

Picacho Peak was chosen as a location to be included in a study about Earth fissures. The University of Arizona installed a solar-powered monitoring system on the backside of the mountain. The project leader makes annual trips to the site to confirm that the equipment is operating to their satisfaction.

9.F.2. Park Management Practices

Park rules state that hikers should stay on designated trails and not create new “social trails”. The trails are being maintained as needed to keep them usable. This means water barriers and steps may be added, signage placed for safety, and brush cut back to allow passage on the trail. The Peak is otherwise left in its natural state.
The collection of rocks in the park is prohibited.

9.G. Wildlife Resources

9.G.1. Identification of Threatened & Endangered Species

Picacho Peak does not have any confirmed T & E Species.

9.G.2. Wildlife Research Studies

Two wildlife studies are currently conducted in the park.

A long-standing study by the University of Arizona is monitoring the bat population in the “Bat Cave” located on the southeast flanks (“backside”) of the mountain.

Researchers have started to look into sightings of Crested CaraCaras, also on the backside of the mountain.

The Picacho Talus Snail, *Sonorella simmonsii*, is a species endemic to the Picacho Mountains. See Game and Fish Abstract below:

**ARIZONA GAME AND FISH DEPARTMENT
HERITAGE DATA MANAGEMENT SYSTEM
Invertebrate Abstract Element Code: IMGASC9550**

Data Sensitivity: No

CLASSIFICATION, NOMENCLATURE, DESCRIPTION, RANGE

NAME: *Sonorella simmonsii* W.B. Miller, 1966

COMMON NAME: Picacho talussnail

SYNONYMS:

FAMILY: Helminthoglyptidae

AUTHOR, PLACE OF PUBLICATION: W.B. Miller, 1966, Nautilus 80(2):48-50, Pl. 1, figs. D-E, Pl. 2, fig. C.

TYPE LOCALITY: Picacho Mountains, W side of canyon running SE from Newman Peak, E of Picacho, 2,500 ft, Pinal County, Arizona (ANSP 356231). The Paratype collection from LACM (1245) reports canyon trending SW from Newman Peak.

TYPE SPECIMEN: Paratype: ANSP 356231 (Original Number: S897/9245). M.L. Walton, 27 December 1965, 6 dry specimens. Additional Paratypes: LACM 1245 (3 dry).

TAXONOMIC UNIQUENESS: Based on an unpublished revision by W.B. Miller (1968a, in Bequaert and Miller 1973), he recognized 68 valid species of *Sonorella* (with 19 subspecies), 57 of them in Arizona (three common with Sonora), 3 in New Mexico, 1 in trans-Pecos Texas (in common with New Mexico), 8 in Sonora (3 in common with Arizona), and 3 in Chihuahua. *Sonorella simmonsii* is 1 of 26 species in the *S. hachitana* Complex.

DESCRIPTION: Snails in the genus *Sonorella* have a “depressed globose, helicoids shell, 12 to 30 mm in diameter, umbilicate or perforate, with a wide, unobstructed mouth and a thin, barely expanded peristome, smoothish or slightly sculptured with growth-lines, occasionally with fine oblique or spiral granulation and short hairs (mainly on the early whorls), lightly colored, and normally with a dark peripheral band. Its most characteristic features are, however, in the genitalia, which lack a dart sac and mucus glands.” (Bequaert and Miller, 1973). For species in the *S. hachitana* Complex: the penis is a usually long, slender, narrowly pointed verge; and in extreme forms, the verge is thick and club-shaped. Shells are relatively large and capacious, with a smooth, silky-lustrous periostracum; usually with apical spirally descending threads. (Bequaert and Miller, 1973).

AIDS TO IDENTIFICATION: The most characteristic features of the genus *Sonorella* are, in the genitalia, which lack a dart sac and mucus glands (Bequaert and Miller 1972).

ILLUSTRATIONS: AGFD Invertebrate Abstract -2- *Sonorella simmonsii*

TOTAL RANGE: Endemic to Arizona in Picacho and Silver Reef mountains in Pinal County. (Bequaert and Miller, 1973).

RANGE WITHIN ARIZONA: See “Total Range.”

SPECIES BIOLOGY AND POPULATION TRENDS

BIOLOGY: Terrestrial gastropods do not move much, usually only to find food or reproduce.

Olfaction is the primary sensory behavior utilized to find and move toward a food item (on the scale of centimeters to meters). A moving terrestrial gastropod lays down water-laden mucus on which it moves, exposing its integument to a potentially drying atmosphere, and increasing its water losses through the pallial cavity because of the necessity for gas exchange. A roosting terrestrial gastropod deploys a variety of passive mechanisms for water conservation, including the direct protection of its wet surfaces from drying conditions, avoidance of temperature extremes, the creation of more favorable microclimates and decreases in gas exchange. (A. Cook, *in* Barker 2001).

REPRODUCTION:

FOOD HABITS: Probably omnivorous, feeding on plant material (including algae, mosses, lichens, and possibly roots, shoots, leaves, flowers, anthers, pollen, fruit, seeds and rotting wood), and microorganisms associated with live and decaying vegetation; followed to a lesser extent by fungi and soil. (Speiser, *in* Barker, 2001).

HABITAT: Collected in rock piles on N facing slopes, and under rocks near dry riverbed (SBMNH, accessed 2008). The talussnail is a rock snail usually found in taluses or “slides” of coarse broken rock, generally found in crevices one to several feet below the surface, sealed to stones by their mucus. (SDCP, 2005).

ELEVATION: Elevation ranges between 2,000 to 2,500 ft (610-763 m) in the Picacho Mountains, and 1,600 ft (488 m) in Silver Reef Mountains. (Bequaert & Miller, 1973).

PLANT COMMUNITY:

POPULATION TRENDS: Unknown.

SPECIES PROTECTION AND CONSERVATION

ENDANGERED SPECIES ACT STATUS: None

STATE STATUS: None

OTHER STATUS: None AGFD Invertebrate Abstract -3- *Sonorella simmonsii*

MANAGEMENT FACTORS: Threats include destruction or disturbance of talus slopes.

PROTECTIVE MEASURES TAKEN:

SUGGESTED PROJECTS: Validity of the informal *Sonorella* “species-groups” (or “complexes”) has been brought into question by Naranjo-García (1988) and Roth (1996). Further research, including the use of molecular techniques, is needed to help clarify the relationships of these informal taxa. (Gilbertson and Radke 2005).

LAND MANAGEMENT/OWNERSHIP: BIA – Gila Bend Indian Reservation.

SOURCES OF FURTHER INFORMATION

REFERENCES:

Bequaert, J.C., and W.B. Miller. 1973. The Mollusks of the Arid Southwest. The University of Arizona Press. Tucson, Arizona. Pp. 111, 117.

<http://www.co.pima.az.us/cmo/sdcp/sdcp2/fsheets/vuln/ts.html>. Fact-sheet: Talussnail, *Sonorella*. Accessed: 11/23/2005.

Integrated Taxonomic Information System (ITIS). Retrieved 4/9/2008 from ITIS, <http://www.itis.usda.gov>.

LACM Type Catalog: Class Gastropoda. Accessed 4/23/2008.

<http://www.nhm.org/research/malacology/coltypelist/helminthoglyptidae.html>.

NatureServe. 2008. NatureServe Explorer: An online encyclopedia of life [web application]. Version 7.0. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed: April 9, 2008).

Santa Barbara Museum of Natural History. 2008. SBMNH: Invertebrate Zoology Online Database Collection. <http://www.sbcollections.org/iz/recordview.php>. Accessed: 4/9/2008.

The Academy of Natural Sciences. ANSP Malacology Search Details. Accessed: 9 April 2008. <http://clade.ansp.org/malacology/collections/index.php>.

MAJOR KNOWLEDGEABLE INDIVIDUALS:

ADDITIONAL INFORMATION:

The genus *Sonorella* occurs over most of Arizona (except a strip north of the Grand Canyon, an extensive northeast corner, and the small southwest *Eremarionta* area), the southwest corner of New Mexico, trans-Pecos Texas, northeast Sonora, and the northwest corner of Chihuahua, Mexico. (Bequaert and Miller, 1973).

Revised: 2008-05-08 (SMS) **AGFD Invertebrate Abstract -4- *Sonorella simmonsii***

Unpublished abstract compiled and edited by the Heritage Data Management System, Arizona Game and Fish Department, Phoenix, AZ. X pp.

The public often mistakes the Picacho Talus Snail for a fossil. Visitors bring the “shells” to the Visitor Center for identification. Rangers inform them that they are holding a live animal that will not survive for long if removed from its very specific habitat.

9.I. Other Special/Sensitive Resources

Wildflowers - Picacho Peak State Park is known for impressive spring wildflower displays. A good “Flower season” is connected to and only happens after ample winter rains. Mexican Gold Poppies, Lupine, and many other species often cover the slopes and lower elevations of the peak

starting as early as February. The display can last into April if temperatures stay low enough and rainfall continues through the spring. The carpets of yellow Mexican Gold Poppies can sometimes be seen from the freeway.



Dark Skies – Park staff has looked into a possible future certification as a Dark Sky Park by the International Dark Sky Association.



Tribes



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Tohono O'odham Nation



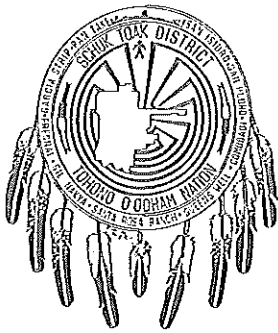
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Resolution Letter from Tohono O'odham Nation, February 11, 2017

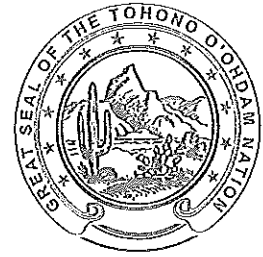


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**TOHONO O'ODHAM NATION
SCHUK TOAK DISTRICT**

P.O. Box 368
Sells, Arizona 85634
Telephone (520) 383-4660
Fax (520)383-5575
Email: schuktoak@toua.net



**RESOLUTION OF THE SCHUK TOAK DISTRICT
(Opposition of the Interstate-11 Corridor on or near the Garcia Strip Community)**

Resolution No.: ST-02-11-17-019

WHEREAS, the Schuk Toak District Council convened in a meeting on February 11, 2017 with a quorum present; and

WHEREAS, In November 2014, the Arizona and Nevada Department of Transportation completed an initial two-year feasibility study known as the Interstate-11 and Intermountain West Corridor Study. The 280-mile stretch will connect Nogales and Wickenburg. It will continue on to the Hoover Dam bypass bridge near Las Vegas. This Interstate 11 Corridor (I-11) will eventually connect Mexico and Canada (see background sheet). The proposed 2,000-foot wide corridor for the interstate has additional options which include the possibility of building a railway and utility lines, (see Proposed Transportation Facility Options). The land required for the frontage roads, drainage, maintenance, and sound walls, etc., are also concerns; and

WHEREAS, the Garcia Strip Community, Schuk Toak District of the Tohono O'odham Nation, opposes the intent of the Arizona Department of Transportation (ADOT) and others involved (see Proposed Transportation Facility Options) to build the I-11 Corridor, on or near, the Garcia Strip Community. An option shown on the map provided by ADOT designates land for the corridor will cut through the Garcia Strip Community which is located on the Eastern boundary of the Tohono O'odham Nation (see map); and

WHEREAS, Garcia Strip Community land has flood plains, sacred sites which cannot be developed and the land base has already been reduced by the following programs:

Program	Land Usage	For	Additional Comments
Tohono O'odham Farming Authority	2,300+ Acres	Schuk Toak Farms	
Southern Arizona Water Rights Settlement Act (SAWRSA) – Bureau of Reclamation (BOR)	500 ft by 7 miles	Wildlife Corridor	Additional undefined restrictions to come
AZ G&T (Formally Southwest Transmission)	50 ft by 3 miles	Transmission power line easement	

; and

WHEREAS, the Schuk Toak District Council discussed and opposes the construction of the I-11 Corridor on or near the Garcia Strip Community.


NOW, THEREFORE, BE IT RESOLVED that the Schuk Toak District of the Tohono O’odham Nation, is opposed to the construction of the Interstate-11 Corridor on or near the Garcia Strip Community.

BE IT FINALLY RESOLVED that the foregoing resolution was enacted by the Schuk Toak District Council with a vote of 15 FOR; 01 AGAINST; [02] ABSENT pursuant to the powers vested in the Council by Article IX, Section 5 of the Constitution of the Tohono O’odham Nation.

ATTEST:



District Council Secretary



Phyllis Juan, District Chairperson



County Agencies



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Maricopa County



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Pre-Scoping Meeting with Maricopa County, Agenda, April 6, 2016



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PRE-SCOPING MEETING WITH MARICOPA COUNTY

APRIL 6, 2016

3:00 PM – 4:00 PM

MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION
2901 W. DURANGO STREET
PHOENIX, ARIZONA 95009

* * * AGENDA * * *

1. Introductions and Purpose of Meeting
2. History of I-11 Corridor
3. Overview of Environmental Review Process
 - a. Scoping
 - b. Alternatives Selection Report
 - c. Tier 1 Environmental Impact Statement
4. Discussion of I-11 Corridor within Maricopa County
5. Maricopa County's Related Plans and Projects in Corridor
6. Potential Opportunities and Issues
7. On-Going Communication Protocols and Recommended Techniques
 - a. ADOT and Maricopa County Coordination
 - b. Public Outreach and Involvement
 - c. Identifying Protected Populations (Title VI, Environmental Justice, and Limited English Proficiency [LEP] Communities)
8. Contact Information
 - a. Project E-Mail: I-11ADOTStudy@hdrinc.com
 - b. Toll Free Hotline: 1-844-544-8049 (Bilingual)
 - c. Website: <http://i11study.com/Arizona>
 - d. Mail: Interstate 11 Tier 1 EIS Study Team
c/o ADOT Communications
1655 W. Jackson St., MD 126F
Phoenix, AZ 85007
9. Other Issues or Items
10. Next Steps



Letter from Maricopa County, July 7, 2016



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Maricopa County

Department of Transportation

Director's Office
2901 W. Durango Street
Phoenix, AZ 85009
Phone: 602-506-4700
Fax: 602-506-4858
www.mcdot.maricopa.gov

July 7, 2016

Aryan Lirange
FHWA Senior Urban Engineer
4000 N. Central Ave., Suite 1500
Phoenix, AZ 85012

Subject:

999-M(161)S
I-11, I-19/SR 189 to US 93/SR 89
TRACS No. 999 SW 0 M5180 01P
I-11 Corridor Tier 1 EIS
Agency Scoping Comments

Dear Mr. Lirange:

Thank you for the opportunity to provide written comments on the I-11 Corridor Tier 1 Environmental Impact Statement. The below are collective comments from the following Departments and Districts within Maricopa County: Air Quality, Flood Control, Parks and Recreation, and Transportation. After attending the Agency Scoping Meeting on June 7, 2016, Maricopa County provides the following general comments on the Corridor Study Area.

1. Near or in close proximity to Vulture Mine Road
 - a. Vulture Mine Road is a regional roadway carrying vehicles from I-10 to Wickenburg. Impact to this roadway may cause concern to local traffic.
 - b. The Corridor Study Area includes the Vulture Mountain Recreation Area (VMRA) Master Plan area. Concerns related to this Master Plan include:
 - i. Conflict with existing and planned Off Highway Vehicle recreation area
 - ii. Conflict with proposed Campground
 - iii. Conflict with Day Use area
 - iv. Conflict with Trails System
 - v. Potential limits to east/west cross recreational opportunities
 - vi. Potential restricted access to the area
 - c. Coordination with the approved circulation plans of multiple master planned communities.
 - d. Topography in this area is diverse and may require special considerations.
 - e. Wildlife activity is high in this area resulting in concerns with wildlife connectivity.

2. US 60 and future Turner Parkway area
 - a. Potential wildlife impact to the Hassayampa Preserve
 - b. Increase of traffic on US 60 and impact to the Hassayampa Preserve
 - c. Potential impact to existing communities (e.g. Festival Ranch)
 - d. Potential impact to wildlife corridors traversing to and from the White Tank Mountains
3. Impact to Flood Retarding Structures (FRS) and Dams
 - a. Buckeye FRS #1 is an earthen embankment dam approximately 7 miles long and is located immediately north of and parallel to Interstate 10 south of the White Tank Mountains and east of the Hassayampa River. The purpose of the dam is to provide 100 yr. flood protection to Interstate 10 and the lower portions of the Buckeye watershed area. The dam was designed to detain water only during times of flooding. Storm water is released from the dam through an ungated Principal Spillway which outlets into the Hassayampa River. Buckeye FRS 1 is one of three dams that impound and drain storm water from a 90-square mile watershed. Buckeye FRS 2 & 3 is east of this dam and are collectively part of an overall system.
 - b. Sunset FRS is an earthen embankment dam approximately 488-ft long and is located in the Town of Wickenburg south of the intersection of U.S. 60 and east of Mariposa Dr. The drainage area contributing to the dam is approximately 0.6 square miles. The dam is designed to contain the 100-yr flood and outlets into the Sunset/Sunnycove pipeline and outfall into the Hassayampa River, approximately 1.5 miles away.
 - c. Sunnycove FRS is an earthen embankment dam approximately 714-ft long and is located in the Town of Wickenburg south of the U.S. 60 and west of Kellis Rd. The drainage area contributing to the dam is approximately 1.4 square miles. The dam is designed to contain the 100-yr. flood and outlets into the Sunset/Sunnycove pipeline and outfall into the Hassayampa River, approximately 1.5 miles away.
 - d. Casandro Wash Dam is an earthen embankment dam approximately 1,011 feet long and is located in the Town of Wickenburg immediately north of U.S. 60 and 1500-ft west of Mariposa Dr. The drainage area contributing to the dam is approximately 3.0 square miles. The dam is designed to contain the 100-yr flood and outlets into the Casandro Wash pipeline and outfall into Sols Wash approximately 1 mile downstream near Tegner St.

*****Note: Each of these dams are under an Operating Agreement with State and Federal Regulatory agencies and any impacts to these dams will require involvement with the AZ Dept. of Water Resources Dam Safety Section and the Natural Resource Conservation Service.*

4. Impact to Loop 303 Outfall Drainage Channel

The L 303 Channel is a 5-mile long regional drainage channel located in the City of Goodyear west of Cotton Lane from Van Buren St. to the Gila River. The upstream 3.7 miles of the channel is within the corridor of the L 303 freeway. This project provides a regional drainage outfall as well as a 100-yr. level of flood protection for the freeway and is an outfall for two dams west of located west of the channel. Connections or impacts to the system will involve the Flood Control District and ADOT.

5. Floodplain Impacts

The Flood Control District performs floodplain management and regulations duties for unincorporated Maricopa County and the following Cities/Towns that appear to be within the corridor: Buckeye, Surprise, Goodyear, Gila Bend and Wickenburg.

6. The Maricopa Regional trail will connect Lake Pleasant Regional Park to the Vulture Mountains and Wickenburg area from the east. The planned Regional Trail would then likely exit the Vulture Mountains area and head southwest to connect with White Tank Mountain Regional Park. Consideration should be made to accommodate connectivity to those areas.

7. Potential impacts on air quality will need to be considered.

In addition, please add Michael Duncan with Flood Control District to your distribution list. He can be reached at 602-506-4732 or via email at mwd@mail.maricopa.gov.

Maricopa County appreciates the opportunity to provide comments on the Corridor Study Area and looks forward to working with the Federal Highway Administration and the Arizona Department of Transportation as Corridor Alternatives are developed.

Please feel free to contact me if there is clarification needed on any of the comments provided.

Sincerely,



Jennifer Toth
County Engineer

Cc:

RJ Cardin, Parks and Recreation

Bill Wiley, Flood Control District

Phil McNeely, Air Quality

Jay Van Echo, ADOT Project Manager

Lisa Ives, AECOM Consultant Team Project Manager



Letter to Maricopa County, October 8, 2020



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U.S. Department
of Transportation
**Federal Highway
Administration**

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
Phone: (602) 379-3646
Fax: (602) 382-8998
<http://www.fhwa.dot.gov/azdiv/index.htm>

October 8, 2020

In Reply Refer To:
999-M(161)
TRACS No. 999 SW 0 M5180 01P
I-11 Corridor Tier 1 EIS
Section 4(f) Consultation

R.J. Cardin, Director
Maricopa County Parks and Recreation
41835 N. Castle Hot Springs Road
Morristown, AZ 85342

Dear Mr. Cardin;

The purpose of this letter is to consult with you, as the official with jurisdiction over Buckeye Hills Regional Park, related to the I-11 Corridor Tier 1 Environmental Impact Statement (EIS) and Preliminary Section 4(f) Evaluation. Federal Highway Administration (FHWA) identified properties that may be protected by Section 4(f) of the U.S. Department of Transportation Act of 1966 [Section 4(f)], now codified at 49 United States Code 303 et seq. and implemented in 23 Code of Federal Regulations (CFR) 774, and is requesting your assistance by verifying the information in this letter or, if needed, providing accurate information.

Project Overview

The Arizona Department of Transportation (ADOT), in cooperation with FHWA as the lead federal agency, published a Draft Tier 1 EIS and Preliminary Section 4(f) Evaluation on April 5, 2019. The project would provide a new interstate highway from Nogales to Wickenburg, Arizona. The Draft Tier 1 EIS provides a programmatic approach for identifying existing and future conditions by evaluating 2,000-foot-wide Build Corridor Alternatives, within which project-level highway alignments could be identified in Tier 2.

Overview of Section 4(f) Properties

As a part of the Tier 1 EIS process, an analysis of properties eligible for protection under Section 4(f) must be completed. Section 4(f) properties are any publicly owned parks and recreation areas (including trails); waterfowl and wildlife refuges; and National Register of Historic Places (NRHP) eligible historic sites considered to have national, state, or local significance.

Section 4(f) properties are publicly owned land considered to be a park, recreation area, or wildlife and waterfowl refuge when the land has been officially designated as such by a federal, state or local agency, and the officials with jurisdiction over the land determine that its primary purpose is as a park, recreation area, or refuge. Primary purpose is related to a property's primary function and how it is intended to be managed. Incidental, secondary, occasional, or dispersed activities similar to park, recreational, or refuge activities do not constitute a primary purpose within the context of Section 4(f).

Additionally, a property must be a significant public park, recreation area, or wildlife and waterfowl refuge. The term significant means that, in comparing the availability and function of the park, recreation area, or wildlife and waterfowl refuge with the park, recreation, or refuge objectives of the agency, the property in question plays an important role in meeting those objectives.

Request for Agreement

FHWA and ADOT recognize Buckeye Hills Regional Park within the Corridor Study Area as having Section 4(f) protection. FHWA respectfully requests that Maricopa Parks and Recreation verify the following information about Buckeye Hills Regional Park:

1. Figure 1 shows the location and boundaries of the property in relation to the Build Corridor Alternatives. As the official with jurisdiction over Buckeye Hills Regional Park, meaning the agency that owns or administers the property in question and the person who is empowered to represent the agency on matters related to the property, do you agree that Buckeye Hills Regional Park is protected by Section 4(f)? Do you agree that the boundaries of the property shown in Figure 1 are correct? If not, would you please assist us by providing the correct boundary information?
2. As the official with jurisdiction over Buckeye Hills Regional Park, is it accurate to say the property is significant when compared to the objectives of the agency?

Next Steps

FHWA and ADOT will use your response to further evaluate whether the project would have the potential to impact Buckeye Hills Regional Park. The results of the Preliminary Section 4(f) Evaluation will be reported in the I-11 Final Tier 1 EIS, currently in preparation. FHWA will continue to coordinate with Maricopa County Parks and Recreation as the project advances.

During Tier 2 studies, the 2,000-foot width of a selected Build Corridor Alternative would be refined to a specific roadway alignment. At that time, ADOT would continue coordination with Maricopa County Parks and Recreation. ADOT would undertake a Final Section 4(f) Evaluation as part of the Tier 2 studies. That evaluation would examine the applicability of Section 4(f) to the Buckeye Hills Regional Park related to the specific roadway alignment.

We appreciate your assistance with our request and respectfully ask for your response by November 6, 2020. For your convenience, a signature line is provided below if you agree with the preceding information. You can sign it and send it back to FHWA. If you do not agree, please provide us with the correct information. If you have any questions or need additional information, please feel free to contact Rebecca Yedlin, FHWA Environmental Coordinator, at 602.382.8979 or Rebecca.Yedlin@dot.gov.

Sincerely,

REBECCA
ANNE YEDLIN

Digitally signed by
REBECCA ANNE YEDLIN
Date: 2020.10.08
10:29:22 -07'00'

for
Karla S. Petty
Division Administrator

We, Maricopa County Parks and Recreation, as the official with jurisdiction under Section 4(f) for the Buckeye Hills Regional Park, have reviewed Figure 1. The boundaries of Buckeye Hills Regional Park, as shown on Figure 1, are accurate. The park is significant as defined by Section 4(f) and compared to the objectives of Maricopa County. Maricopa County is the sole official with jurisdiction over Buckeye Hills Regional Park.

Signature for Maricopa County Parks and Recreation
Agreement
999-M(161)

Date

Enclosure

ecc:

Jennifer Toth, Maricopa County Engineer

RYedlin

JVanEcho

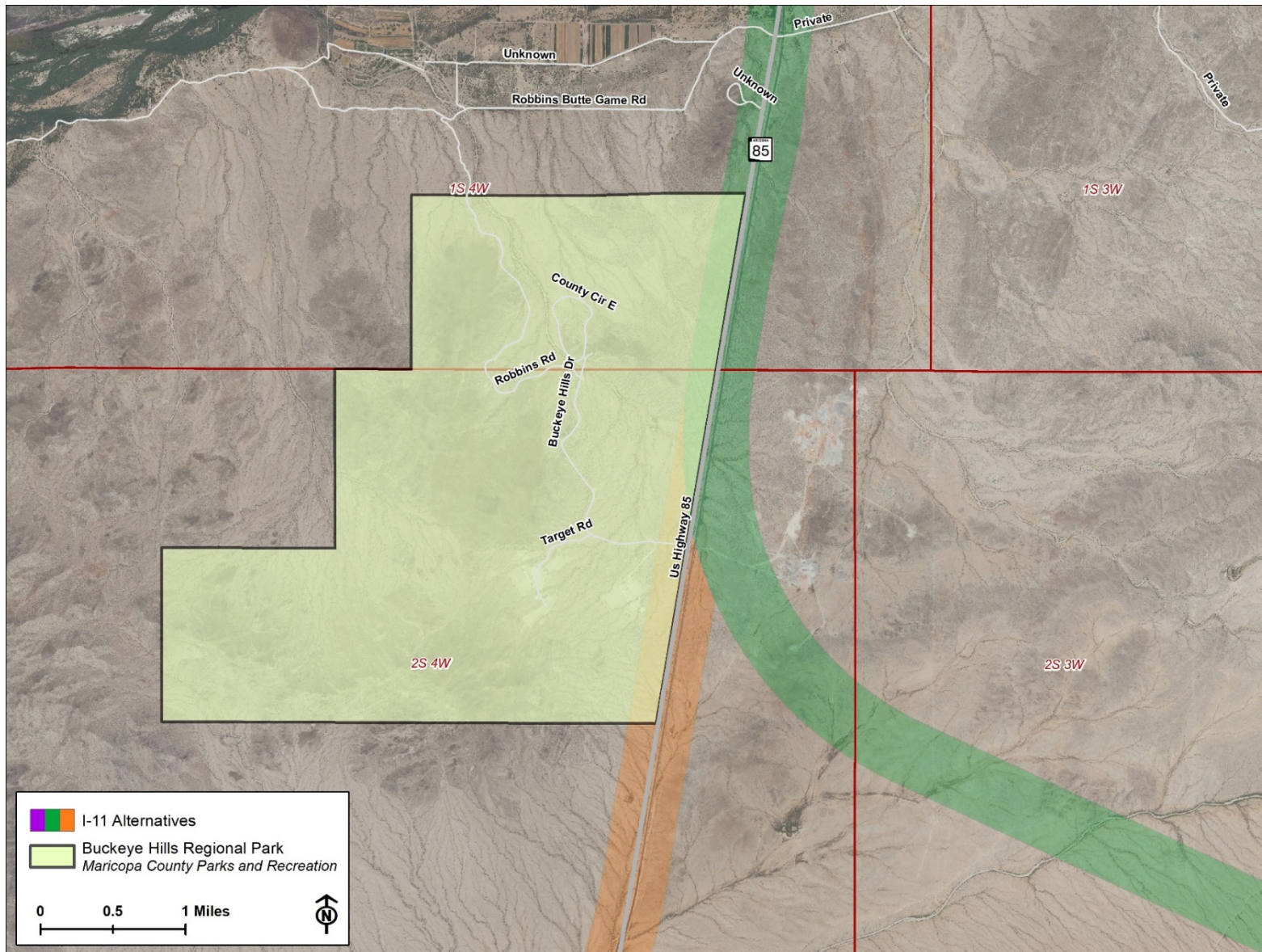


Figure 1 – Buckeye Hills Regional Park



Email from Maricopa County, October 14, 2020



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Roche, Leslie

From: Yedlin, Rebecca (FHWA) <Rebecca.Yedlin@dot.gov>
Sent: Wednesday, October 14, 2020 3:52 PM
To: Roche, Leslie; Jones, Laynee
Subject: [EXTERNAL] FW: I-11 - Section 4(f) Consultation
Attachments: Buckeye-85-Trail-Xing-11x17.pdf

fyi

From: RJ Cardin (PRK) <RJ.CARDIN@Maricopa.Gov>
Sent: Wednesday, October 14, 2020 12:24 PM
To: Yedlin, Rebecca (FHWA) <Rebecca.Yedlin@dot.gov>
Cc: Ken Vonderscher (PRK) <Ken.Vonderscher@Maricopa.Gov>; John Rose (PRK) <John.Rose@Maricopa.Gov>; Jennifer Toth (DOT) <Jennifer.Toth@Maricopa.Gov>
Subject: RE: I-11 - Section 4(f) Consultation

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Rebecca, regarding your letter and request for information:

Request for Agreement

FHWA and ADOT recognize Buckeye Hills Regional Park within the Corridor Study Area as having Section 4(f) protection. FHWA respectfully requests that Maricopa Parks and Recreation verify the following information about Buckeye Hills Regional Park:

-
1. Figure 1 shows the location and boundaries of the property in relation to the Build Corridor Alternatives. As the official with jurisdiction over Buckeye Hills Regional Park, meaning the agency that owns or administers the property in question and the person who is empowered to represent the agency on matters related to the property, do you agree that Buckeye Hills Regional Park is protected by Section 4(f)? Do you agree that the boundaries of the property shown in Figure 1 are correct? If not, would you please assist us by providing the correct boundary information?
 2. As the official with jurisdiction over Buckeye Hills Regional Park, is it accurate to say the property is significant when compared to the objectives of the agency?
-

2

1. Yes, I agree the Park is protected by Section 4(f); The boundaries are correct as shown, however we need you to be aware of two new trail crossing for the Maricopa Trail that are being developed that will bisect Highway 85. A site map is attached. You can find more information on the Maricopa Trail here:
<https://www.maricopacountyparks.net/park-locator/maricopa-trail/trail-maps/>
2. Yes, the property is significant when compared to the objectives of the agency.

If you need a formal response in the form of a letter please let me know and I'd be happy to provide one.

R.J. Cardin, Director

NEW Office Direct #: 602-506-9506



Maricopa County
Parks and Recreation Department

Connecting people with nature! Visit us at maricopa.gov/parks or by clicking on a link below.

Facebook

Twitter

From: Yedlin, Rebecca (FHWA) <Rebecca.Yedlin@dot.gov>
Sent: Thursday, October 8, 2020 10:48 AM
To: RJ Cardin (PRK) <RJ.CARDIN@Maricopa.Gov>
Cc: Jay Van Echo (JVanEcho@azdot.gov) <JVanEcho@azdot.gov>; 'i11doccontrol@aecom.com' <i11doccontrol@aecom.com>; Jennifer Toth (DOT) <Jennifer.Toth@Maricopa.Gov>
Subject: I-11 - Section 4(f) Consultation

Please see the attached I-11 Section 4(f) consultation letter for the Buckeye Hills Regional Park. If you would like a hard copy mailed to you, or have any questions about the consultation, please let me know. Thanks, Rebecca

Rebecca Yedlin
Environmental Coordinator
Federal Highway Administration Arizona Division
4000 N Central Ave, Ste#1500
Phoenix, AZ 85012
602.382.8979

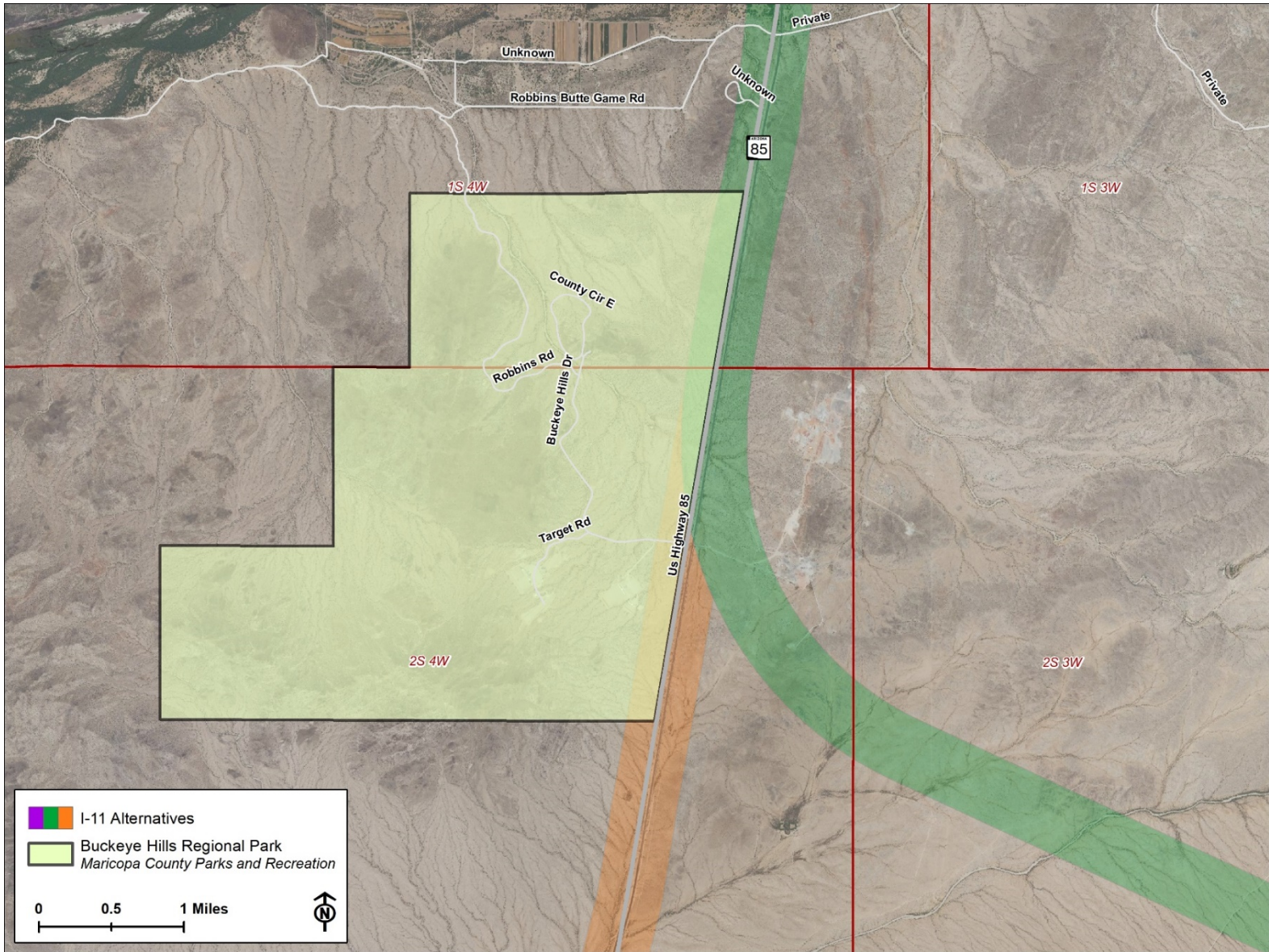


Figure 1 – Buckeye Hills Regional Park



Pima County



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Consultation with Pima County, Meeting Notes, December 3, 2017



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MEETING PURPOSE: Consultation Meeting with Pima County
DATE & TIME: Monday, December 3, 2017, 3:30 PM (AZ Time)
LOCATION: Pima County Office, 6th Floor Conference Room
 130 West Congress
 Tucson, AZ

ATTENDEES: (*Participated via teleconference)
 Rebecca Yedlin*, Aryan Lirange*: Federal Highway Administration (FHWA)
 Jay Van Echo, Arizona Department of Transportation (ADOT)
 Ana Olivares, Linda Mayro, Carmine DeBonis, John Moffatt, Chuck Huckleberry – Pima County

MEETING NOTES

Purpose:	
I-11 Tier 1 NEPA EIS consultation coordination meeting among the FHWA, ADOT, and Pima County to discuss an I-11 DEIS update, and Tucson Mountain Park Section 4(f) and Constructive Use.	
Key Discussion Points/Action Items:	Responsible Party / Action Item
<p>1. Introductions and Agenda Review Jay provided opportunity for introductions and addressed the agenda (attached).</p>	No action.
<p>2. I-11 Study Update and Schedule Jay updated the County on the project study describing the ongoing activities in preparation of the DEIS and plan to publish in the Federal Register (FR) and bring to Public Hearings in early 2019.</p>	No action
<p>3. Tucson Mountain Park – Use, 4(f), and Constructive Use Rebecca asked if all understood Section 4(f) of the US Department of Transportation Act, Constructive Use, and that Pima County is the Official with Jurisdiction (OWJ) for the Tucson Mountain Park (TMP). The County acknowledged yes.</p> <p>Rebecca also asks and got concurrence from Mr. Huckleberry that the primary use of the TMP is human recreation.</p> <p>Rebecca went on to say that the DEIS has completed a Tier 1-level Preliminary 4(f) Constructive Use analysis and that the County would see it in the upcoming DEIS which will be distributed to the County upon publication in the FR. She asked that the County take a close look at this analysis and that this Constructive Use analysis was brought about based on a written question from one of I-11's Cooperating Agency members.</p> <p>FHWA's conclusion is that there is no direct nor any Constructive Use of the TMP as a result of the I-11 corridor's alternatives.</p>	I-11 DEIS completion by ADOT and approval for publication by FHWA I-11 DEIS publication by FHWA DEIS review and comment by Pima County upon receipt of DEIS in early 2019

Purpose:	
I-11 Tier 1 NEPA EIS consultation coordination meeting among the FHWA, ADOT, and Pima County to discuss an I-11 DEIS update, and Tucson Mountain Park Section 4(f) and Constructive Use.	
Key Discussion Points/Action Items:	Responsible Party / Action Item
Ms. Mayro stated that the Constructive Use analysis is rarely used but she and the County will review the analysis closely and respond accordingly.	
<p>4. Tucson Mitigation Corridor Aryan Lirange described the Tucson Mitigation Corridor (TMC) and its set aside as mitigation for wildlife movement as a result of the construction of the Central AZ Project (CAP).</p> <p>Aryan also described the OWJ of the TMC is the Bureau of Reclamation (Reclamation) with the managing partner being Pima County and other partners including the US Fish and Wildlife (USF&W) and AZ Game and Fish (AZG&F) Departments.</p> <p>Mr. Huckleberry added and concurred that the TMC was mitigation for the canal, that wildlife was an after fact, it is approximately 4-square miles, and that it is adjacent to the City's ground and re-charge facilities (CAVSARP and SAVSARP). Chuck also mentioned that matching the siphon (wildlife crossings) within the TMC would be a good mitigation strategy.</p> <p>Ms. Mayro added that the siphons were of particular importance to USF&W and AZG&F for mule deer, infrequent Bighorn Sheep as wildlife linkages.</p> <p>Mr. DeBonis stated that the TMC management agreement is still in place but monies between the Reclamation and the County stopped approximately 5-years ago.</p>	No action
<p>5. CAP Option from Udall Foundation Meetings (USIECR) 6. Sandario Road Mr. Lirange described the FHWA-ADOT team's use of the United States Institute for Environmental Conflict resolution (USIECR – Udall Foundation) to have a more focused conversation regarding I-11 options in Southern AZ with City of Tucson and Avra Valley residents. A series of meetings (3 with each group) to discuss Alternative B (Tucson option to accommodate I-11 and co-locate with I-10) and Alternatives C/D (two distinct alternatives in Avra Valley).</p> <p>As a result of these meeting Mr. Lirange described an option brought up in these conversations to co-locate I-11 in close proximity and adjacent to the CAP within the TMC. In essence the meetings discussed if an I-11 is within your community how you would/could envision it in terms of opportunities, constraints, and/or fatal flaws.</p> <p>An option was to co-locate with the CAP in the TMC and also to</p>	No action

Purpose:	
I-11 Tier 1 NEPA EIS consultation coordination meeting among the FHWA, ADOT, and Pima County to discuss an I-11 DEIS update, and Tucson Mountain Park Section 4(f) and Constructive Use.	
Key Discussion Points/Action Items:	Responsible Party / Action Item
<p>An option was to co-locate with the CAP in the TMC and also to relocate Sandario Road as local access. This option will combine the linear facilities, allow for combined wildlife crossings (at the siphon locations), and eliminate some physical wildlife barriers (Sandario Road pavement and non-friendly game fences).</p> <p>Mr. Huckleberry brought up a Sandario Road to San Joaquin Road connection based on current and future land use, floodplain considerations, and land ownership.</p>	

c Document Control

Attachments:

- (1) Sign In Sheet
- (2) Agenda

Meeting Purpose: Pima County / ADOT / FHWA I-11 Tier 1 Consultation

Location: Pima County 130 W Congress 6th floor

Date: 12/03/2018 Time: 1530

SIGN-IN SHEET

Name	Organization	Phone	E-mail	Address
Jay Van Echo	ADOT	520-400-6207	jvanecho@azdot.gov	Tucson
Ana Olivares	PCDOT	520-724-6410	Ana.Olivares@pima.gov	Tucson
Linda Mayo	PC OSC	520-724-6451	linda.mayo@pima.gov	Tucson
Carmine DeBonis	Pima Co.	520-724-8480	carmine.debonis@pima.gov	
JOHN McFERRATT	" "	520-724-4444	JOHN.McFERRATT@PIMA.GOV	TUCSON.
CHACK HUCKELBERG	" "	520-724-8571	CHACK.HUCKELBERG@PIMA-GOV.S	
Rebecca Yedlin	FHWA	on phone		
Aryan Lirange	FHWA	on phone		

PIMA COUNTY I-11 TIER 1 EIS STUDY BRIEFING

MONDAY, DECEMBER 3, 2018
3:30 PM (AZ TIME)

AND

<Call in information as necessary>

***** AGENDA *****

- | | |
|---|-----------------------|
| 1. Introductions | Jay Van Echo (ADOT) |
| 2. I-11 Study Update and Schedule | Jay Van Echo |
| 3. Tucson Mountain Park – Use, 4(f), & Constructive Use | Rebecca Yedlin (FHWA) |
| 4. Tucson Mitigation Corridor | Aryan Lirange (FHWA) |
| 5. CAP Option from Udall Meetings (USIECR) | Aryan Lirange |
| 6. Sandario Road | Aryan/Jay |
| 7. Q & A | all |



Letter from Pima County, July 8, 2019



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COUNTY ADMINISTRATOR'S OFFICE

PIMA COUNTY GOVERNMENTAL CENTER
130 W. CONGRESS, FLOOR 10, TUCSON, AZ 85701-1317
(520) 724-8661 FAX (520) 724-8171

C.H. HUCKELBERRY
County Administrator

July 8, 2019

I-11 Tier 1 EIS Study Team
c/o ADOT Communications
1655 West Jackson Street
Mail Drop 126 F
Phoenix, Arizona

Email to: I-11ADOTSTUDY@hdrinc.com

Re: Interstate 11 Corridor Draft Tier 1 Environmental Impact Statement Review and Comments by Pima County

Dear I-11 Tier 1 EIS Study Team:

Pima County appreciates the opportunity to review and comment on the Interstate 11 (I-11) Corridor Draft Tier 1 Environmental Impact Statement (EIS). Given the importance of I-11 as a trade corridor, the no-build alternative is unacceptable and should be rejected. Notwithstanding, both corridor alignments, the one using the existing Interstate 10 (I-10) and the Avra Valley alignment, have significant impacts and will require extensive mitigation.

The I-10 alternative impacts relate mainly to adverse urban impacts associated with residential and commercial displacement, as well as noise and disruption of existing transportation utility systems. The Avra Valley route has mostly environmental impacts. Extensive mitigation will be required for both routes and the required mitigation should meet local standards, ordinances and requirements.

To assist in developing mitigation obligations, Pima County has prepared detailed written comments. The County's comments primarily relate to the Avra Valley alternative where the County has jurisdiction. Other impacts associated with the I-10 alternative have been provided by the City of Tucson. Many of our comments are also applicable to urban dislocation and impacts to historic and cultural places that will occur as a result of the I-10 alternative.

Email to: I-11ADOTSTUDY@hdrinc.com

**Re: Interstate 11 Corridor Draft Tier 1 Environmental Impact Statement Review and
Comments by Pima County**

July 8, 2019

Page 2

Attachment 1 is a detailed 14-page memorandum that comments on the Draft Tier 1 EIS. Our comments are contained within the July 5, 2019 memorandum from Pima County Transportation Director Ana Olivares. In addition, Attachment 2 is a more detailed environmental mitigation analysis prepared by Pima County staff regarding the mitigation obligations associated with the Avra Valley route or an intermountain west corridor. These comments and studies are designed to assist you in your deliberations of this matter and selection of a preferred corridor.

The County will object to any Avra Valley alternative I-11 corridor that does not adequately mitigate environmental, historic, archeological, and urban form impacts to the standards set forth in our detailed list of comments in Attachment 1 and our environmental mitigation analysis found in Attachment 2.

These mitigation standards are intended to ensure complete compliance with the locally adopted and nationally recognized Sonoran Desert Conservation Plan and to prevent an intermountain trade corridor such as I-11 from becoming a catalyst to promote urban sprawl and commercialization along the corridor.

We appreciate the opportunity to provide this review and comment on the I-11 Corridor Draft Tier 1 Environmental Impact Statement.

Sincerely,



C.H. Huckelberry
County Administrator

CHH/anc

Enclosure

c: The Honorable and Chairman and Members, Pima County Board of Supervisors
Carmine DeBonis, Jr., Deputy County Administrator for Public Works
Ana Olivares, Director for Transportation Department

ATTACHMENT 1

DATE: July 5, 2019



FROM: Ana M. Olivares, P.E.
Director

TO: C.H. Huckelberry
County Administrator

SUBJECT: RE: I-11 Corridor Draft Tier 1 Environmental Impact Statement Comments

The Department of Transportation appreciates the opportunity to review and comment on the Draft Tier 1 Environmental Impact Statement (EIS) for the Interstate 11. We have circulated the Draft Tier 1 EIS to the Public Works Departments and compiled all comments received. We continue to support the environmental impact study process including full disclosure of all impacts and mitigation measures for all alternatives. We understand that any alternative for a major new interstate freeway is going to have impacts that must be carefully evaluated and weighed against each other. We also understand that the National Environmental Policy Act (NEPA) process requires full disclosure of all potential impacts and recommended mitigation measures to address those impacts. To this point, we are concerned that not all potential impacts have been adequately disclosed, nor adequate mitigation proposed.

Specifically, we agree with the particular findings of the Draft Tier 1 EIS that the Recommended Alternative through Avra Valley negatively impacts natural and cultural resources, but we do not believe that these impacts have been adequately evaluated. We also have concerns about the evaluation of impacts of the I-10/I-19 alternative or “orange” route. The remainder of this memorandum will address the following major concerns as well as minor comments and corrections:

1. The Draft Tier 1 EIS does not acknowledge potential impacts to the thousands of acres owned and/or managed by Pima County as part of the Conservation Lands System (CLS).
2. We disagree with the “net benefit” programmatic evaluation of the Tucson Mitigation Corridor (TMC) and insist that an individual 4(f) evaluation be conducted for the proposed use of the TMC. We believe this requires a revision to the Draft Preliminary Section 4(f) Evaluation.
3. We have significant concerns regarding the analysis methods, data integrity and accuracy of the information presented in Section 3.7 Archeological, Historical and Cultural Resources. Therefore, we believe the results presented in Section 3.7 and Chapter 4 are grossly inadequate for the purposes of a comparative analysis between alternatives.
4. Pima County’s Preserve System must be considered an “affected resource” and potential impacts must be assessed and mitigation strategies must be presented.
5. Information on the Pima County’s Multi-species Conservation Plan (MSCP) is incorrect and incomplete.

1. Conservation Lands System Impacts and Mitigation

The agencies must consider Pima County’s CLS an “Affected Resource,” assess likely impacts to it, and mitigate those impacts based on established CLS ratios. The Draft EIS includes no discussion of Pima County’s Maeveen Marie Behan CLS. This is a significant oversight when assessing I-11’s impacts to biological resources and planned land use in Pima County.

Developed with the assistance of the Bureau of Reclamation (BOR), U.S. Fish and Wildlife Service (FWS), and many other agencies, scientists, and land managers, the CLS is a key element of the County’s award-winning Sonoran Desert Conservation Plan (SDCP). It identifies areas where conservation should be prioritized as well

as areas more suitable for development, along with mitigation goals that help the region grow while maintaining and improving landscape-level connectivity, which is the foundational objective of the CLS. It has guided County land use planning since it was first integrated into Pima County's Comprehensive Land Use Plan in 2001, and it has been included in each subsequent update including the 2015 update, *Pima Prospers*.

The CLS was used as a foundation for the County's MSCP, and it provides a federally approved landscape-level framework for mitigating the effects of development. It identifies and maps areas where priority biological resources occur within Pima County, categorizes those resources based on their relative values for biodiversity, and establishes landscape-level conservation goals for each category. The most biologically sensitive categories are also assigned project-specific mitigation ratios specifying the amount of mitigation necessary to offset disturbances in that category. These categories include:

- *Important Riparian Areas*: Landscape-level goal is to conserve at least 95 percent of the lands within this designation; project-specific mitigation determined via compliance with Pima County's *Watercourse and Riparian Habitat Protection and Mitigation Requirements* ordinance (Pima County Zoning Code Title 16.30).
- *Biological Core Management Areas*: Landscape-level goal is to conserve at least 80 percent of the lands within this designation; project-specific mitigation ratio is four conserved acres for each acre disturbed (4:1).
- *Special Species Management Areas*: Landscape-level goal is to conserve at least 80 percent of the lands within this designation; project-specific mitigation ratio is four conserved acres for each acre disturbed (4:1).
- *Multiple Use Management Areas*: Landscape-level goal is to conserve at least 66 ⅔ percent of the lands within this designation; project-specific mitigation ratio is two conserved acres for each acre disturbed (2:1).

Complete information on CLS categories and associated conservation guidelines can be found in Pima County's General Plan, [*Pima Prospers, Chapter 3.4 – Use of Land; Environmental Element*](#).

Pima County has made extraordinary investment in securing property (fee title) and property interests (grazing leases, conservation easements, etc.) to conserve biologically diverse and culturally rich lands across the region. In many cases, these property interests also serve to fulfill the County's long-term mitigation obligations under our MSCP and Section 10 Incidental Take Permit, which was issued by the FWS in July 2016.

The green and purple alternatives (or any combination of the two) running through Avra Valley will have broad impacts on multiple CLS categories; the orange alternative will likely have far fewer impacts. These impacts, wherever they occur, will require mitigation based on each category's established mitigation ratio as described above.

Recommendation: The agencies must mitigate CLS impacts based on established mitigation ratios; it is estimated that approximately 11,000 acres would be required to mitigate CLS impacts in Avra Valley. Understanding that more detailed assessments will be conducted in the Tier 2 analysis, the Tier 1 EIS must consider the CLS an "Affected Resource" and generally assess both the likely impacts to this resource and potential mitigation strategies, just like the document does for other "Affected Resources."

We conducted a preliminary assessment of potential impacts to the CLS if I-11 is routed through Avra Valley [See Attachment 1]. We estimate that, based on established CLS mitigation ratios, the amount of lands necessary to mitigate those impacts will be approximately 11,000 acres. This estimate and the potential costs associated with it need to be considered in the Tier 1 EIS in order to "to provide sufficient information for the public, agencies, and Tribes to comment on the analysis of the alternatives and the Recommended Alternative," the stated objective of the Draft EIS.

We also recommend that the following mitigation actions be taken if I-11 is routed through Avra Valley to address the significant impacts this project will have on landscape connectivity, which is the foundational objective of the CLS:

- Minimize or eliminate interstate entrance and exit points (interchanges) in Avra Valley;
- Acquire mitigation lands adjacent to the I-11 route to forestall future commercial and urban expansion in the Avra Valley;
- Establish additional wildlife movement corridors in Avra Valley via acquisition or other means; and
- Establish protected wildlife movement corridors north of Avra Valley between the Picacho Mountains/Durham-Coronado Plain area and the Ironwood Forest National Monument via acquisition or other means.

2. TMC and Draft Preliminary Section 4(f) Evaluation

Several separate but related comments, enumerated A through F, and recommendations are provided relating to the TMC.

A. The agencies must conduct an individual 4(f) evaluation of the TMC.

The “net benefit” programmatic evaluation of the TMC provided in the Draft EIS is not applicable to this project’s proposed use of the TMC. The federal regulations governing 4(f) evaluations state that programmatic evaluations are to only be used “for certain minor uses of Section 4(f) property.” (23 CFR 774.3(d); emphasis added.) The use at issue here is the routing of a new interstate highway through the entire length of a 2,500-acre property set aside specifically to facilitate wildlife movement. It is critical to remember that the reason this property is considered a 4(f) property is because it currently serves as mitigation for the significant impacts to wildlife connectivity that resulted from a previous linear project – the Central Arizona Project (CAP) canal. To categorize a use that will almost certainly impair the ability of this specific property to continue to serve that important function as “minor” is simply not defensible.

The use of the “net benefit” programmatic evaluation is also inappropriate because in order for it to apply, the “net benefit” must be realized on the 4(f) property at issue. According to Federal Highway Administration guidance, “A “net benefit” is achieved when the transportation use, the measures to minimize harm and the mitigation incorporated into the project results in an overall enhancement of the Section 4(f) property... A project does not achieve a “net benefit” if it will result in a substantial diminishment of the function or value that made the property eligible for Section 4(f) protection.”¹

Here, regardless of the type and scope of measures implemented off-site to mitigate impacts to the TMC, this project will undoubtedly result in a substantial diminishment of the TMC property itself, as well as substantial diminishment of its value in facilitating wildlife movement and its ability to continue to serve as mitigation for the CAP canal’s impacts.

Recommendation: The agencies must conduct an individual 4(f) evaluation for the proposed use of the TMC. This evaluation must be supported with sufficient information regarding the proposed use of the TMC and the associated impacts to the property to allow decision-makers and the public to make an informed choice between the alternatives presented.

¹ “Section 4(f) Evaluation and Approval for Transportation Projects that Have a Net Benefit to a Section 4(f) Property.” Federal Highway Administration Environmental Review Toolkit. https://www.environment.fhwa.dot.gov/legislation/section4f/4f_netbenefits.aspx. Accessed June 12, 2019 (emphases added).

B. Pima County must agree to any future development within the TMC property.

As detailed in a letter dated April 13, 2018, Pima County has decision-making authority regarding developments within the TMC [See Attachment 2]. In 1990, the BOR's acquisition of the TMC was authorized under 16 U.S.C. 663, which directs that "such properties shall continue to be used for such purposes, and shall not become the subject of exchange or other transactions if such exchange or other transaction would defeat the initial purpose of their acquisition." (Emphasis added.) These regulations also require that the use of such lands "shall be in accordance with general plans approved jointly" by the BOR, the Secretary of Interior, and other agencies that administer the resources at issue. (16 U.S.C. 663(b).)

After the BOR acquired the TMC property, the Department of Interior entered into the *Cooperative Agreement for the Use of Project Lands for Wildlife and Plant Conservation and Management, TMC, Central Arizona Project* with Pima County, the Arizona Game and Fish Department (AGFD), and the FWS. The *Cooperative Agreement* provided that Pima County would manage TMC as part of the Tucson Mountain Park system in accordance with the *Master Management Plan* that was attached to that agreement. The *Master Management Plan* was also attached to the 2002 *Cooperative Agreement* which replaced the 1990 agreement.

The *Master Management Plan* explicitly requires that BOR "prohibit any future developments within the area other than existing wildlife improvements, management, or developments agreed to by [BOR], [AGFD], [FWS], and Pima County." (Section II.2.) After several extensions the 2002 *Cooperative Agreement* was terminated in 2009; however, the *Master Management Plan's* Section II "Management Goals" and "Management Actions" survived the 2009 termination and stands as the jointly approved plan required under 16 U.S.C. 663(b). This means that BOR is obligated to prohibit any future developments within the TMC unless jointly agreed to by all parties to *Master Management Plan*, including Pima County.

Recommendation: The Draft EIS needs to acknowledge Pima County's authority over the use of the TMC property. The agencies should begin engaging with Pima County directly regarding the use of this property, as was previously requested in the County's April 13, 2018 letter [See Attachment 2].

C. The agencies must revise the entire *Draft Preliminary Section 4(f) Evaluation* to include sufficient information for informed decision-making, and it must be recirculated for public comment.

As we have explained above, the "net benefit" programmatic evaluation cannot be applied to the TMC; instead, an individual 4(f) evaluation must be done for this property. Because it overwhelmingly relies on the incorrect assumption that a "net benefit" can be achieved for the TMC, the entire *Draft Preliminary Section 4(f) Evaluation* is fatally flawed. The assumption that a "net benefit" will be achieved for the TMC supplanted a true examination of potential impacts to that property, and that omission now precludes any meaningful comparison of the alternatives and their potential use of 4(f) properties. This renders moot virtually every finding that supports the evaluation's least overall harm assessment and summary of findings.

The agencies have an overarching responsibility under the NEPA to obtain the information necessary to evaluate significant environmental impacts when such information is "essential to a reasoned choice among alternatives," and to take a "hard look" at the environmental consequences of this proposed action. (40 C.F.R. 1502.22; *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989)). The Draft EIS fails to do either, as virtually all of the information provided in the Draft Preliminary Section 4(f) evaluation is woefully insufficient in this regard, rendering the entire so inadequate as to preclude meaningful analysis.

Recommendation: The agencies must revise the *Draft Preliminary Section 4(f) Evaluation* and recirculate it for public comment. The *Draft Preliminary Section 4(f) Evaluation* must be redone once the individual evaluation for the TMC is completed, and it must provide sufficient information for all 4(f) properties to allow for a proper evaluation of the significant impacts and so that decision-makers and the public can make a reasoned choice among the alternatives presented. Once completed, the revised draft must be recirculated for public comment before being finalized.

D. The Draft EIS provides no assurances that sufficient resources will be available to implement the measures required to mitigate impacts to the TMC.

According to the Council for Environmental Quality guidelines for the “Appropriate Use of Mitigation and Monitoring” published in January 2011, “Agencies should not commit to mitigation measures considered and analyzed in an EIS or EA if there are insufficient legal authorities, or it is not reasonable to foresee the availability of sufficient resources, to perform or ensure the performance of the mitigation.” We understand that at the Tier 1 Draft EIS stage, the discussion of mitigation measures is focused on planning-level efforts. However, the I-11 Tier 1 EIS and Record of Decision (ROD) will make the final determination on whether the Build Corridor will run through the TMC property or not. If the decision is made to route I-11 through the TMC and that decision is rationalized by the promised implementation of mitigation measures to offset impacts to the TMC, then those measures must be discussed in more detail at this stage. That discussion should include at least some consideration of whether the legal authority and funding necessary to perform the promised mitigation measures exist now and/or will exist in the future.

Given the long planning horizon for future studies and design of I-11, there are legitimate questions about whether these mitigation commitments will actually be implemented in light of the lack of commitment or funding to stabilize the future of private and state trust lands that may potentially serve as mitigation for this project. In fact, it is likely that much of the potential land suitable for mitigation will be developed in advance of any construction and will thus be unavailable for use as mitigation. Most of the private lands will be exchanged on the market in coming years, and there is no agent who will buy mitigation land absent an agreement to do so with the federal agencies. Additionally, because the mission of the Arizona State Land Department is to manage State Trust Lands in a way that optimizes economic return for the Trust beneficiaries, there are no assurances that these lands will be made available for purchase as mitigation in the future. The agencies need to consider these important issues before deciding whether the Build Corridor will be routed through the TMC; if that decision is ultimately founded on mitigation commitments that cannot be implemented, the agencies may be forced to redo their NEPA analysis.

Recommendation: The agencies must discuss proposed mitigation measures for the TMC in more detail, including where and how potential land acquisitions will occur. Because the I-11 Tier 1 EIS and ROD will make the final determination of whether the Build Corridor will run through the TMC, the mitigation measures proposed to offset impacts to the TMC must be discussed in more detail at this stage in order to meaningfully inform that decision. Meaningful mitigation must include substantial land acquisition if an Avra Valley route is chosen. The agencies must consider the current and future availability of private and state lands that will be necessary to set aside in order to provide adequate mitigation for use of the TMC, and they must provide more information regarding whether and how the agencies will ensure these lands will be available to serve as mitigation in the future. Without a partnership with Pima County, how will this be achieved?

E. General Comments on the *Preliminary Draft Section 4(f) Evaluation*. The agencies need to consider the following when revising the Preliminary Draft 4(f) Evaluation:

- 1. The determination that the Ironwood Forest National Monument is not protected by Section 4(f) is incorrect and needs to be reassessed.** It is demonstrably false to assert that the Ironwood Forest National Monument (IFNM) “does not function as or is not designated within its BLM Resource Management Plan as a “significant park, recreation area, or wildlife and waterfowl refuge.” (DEIS p. 4-12.) The IFNM was absolutely designated for its habitat values and wildlife connectivity. The June 9, 2000, presidential proclamation establishing the IFNM talks extensively about the significant diversity of wildlife species found there and cites this “richness of species” as a primary reason for its establishment. It was also clearly established for its cultural landscape that includes numerous archaeological and historic sites. It is also clearly managed for recreational purposes, as outlined in its Resource Management Plan. In light of this, the determination that IFNM is not protected by Section 4(f) must be reassessed.

2. **The imbalance of available data for the alternatives in Section 3.7 and Chapter 4 renders the results grossly inadequate for comparative analysis.** It is very telling that there are essentially no historic properties identified as potential 4(f) properties within the build corridors for the green and purple alternatives. It is disingenuous to compare the alternatives as if the available data for each of the alternatives were of an equivalent level of reliability. The imbalance of available data for the alternatives make the results grossly inadequate for the purposes of a comparative analysis of potential effects between alternatives. Moreover, given the 2,000-foot wide corridor, many more impacts are posited for the existing I-10 route through urban Tucson than would ever occur.

3. **The assumption (stated on pages 6-6 and 4-102) that impacts to historic properties are “unmitigable” is incorrect and contrary to federal law.** It is untrue that impacts to historic properties in the urban Tucson alternative are “unmitigable,” and the statement is contrary to the federal process outlined in Section 106. Funds for adaptive reuse and rehabilitation of historic district buildings in areas adjacent to the interstate would serve to both enhance these historic properties and mitigate impacts from the improvements.

4. **The assumption that all 4(f) properties are equally significant is incorrect and contrary to federal law requirements.** The agencies are statutorily required to consider the relative significance of each Section 4(f) property (*see* 23 C.F.R. 774.3(c)(1)(iii).) Additionally, the Arizona Department of Transportation’s *Section 4(f) Evaluation Guidance and Requirements* published in April 2019 states that when considering the properties’ relative significance, agencies should “Discuss the significance of each of the Section 4(f) properties used by the project. Not all Section 4(f) properties are created equal in their value.” (p. 8-10; emphasis added.) To provide a single sentence asserting that “none of the properties has been determined through this evaluation to be of different value” completely negates this statutory requirement and renders it meaningless, violating the spirit and letter of the law, as well as Arizona Department of Transportation guidelines.

F. The agencies’ proposal to compromise lands that serve as key mitigation for a previous project undermines public trust in the agencies’ mitigation commitments moving forward.

The primary purpose of the TMC is to mitigate impacts resulting from the Central Arizona Project (CAP) canal. In fact, protection of the TMC was critical to the approval of the CAP and it was a key part of the mitigation mandated in that project’s own EIS. As the AGFD states in its letter to FHWA dated February 1, 2017, the acquisition of the TMC as mitigation was “[t]he key commitment of [Bureau of Reclamation (BOR)] as mitigation for the CAP aqueduct severing wildlife movement... As stated by the FWS, without the acquisition of the TMC, the other mitigation measures were “grossly inadequate” and would have likely resulted in FWS withdrawal of support for BOR’s preferred West Side Plan.” (Emphasis added.)

Here, the agencies are proposing to significantly impact the TMC, which would compromise that property’s ability to continue to serve as mitigation for the CAP. In light of this, obvious questions arise regarding the credibility of mitigation promises being made in this Draft EIS. As the AGFD points out in its “Initial Scoping Comments for the I-11 Tier 1 EIS” dated July 8, 2016, “if such a commitment can be made in an EIS and later be broken by a subsequent project, what does that mean for the commitment being made here?” The agencies need to address this issue directly; otherwise, there is a significant risk of undermining the public trust when developing mitigation measures for projects such as this.

Recommendation: The agencies must provide assurances that mitigation promises will be kept. Considering the agencies are proposing to significantly impact the TMC which was previously set aside to serve as mitigation for the CAP canal, the agencies must provide assurances that the mitigation promised for this project will not suffer the same fate, and will actually be implemented and maintained into the future for as long as it is necessary to offset impacts. Pima County is an essential partner in any such efforts.

3. Section 3.7 Archaeological, Historical, Cultural Resources - Analysis Methods, Data Integrity and Accuracy

- A. Several important historic contexts overlooked in this analysis should be considered.** Several important historic contexts may have been overlooked in this analysis, namely reflecting two Diasporas, African Americans and Chinese Americans. Further, the dislocation and resettlement of the Yaqui at the turn of the twentieth century does not appear to be included. To accurately assess the potential impacts of the alternatives, these contexts should be acknowledged and provided the same level of consideration as those that were identified in the analysis.
- B. Cemeteries are inconsistently classified as structures or sites in the Class I reports.** Therefore, it is unclear how these properties are being quantified in the Tier 1 analysis, based on National Park Service (NPS) guidelines which classify all cemeteries as sites and not structures.
- C. Conclusions on impacts to cultural resources are based on incomplete and incorrect data.** Conclusions regarding the measure of impacts to cultural resources as presented for each alternative are drawn from computational estimates that are assembled from incomplete and often inaccurate datasets. Further, it is problematic to project estimates by grouping all archaeological sites types by all time periods given the noted deficiencies in datasets. The selection of resource types that are cited in analysis are also inconsistent between datasets. More transparency in the methods used to estimate sites and for that matter, districts, is requested.
- D. The Draft 1 EIS fails to consider changing professional standards in the analysis.** Professional standards for cultural resources surveys have changed over the years, and while it appears that the year of the survey was documented in the spatial data provided, this information is not weighted in the resulting analysis. For example, survey and site recordings that did not have the ability of using a GPS-device provide entirely less accurate data than a modern day survey/site recording (State Historic Preservation Office (SHPO) guidance point No. 5 [2004]).
- E. National Register of Historic Places (NRHP) eligibility recommendations and determinations by SHPO are highly variable.** Eligibility recommendations and determinations can change over time based on several variables, including but not limited to: 1) whether the entire area of an archaeological site/historic resource was documented, as opposed to a portion; 2) a change in condition of the property, e.g. increase in the quantity of and type of artifacts/features observed on the surface at the time of recording; 3) opinion of the recorder at the time of recording; 4) new information/research methods at the time of recording.
- F. No information is provided to explain why the downtown Tucson segment of I-10 would need to be dramatically expanded.** Section 3.7.4, page 3.7-17 and Section 4, page 4-73 states that six miles of I-10 from the I-19 interchange to Prince Road will require “four to six additional lanes” and “120 feet wide” of additional right of way to accommodate a co-located I-11, expanding I-10 from 8 lanes to 12 to 14 lanes. What is the justification for this statement and what are the projected traffic volumes for this section of I-10?

4. Recommended Alternative

The imbalance of available data precludes the meaningful analysis required to identify a recommended alternative.

As discussed above, the imbalance of available data for the alternatives make the results presented in Section 3.7 and Chapter 4 grossly inadequate for the purposes of a comparative analysis between alternatives. This

general observation should be extended to the methods employed to identify the Recommended Alternative. Beyond the issues surrounding data integrity and accuracy, the quantity of known NRHP-eligible or potentially eligible resources in the orange alternative, passing through the urban core of Tucson, is a result of the volume of development activities that caused these resources to be identified over several decades as compared to the purple or green alternatives which remain rural, undeveloped and certainly under-studied. The indirect and cumulative impacts that are posited concerning cultural resources cannot be extended to the proposed alternatives west of the urban core of Tucson as there is not sufficient baseline data to offer any conclusion.

Lastly, the statement asserting that impacts to historic districts and structures in the orange alternative through Tucson's urban core are unmitigable (pages 6-6 and 4-101) could further be assessed as an inequitable valuation favoring the built environment over all other historic property types (buildings, districts, objects, sites, and structures), whether known, or yet to be identified and evaluated for NRHP-eligibility, in the other alternatives. Impacts to the built environment in urban Tucson may occur should the orange alternative be constructed; however, the Tier 1 analysis should acknowledge that an updated assessment of all properties within affected NRHP-districts or individually NRHP-eligible buildings and structures in the orange alternative should be undertaken to understand current integrity before impacts can be scored as "high". NRHP nomination forms are not cited, the number of contributing properties affected are not consistently presented and if Historic Property Inventory Forms exist for any of the affected properties, these are not included in the analysis.

Recommendation: Additional and updated inventories for all build corridor alternatives are required before impacts can be assessed and applied comparatively between alternatives. The significant oversights discussed above, taken with all other comments concerning cultural resources, underscore the inadequacy of the analysis in selecting the Recommended Alternative. Without additional inventory in the Recommended Alternative and updated inventories for the whole of the build corridor alternatives, adverse effects—direct, indirect, and cumulative—cannot be assessed and applied comparatively between alternatives.

5. Pima County Preserve System

The agencies must consider Pima County's Preserve System an "Affected Resource" likely to be impacted by this project and must consider mitigation for those impacts. Over the last two decades, Pima County has been actively acquiring lands specifically for conservation purposes, primarily through the use of open space bonds approved by voters in 1997 and 2004. The County has recorded restrictive covenants for these lands requiring that they are managed for conservation purposes in perpetuity. Much of this County Preserve System will serve as mitigation required under the Multi-species Conservation Plan (MSCP).

According to the Draft EIS, the "Land Management and Special Designated Lands" Section (3.3.1) "discusses major land management in the Study Area and special designated lands, such as wildernesses, national monuments, areas of critical environmental concern (ACECs), designated roadless areas, and *other deeded properties*." (p. 3.3-8; emphasis added.) However, Pima County's preserve system, the bulk of which are *deeded properties* specifically acquired and designated for conservation, are not included for consideration. Despite this omission, this project has the potential to impact several County-owned preserves, including Canoa Ranch, Diamond Bell Ranch, and Pima County floodplain preserves.

Recommendation: The Tier 1 EIS must consider the Pima County Preserve System an "Affected Resource" and generally assess potential impacts and mitigation strategies. Understanding that more detailed assessments will be conducted in the Tier 2 analysis, the Tier 1 EIS must, at a minimum, consider the Pima County Preserve System an "Affected Resource" and assess both the likely impacts and potential mitigation strategies, just like the document does for other "Affected Resources." In future analyses, Pima County expects the agencies to conduct a detailed assessment of impacts to County-owned preserves and propose mitigation for those impacts consistent with the CLS mitigation ratios discussed above, which are essential to provide meaningful levels of mitigation.

6. Specific Comments on Sections 3.7 and Section 3.14

A. Section 3.7 – Archaeological, Historic, Architectural, Cultural Resources. This section of the Draft EIS must be corrected to consider and include the following information:

1. Page 3.7-1, Line 16: Should “highways” be “buildings”?
2. Page 3.7-2, Lines 1-10: TCPs should be expanded to allow for and include groups other than Tribes. For example, in Tucson and Pima County, there are several places of traditional importance to living communities other than Tribes. From Archaeological Sites and Historic Structures Class I appendix, Pg. 15, Lines 5-8, “Studies to support the Tier 1 level of conceptual planning involved FHWA and ADOT consultation with agencies, Tribes, and other interested parties, as well as collection and analysis of data compiled by prior archaeological and historical studies.” How were “other interested parties” selected?
3. Page 3.7-2, Lines 23-26: It is noted that a preliminary GIS model was built using environmental factors in order to estimate the potential for unrecorded archaeological sites and historic structures in the alternatives that have not been surveyed for cultural resources. What type of model was derived? How were the parameters of the model chosen, what data were they based on, what were the individual parameters selected for each of the identified variables? The results of this analysis do not appear to have been made available, and furthermore, the results of the data analysis provided in 3.7-2, particularly the “Estimated Total of Resources” appear limited to the following equation: Total Sites/Structures x Average Density of Recorded Resources/Mile.
4. Page 3.7-7, Lines 10-22: AZSITE is deficient both qualitatively and quantitatively, as it has known errors associated with misplotted spatial data, and is missing data that is held by the Archaeological Records Office (ARO) of the Arizona State Museum. Because the discrepancy of data between ARO and AZSITE has yet to be resolved, AZSITE should only have been used as a reference, however, ARO should have been the primary source of data for the Tier 1 analysis.
5. Page 3.7-7, Lines 19-22: Additional resources should have been investigated and contacted. For example, Pima County operates multiple databases that contain information not available in AZSITE. Pima County tracks data for both archaeological sites and historic buildings and structures on private land that often never makes it in to AZSITE. Lastly, Pima County has authored several local environmental planning documents, most notably, the Sonoran Desert Conservation Plan, which contains an archaeological sensitivity model for all of eastern Pima County and identifies a list of Priority Cultural Resources that should be targeted for preservation during local and regional planning efforts. These types of documents were not utilized in this analysis.
6. Page 3.7-7, Lines 23-27: Based on the noted problems with the integrity of the analyzed data stated above, all conclusions on estimations for low, moderate and high potential levels of impact on archaeological sites and historic structures are drawn in question.
7. Page 3.7-7, Line 28: There should be some acknowledgement considering additional types of historic districts or aspects of the built environment, for example rural historic landscapes (NPS bulletin 30), historic designed landscapes (NPS bulletin 18) or cemeteries (NPS bulletin 41).
8. Page 3.7-7, Lines 35-39: Why was Pima County not contacted, as SHPO A) does not typically sponsor survey projects, B) does not have a comprehensive database of survey projects within County, Municipal and Private (Local) jurisdictions, as local projects are not subject to compliance with the AZ State Historic Preservation Act, and thus SHPO consultation is not mandated, unless such projects involve State funding or State land.
9. Page 3.7-7, Lines 43-45: Google imagery does not provide adequate information for assessing historic integrity and architectural significance for many reasons. Among them is that Google Street

View is not available for every assessed parcel, and therefore it is assumed the assessment is based solely on an aerial view. The effective construction date found in the Assessor's records is not always accurate in listing build out dates and materials used in building constructions. Additionally, the analysis weighted identifying "potential districts" over buildings but did not consistently consider objects or structures. The sources cited in this analysis are not appropriate for employing this method. Lastly, the analysis makes no mention of consulting plat maps, property record cards held on the Pima County Assessor's website, or other resources that would provide critical information needed for evaluating properties under Criteria A, B or C to "link" individual resources together under a unifying Criterion of significance, and thus analyze a district as a whole that may be eligible, despite each individual resource being individually not eligible.

10. Page 3.7-8, Lines 3-12: See above for issues surrounding limiting research to Google Imagery. The classification system of "not NRHP eligible, possibly eligible, or likely eligible" based solely on Google imagery raises significant questions as to the integrity/adequacy of the analysis.

11. Page 3.7-8, Lines 14-20: Why were Tribes the only parties consulted with regard to identifying TCPs and the potential I-11 impacts?

B. Section 3.14.1.3 – Biological Resources; Local Ordinances and Plans. The Draft EIS reflects outdated and incomplete information about Pima County's local ordinances that protect biological resources. Section 3.14.1.3 must be corrected to consider and include the following information:

1. Pima County's Multi-species Conservation Plan (MSCP): The Draft EIS needs to correct its description of the MSCP to include information regarding the associated federally authorized permit under Section 10(a)(1)(B) of the Endangered Species Act, which has already been issued to Pima County. In July 2016, the FWS approved the MSCP and issued Pima County a Section 10 permit, which allows the County to move forward on development activities in full compliance with the ESA in exchange for implementing the conservation commitments outlined in the MSCP. These commitments include implementing various County conservation ordinances and policies, and conserving in perpetuity lands acquired to serve as mitigation for the MSCP. Restrictive Covenants have already been placed on these lands to restrict future land uses to only those that are consistent with those commitments.

2. The Pima County Comprehensive Land Use Plan and Conservation Land System (CLS): While the Draft EIS implicitly references the CLS when describing how the County's 2001 Comprehensive Land Use Plan "incorporated land use concepts, policies, and principles of conservation that were identified in the draft Preliminary SDCP" (p. 3.14.3), the Draft EIS must reference the CLS explicitly in light of its importance in conserving biological resources. The CLS, which is discussed in more detail above, is specifically designed to preserve the contiguity of habitat at the landscape level and retain the connectivity of natural open space reserves with functional wildlife corridors. The Draft EIS should also note that the CLS has been formally adopted as part of each County Comprehensive Land Use Plan update since 2001, including the 2015 *Pima Prospers*, and also serves as a foundation for the federally approved MSCP.

3. Pima County Floodplain Management Ordinance Title 16.30 – Watercourse and Riparian Habitat Protection and Mitigation Requirements: the Draft EIS should include information regarding this ordinance when considering biological resources and local ordinances in Pima County. The goal of this ordinance is to protect riparian habitat and ensure the long-term stability of natural floodplains, which allows for the survival of plants and animals indigenous to Pima County. It outlines the process for developing property containing riparian habitat, provides guidance for mitigating impacts, and requires mitigation for disturbances to riparian habitat that exceed 1/3 acre.

7. Pima County Regional Flood Control District Comments

The following general comments and preferences are with respect to the Recommended Alternative alignment and are organized from north to south in Pima County.

- A. Regarding the Santa Cruz River crossing near Marana, the Recommended Alternative alignment runs parallel to the Santa Cruz and will be both expensive and extremely disruptive to the floodplain. Crossing the Santa Cruz River perpendicular to flow (purple alternative) is the traditional design method for roadway crossing and would be far less disruptive.
- B. Regarding the Brawley Wash area, the Recommended Alternative alignment crosses the Brawley Wash where the watercourse is a wide sheetflow floodplain. This alignment would be expensive and disruptive to the floodplain. The purple alternative is preferred as it avoids crossing this large sheet flooding area.
- C. Black Wash, south of Shuck Toak Farms, the Recommended Alternative alignment attempts to by-pass SAVSARP through the Black Wash in an area with significant riparian resources. Replacing Sandario Road with an all-weather road would reduce the environmental impact and provide more reliable access to the residents in the area.
- D. Sierrita Mountains, south of Ajo Highway, the Recommended Alternative alignment in this location is the least disruptive to drainage. The Recommended Alternative alignment should connect to Ajo Hwy at the Sandario Road alignment and continue along Sandario Road.
- E. The following comments are specific to the pages and sections identified.
 - 1. Page ES23, after line 5: Minimizing impacts to floodplains, especially distributary flow floodplains where flow diversions and roadway embankments may create new backwater areas and increase sediment deposits.
 - 2. Page E23, line 7: Please add Pima County Regulated Riparian Habitat.
 - 3. Page 2-40, Section 2.5.5: The District supports use of solar technologies because of their potential to reduce demand on water resources for power generation and to reduce carbon footprint. Both reductions benefit habitat, water quality and groundwater resources. All of these benefits support floodplain health and sustainability.
 - 4. Page 3.13-4, line 8: Revise to: "All county Flood Control Districts and incorporated jurisdictions' floodplain managers require a Floodplain Use Permit (FPUP) when a project is within a regulatory floodplain. In Pima County, Federal Emergency Management Agency (FEMA) floodplains and other floodplains associated with 1% chance storm event peak discharges greater than 100 cfs are regulatory for permitting purposes. Other jurisdictions may require permitting in floodplains associated with another storm event category.
 - 5. Page 3.13-4, line 8: In unincorporated Pima County, disturbance of mapped Regulatory Riparian Habitat may be subject to FPUPs and mitigation measures. Because riparian habitat generally is associated with watercourses, at a planning level, mapped habitat indicates where watercourses, even though not yet mapped as floodplains, impact the project corridor.
 - 6. Page 3.13-4, line 8: During Tier 2, local studies floodplain information will be provided. In rural areas, often, little floodplain information is available, and this project will assess needed analyses during Tier 2."

7. Page 3.13-4, after line 18: Add Town of Sahuarita, City of Tucson, Town of Oro Valley and Town of Marana.
8. Page 3.13-5, lines 22 and Page 3.13-15, line 23: Please add Sopori Wash.
9. Page 3.13-15, line 34: Please revise last sentence: "Some of these areas may be mapped as approximate depth or shaded Zone X FEMA Special Flood Hazard Zones, while sheet flooding has not been mapped in many areas, especially more rural regions. Defining these floodplains, determining the optimal locations for cross drainage within sheet flood areas and minimizing upstream ponding potential is more complex than evaluating the same constraints in riverine flow regimes. Sediment transport further complicates design and maintenance in sheet flooding areas. These areas can be expected along the project limits where the steeper slopes of higher elevations transition to a low gradient."
10. Page 3.13-16, upper right corner: Revise title to FEMA FLOODPLAINS; Add to ** 500-year floodplains have not been identified for all FEMA floodplains; Add additional note: FEMA has not mapped all floodplains. Flood Control Districts and Jurisdictions will provide additional floodplain information which has been determined locally.
11. Page 3.13-19, Table 3.13-1: Please revise the last sentence of the Floodplains bullet: "Placement of fill within a floodplain generally increases base flood elevation upstream. If the fill is associated with a cross drainage structure, downstream velocities and erosion could increase in the project corridor."
12. Page 3.13-20, line 14: Consider adding after "...other Build Corridor Alternatives." Reconstruction along the Purple and Green Alternatives alignment through the Town of Sahuarita provides opportunities to improve known historic floodplain impacts of the existing highways.
13. Page 3.13-22, line 26: The District supports use of permanent BMP's to slow stormwater runoff from impervious surfaces and to maximize capture of stormwater runoff for supplemental irrigation of landscaping and native vegetation.
14. Page 3.14-2, Section 3.14.1.3: Please add: ***Pima County Floodplain and Erosion Hazard Management Ordinance 2010***. Chapter 16.30, Watercourse and Riparian Habitat Protection and Mitigation Requirements, specifies avoidance and mitigation criteria for habitat included on the riparian classification maps adopted by the Pima County Board of Supervisors (BOS). Justification for non-avoidance of this habitat shall be provided when disturbance is proposed. Proposed disturbance may require a permit from the Pima County Regional Flood Control District and a mitigation plan.
15. Page 3.14-10, Section 3.14: Consider adding Pima County Mapped Regulated Riparian Habitat to an exhibit. Include text indicating that the Pima County Regional Flood Control District owns and manages approximately X acres of floodprone land which often coincides with Important Riparian Area, areas providing critical watershed and water resources management functions, along the Santa Cruz River and its major tributaries. While the Draft EIS describes Biological Resources and Water Resources separately, both are integrally related and co-dependent. The District attempts to regulate both together to support the vital relationship between the two resources.
16. Page 3.14-10, after line 23: Consider adding Pima County Classifications:
 - A. *Hydroriparian*. Riparian habitats generally associated with perennial watercourses and/or springs. Plant communities are dominated by obligate or preferential wetland plant species such as willow and cottonwood.

B. *Mesoriparian*. Riparian habitats generally associated with perennial or intermittent watercourses or shallow groundwater. Plant communities may be dominated by species that are also found in drier habitats (e.g., mesquite); but contain some preferential riparian plant species such as ash or netleaf hackberry.

C. *Xeroriparian*. Riparian habitats generally associated with an ephemeral water supply. These communities typically contain plant species also found in upland habitats; however, these plants are typically larger and/or occur at higher densities than adjacent uplands. Xeroriparian habitat is further divided into four subclasses for Class A, B, C, and D habitat as defined in the mitigation standards approved by the BOS as maintained by the Floodplain Administrator. Mitigation in xeroriparian habitat is to be determined based at least on total vegetative volume (TVV) as provided within the mitigation standards as adopted by the BOS as well as replacement of other lost riparian habitat functions necessary to sustain riparian habitat.

D. *Important Riparian Areas*. Important Riparian Areas occur along the major river systems and provide critical watershed and water resources management functions as well as providing a framework for landscape linkages and biological corridors. Important Riparian Areas are valued for their higher water availability, vegetation density, and biological productivity, compared to adjacent uplands. Important Riparian Areas are essential for floodplain management and every effort should be made to protect, restore, and enhance the structure and functions of these areas including hydrological, geomorphological, and biological functions.

17. Page 4.82, after line 13: Consider obtaining concept level floodplain mapping for the project corridor for non-FEMA floodplains. Pima County and Maricopa County can provide maps. Regression equations or other approximate hydrology methods can provide important information on the expected 1 percent chance storm flows and extent.

8. Additional Comments

- a. Chapter 6, page 6-6, lines 29-31: We disagree with the conclusion that the Recommended Alternative and green alternative each “facilitate efficient mobility for emergency evacuation...” While this may be true from a regional or interstate perspective, neither Avra Valley routes provide efficient evacuation routes for the nearly 3/4 million persons living in greater Tucson/Pima County which would have no other option but to use I-10. For this centrally located population, a widened I-10 would provide the most efficient emergency evacuation route.
- b. Chapter 6, page 6-7, lines 19-20: We disagree with the analysis and conclusion that Avra Valley and Picture Rocks communities do not contain low-income or minority populations. Pima County’s Community Development & Neighborhood Conservation Department identifies both as Community Development Target Areas (CDTA), eligible for Housing and Urban Development project grant funding. Other CDAs through which the Recommended Alternative alignment passes include Robles Junction and Helmet Peak.
- c. Chapter 6, page 6-7, lines 19-20: The Recommended Alternative alignment passes through two Pima County 2010 Census Tracts designated low income: 004313 and 004424 (on the south and north side of State Hwy 86 at the junction of State Hwy 286, Robles Junction).
- d. Chapter 6, page 6-7, lines 37-39: We disagree with the statement that the Recommended Alternative through Avra Valley “would serve the aerospace, defense, manufacturing, and logistics industries in the region’s two largest employment areas: Tucson International Airport and the University of Arizona Tech Park.” On the contrary, these employment areas as well as Davis-Monthan Air Force Base,

C.H. Huckelberry, County Administrator

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Aerospace Parkway, and Port of Tucson are located much closer to Alternative B along the I-19/I-10 corridor, so that route would better serve these employment areas.

- e. Page 2-32, Table 2-7: Under Alternatives, Purple column, text should read “emerging” instead of “emergency”.
- f. Page 4-108, Table 4-9: Pima County is mis-identified as a municipality, instead of a county agency.

Pima County again appreciates the opportunity to comment on the Draft Tier 1 EIS.

AMO:KS:pm

Attachments

- c: Carmine DeBonis, Deputy County Administrator for Public Works
Yves Khawam, PhD, Assistant County Administrator
Dr. John Moffatt, Director, Economic Development Office
Linda Mayro, Director, Office of Sustainability and Conservation

ATTACHMENT 2

The Intermountain West Corridor through Avra Valley

An Environmental Mitigation Analysis

Draft Report



June 2014

Study Need and Purpose

Pima County has a key location in the path of a number of national and international infrastructure projects, including new pipelines for transporting fossil fuels, improvements to the Western U. S. electrical grid, opening of the Port of Tucson, and additions to major transportation networks. One such project is the Intermountain West Corridor, which is at present includes “[high-level visioning](#)” for a north-south transportation corridor extending from Phoenix south to Mexico.

This report is needed because Pima County’s previous experience with national infrastructure projects is that the proponents seldom fully mitigate effects on the local communities (Huckelberry 2013). Project proponents seldom propose mitigation measures that are consistent with local practice and needs, in part because dialogue with the local community is too little and too late, and federal agencies have limited authority or in some cases lack the knowledge of the local situation to direct the proponent’s selection of mitigation measures. A good example is the recent Kinder-Morgan pipeline through Avra and Altar Valleys, which will result in a myriad of costs and impacts that will be borne by local ranch owners and managers of protected lands. While mitigation was provided, none of the local parties believe it will be sufficient to offset the impacts.

This study seeks early identification of some of the environmental impacts that would be associated with a proposed route through Avra Valley. This study builds upon the initial Pima County conceptual alignment described in the report *Intermountain West Corridor in Pima County; A Preliminary GIS-Based Roadway Alignment and Impact Study*, dated June 21, 2013. This study also proposes mitigation strategies to address several environmental impacts including impacts to the county’s Conservation Land System. This study does not identify all environmental impacts and further study is required to determine if such a route is feasible and if so, the full extent of impacts that could be expected with various alignment alternatives. The corridor alignment assumed in this report is simply one alternative that is used to identify and develop avoidance, minimization and mitigation strategies at the earliest possible opportunity. This will inform future dialogue about alternatives and mitigation measures.

Any state or federal planning process for the Intermountain West Corridor would evaluate and compare a full range of alternative routes, including the county’s proposed Avra Valley alignment, the Interstate 10/19 alternative, and the no-build alternative. Such a planning process would be much broader than this report, and it would look at multiple alignment options through Avra Valley. This report only examines one Avra Valley alignment and only considers some of the environmental impacts that should be studied through a state or federal planning process. For example, this report does not address social impacts, neighborhood impacts, access impacts and many other impacts. Many of these impacts would be better understood when state or federal planning is undertaken for the Mexico-to-Phoenix segment of the Intermountain West Corridor.

Study Background and Methods

Corridor Location and Description

This corridor extends from Interstate 19 at El Toro Road in the Town of Sahuarita west and northward through Avra Valley to the Pima/Pinal County line as shown in Figure 1. This route was located to traverse undeveloped State Trust Lands as much as possible and to minimize impacts to populated areas. The route avoids Ironwood National Forest, Saguaro National Park, and the Town of Marana. The 56-mile long

corridor was analyzed with a 400-foot wide right-of-way, which is typical for an interstate facility. The corridor encompasses 2,640 acres of land.

The corridor route traverses through almost 60 miles of Pima County, passing through a variety of landscapes. From the interchange at I-19, the route passes by a large mining district and skirts around the undeveloped foothills of the Sierrita Mountains and the San Xavier District of the Tohono O’odham Nation. The corridor passes through low elevation desert, ranch lands, and scattered areas of rural development. The route enters Avra Valley as it crosses Ajo Highway. Here, the landscape is relatively low and flat and characterized by the floodplains of the Black and Brawley washes. The route passes through areas of undeveloped desert scrub, low density rural development, Tucson’s groundwater recharge facilities, former and active agricultural fields.

Study Methodology

The corridor was mapped and analyzed using the Pima County Geographic Information System (GIS), which provides numerous types of geographic spatial data, including environmental data such as conservation lands, floodplains and floodways, wildlife crossings, riparian habitat, and other data. No field studies were conducted and a full inventory and analysis of environmental conditions and impacts is not within the scope of this study and report. The resulting maps and summary data are presented in the remainder of the report. Pima County staff from several departments also contributed to this report. The following key statistics summarize the environmental impacts:

Summary of Draft Alignment #1 Impacts

- 2700 acres ROW needed for an interstate highway, 4800 acres with 2 interchanges
- 2600-4600* acres of Conservation Lands System impacted
- 1000-2000* acres of State Trust land impacted
- 900-2100* acres high risk floodplains impacted, at a cost of up to \$80-\$100 million
- 600-1200* acres of private land impacted
- 600-700* acres of City of Tucson land impacted
- 200-600* acres of Agricultural land impacted
- 80 acres of Important Riparian Areas impacted
- 24 acres of Tohono O’odham Nation lands impacted

*Low number roadway only, high number includes 2 interchanges

Right of Way Challenges

The most significant physical challenge to locating an interstate roadway facility through southern Avra Valley is the lack of available right of way along Sandario Road in particular. As shown in the map below, the initially proposed route runs between the Tohono O'odham Nation (Garcia Strip) to the west, the Bureau of Reclamation (BOR) Wildlife Mitigation Corridor to the east, and through the middle of the City of Tucson's Southern Avra Valley Storage and Recovery Project (SAVSARP). The route also passes through portions of Central Avra Valley Storage and Recovery Project (CAVSRP). CAVSRP and SAVSARP are the principal groundwater storage sites for City of Tucson water. The Tucson Water Department has indicated that a route through SAVSRP is not feasible due to the existing and planned infrastructure and the significant expenditure of public investment in Tucson's water supply. The Garcia Strip is approximately 2.5 miles wide north to south and 13 miles long east to west and is part of the Tohono O'odham Nation. The BOR Wildlife Mitigation Corridor is a 4.25 square mile conservation area that was established in 1990 as mitigation for environmental impacts caused by the Central Arizona Project (CAP) and it is managed by Pima County.

Sandario Road runs north-south between the Garcia Strip and the BOR Mitigation Corridor, but the existing roadway right of way is only 80 feet wide. The route is shown running along portions of Sandario Road, but additional right of way would be required for a typical 400-wide interstate right of way. The route could potentially be elevated, but additional right of way may still be needed, and the costs would be significantly higher than if the route is at grade. If a new freeway alignment is to be found through this region, it will require negotiations with many stakeholders including the Nation, the Bureau of Reclamation, the City of Tucson, Arizona State Land Department, and others to determine if it is feasible or not.

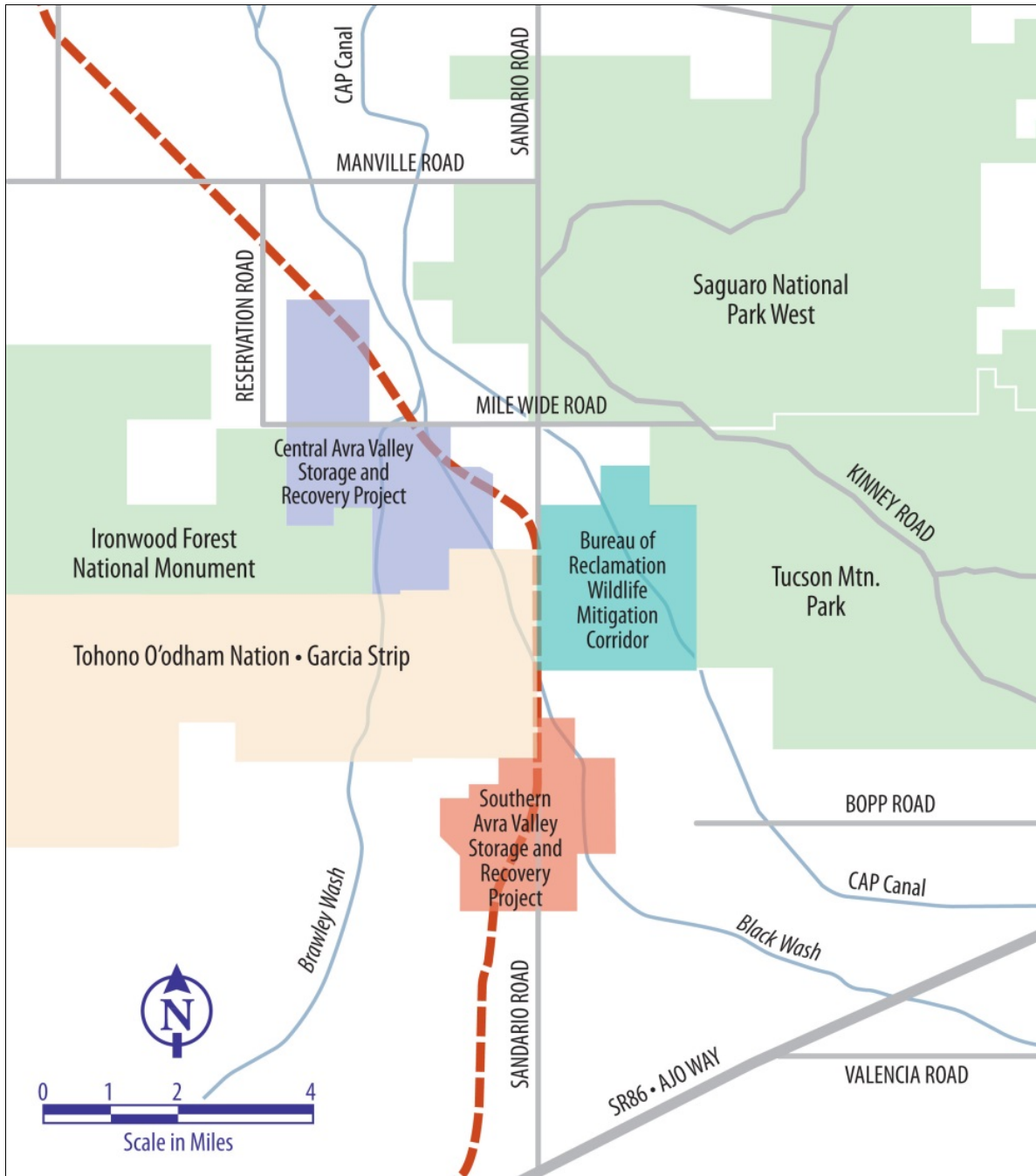


Figure 1. The proposed draft alignment runs through the Tohono O'odham Nation Garcia Strip, Bureau of Reclamation Wildlife Mitigation Corridor, and Central and Southern Avra Valley Storage and Recovery Projects.

Environmental Impacts and Mitigation Measures

This report discusses some of the ways to minimize and mitigate the effects of an interstate highway through Avra Valley. Each type of impact is discussed, along with quantitative information if available, followed by potential minimization and mitigation measures. Where possible, the siting of mitigation measures is also discussed. The potential for completely avoiding impacts through design measures or relocation of the route is also discussed. This is followed by a summary of some infrastructure issues that could arise as a consequence of a freeway constructed along the Corridor.

Conservation Land System

Avra Valley includes a high percentage of biologically important conservation lands that are identified in the Sonoran Desert Conservation Plan (SDCP). These lands are associated with the Brawley and Black Washes and generally represent habitat that is valuable to the conservation of biological diversity based on numerous SDCP studies. Much of the Corridor would pass through the Maeveen Marie Behan Conservation Lands System (CLS), a reserve system designed to protect biodiversity and provide land use guidelines consistent with the SDCP. The CLS land categories include Special Species Management Areas, Biological Core Management Areas, Important Riparian Areas, Multiple-Use Management Areas and Agricultural Inholdings.

Most of the corridor (91%) impacts one or more categories of the Conservation Land System (CLS). The largest impacts are to the Multiple-Use Management Area (61%) followed by the Biological Core Management Area (13%), Special Species Management Area (9%), and Important Riparian Area (2%). Adjustments to the route could reduce, but not eliminate, direct impacts to some of the Biological Core and Important Riparian Areas. As shown in Table 1, over 11,000 acres of other conservation lands would be necessary to mitigate for direct impacts to the CLS.

Table 1: County Conservation Land System (CLS) Impacts

Conservation Land Category	Acres	Percent	Multiplier	Mitigation Acres
Multi-Use Management Area	3132	61%	2	6264
Special Species Management Area	447	9%	4	1788
Biological Core Management Area	677	13%	4	2708
Agricultural inholdings	307	6%	NA	0
Outside Conservation Land System	459	9%	NA	0
Important Riparian Area	80	2%	4	320
TOTAL	5102	100%		11080

Conservation Land System - Special Elements

The Sonoran Desert Conservation Plan identified unique landscape features known as Special Elements. These special elements were a critical component in the development of the Conservation Lands System. The draft alignment passes through several of these landscape features, including *mesquite woodland*, *ironwood desert scrub*, and a small area of *limestone outcrops* near El Toro Road. From 2012 orthophoto imagery, the limestone outcrops appear to have been mined, or are in the process of being mined.

The *mesquite woodland* landscape occurs in a widespread area near Ajo Highway and Sandario Road and the proposed route passes through several stands of this special element. Mesquite woodlands have historically suffered disproportionate loss through urban and agricultural development throughout Pima County. The SDCP has set a target value of 1,000 restored acres of mesquite woodland to offset historic and future losses, in addition to mitigation efforts related the County's Multi-Species Habitat Conservation Plan. Possible mitigation measures for impacted mesquite woodlands include avoidance, bridging over, and riparian restoration.

The proposed route passes through a small section of mapped ironwood desert scrub near Sandario and Mile Wide Roads. Ironwood trees have immense ecological value in the Sonoran Desert and are considered keystone species, harboring and supporting hundreds of plant and animals. Possible mitigation measures include avoidance, bridging over, and riparian restoration.

Regulated Riparian Habitat

The Pima County Floodplain and Erosion Hazard Mitigation Ordinance includes provisions that seek to preserve continuous and connected corridors of riparian habitat, coexistent with floodplain areas, which provide stable environments for wildlife, slow down flooding and reduce erosion, and increase natural groundwater recharge potential. The ordinance recommends that development avoid or minimize riparian habitat and it requires mitigation if development disturbs more than 1/3 acre of habitat. Mitigation options include planting replacement riparian habitat, preserving other offsite riparian parcels, or paying a fee in-lieu of performing on-site mitigation.

Public highways, roads and streets are exempt from the Floodplain Management Ordinance, but reducing the proposed highway impacts to floodplains and riparian habitat would reduce project costs, minimize Conservation Land System impacts, and reduce riparian and CLS mitigation costs.

The proposed interstate alignment impacts 377 acres of riparian habitat regulated through the Floodplain Management Ordinance. Over half of the impacts (187 acres) are to Xero-riparian C habitat which contains moderate to low-density riparian vegetation. The following chart shows that some of the impacted riparian habitat is also classified as Important Riparian Areas, which are areas designated in the County Comprehensive Plan for the importance as wildlife habitats and linkages for wildlife movement.

The best mitigation option would be to avoid and minimize as much riparian habitat as possible. A second strategy would be to replace any impacted habitat by planting new habitat. A third approach would be to purchase and preserve other riparian habitat off-site, but along the corridor. The fourth measure would be to pay a fee in-lieu of the other mitigation measures. The cost of such an in-lieu fee would be over \$8.1 million as shown in the chart below.

It may be possible to reduce these impacts through route selection that would minimize impacts, especially those associated with the Important Riparian Areas. If the mitigation strategy were to use to the money for compensatory land acquisition, then we estimate that 2,000 to 4,000 acres could be acquired at today's market prices with this amount of funding. However, there are also opportunities to restore riparian habitat through restoring floodplain functions with the funding that will be discussed in the wildlife portion of this report.

Riparian Classification	Acres of Disturbance	In-Lieu Fee
Xero-riparian B	37.3	\$ 597,280
Xero-riparian C	186.7	\$ 2,613,100
Xero-riparian D	1.2	\$ 14,760
Hydromesoriparian	72.2	\$ 2,888,800
IRA w/ Xeroriparian B	4.2	\$ 117,600
IRA w/ Xeroriparian C	51.2	\$ 1,279,250
IRA w/ Xeroriparian D	18.2	\$ 401,280
IRA w/ Hydromesoriparian Area	6.1	\$ 242,000
TOTAL	377.1	\$ 8,154,070

*IRA = Important Riparian Area

Floodways and Floodplains

The draft freeway alignment through Avra Valley generally runs parallel to a very wide and complex floodplain associated with the Brawley and Black washes that flow north along the valley. The floodplain varies in width from 1 to 5 miles wide throughout the corridor. The draft alignment crosses this floodplain at several locations, most notably between Mile Wide Road and Manville Road for a distance of approximately 4 miles. Throughout the floodplain, the draft alignment also crosses the main channels and administrative floodway of the Black Wash (at Sandario Road), at its confluence with Brawley Wash (at Mile Wide Road), and the Brawley and Los Robles Wash confluence (just south of Silverbell Road). At the Pinal/Pima County line, the draft alignment crosses the Santa Cruz River floodway and floodplain as it merges with the Black, Brawley, and Los Robles washes. These floodplain and floodway features present significant constraints and challenges and associated costs to designing and building a new interstate facility in this valley.

The Federal Emergency Management Agency (FEMA) identifies “floodways” and high risk flooding areas known as “special flood hazard areas”. When development (including roadways) is proposed within a floodway, FEMA generally requires that it must not increase the water surface elevation, and/or it must show that it does not cause adverse impact to any structures in the floodplain. The implications for the proposed Avra Valley freeway are:

1. The freeway would need to be built up and out of the floodplains.
2. The freeway would require multiple bridges over the Black Wash, Brawley Wash, Robles Wash, and Santa Cruz River floodway.
3. Portions of Black Wash, Brawley Wash, Robles Wash and the Santa Cruz River could need to be stabilized.
4. Significant drainage structures, channels and retention/detention basins could be required along the corridor to address FEMA floodplain requirements.

In addition to the requirement that limits the rise in the water surface elevation to 1 foot, Interstate freeways are required to be designed and built to accommodate the 50-year flood to provide all-weather

access. This would mean that significant portions of the freeway would need to be elevated (essentially a bridge) over floodways and floodplains. It also means that portions of the Black, Brawley, and Los Robles washes and the Santa Cruz River could require bank stabilization and other flood controlling design features to minimize impacts to the freeway corridor and adjacent property. Based on the current alignment, the following washes are crossed along the corridor and would require bridges for the larger more complex floodplains, and box culverts or corrugated steel culverts for the smaller washes and overbank flows, as well as other potential improvements.

Wash Crossings in the Study Area

Wash Name	Location	Discharge Size (cubic feet/second)	Estimated Span Length (ft)	Planning Cost Estimate
Santa Cruz River	South of Pinal County line	> 10,000	2000	\$ 16,000,000
Brawley/Los Robles Washes	South of Silverbell Road	> 10,000	2000	\$ 16,000,000
Black/Brawley Washes	Across Sandario Road	> 10,000	1800	\$ 14,400,000
Black/Brawley Washes	North of Mile Wide Road	> 10,000	1000	\$ 8,000,000
West Branch Brawley Wash	East of Reservation Road	5,000-10,000	500	\$ 4,000,000
Unnamed Wash #1	South of Trico Marana Road	Unknown	200	\$ 1,600,000
Unnamed Wash #2	East of Amway Road	> 2,000	200	\$ 1,600,000
Unnamed Wash #3	South of Mile Wide Road	2,000 - 5,000	100	\$ 800,000
Unnamed Wash #4	Across Sandario Road	5,000 - 10,000	100	\$ 800,000
Unnamed Wash #5	Along Snyder Hill Road	> 2,000	50	\$ 400,000
Unnamed Wash #6	Along Tara Lane	> 2000	50	\$ 400,000
Unnamed Wash #7	North of Ajo Way	2,000 - 5,000	200	\$ 1,600,000
Unnamed Wash #8	North of Ajo Way	> 2,000	50	\$ 400,000
Unnamed Wash #9	North of Ajo Way	2,000 - 5,000	200	\$ 1,600,000
Unnamed Wash #10	South of Ajo Way	2,000 - 5,000	100	\$ 800,000
Unnamed Wash #11	South of Ajo Way	> 2,000	100	\$ 800,000
Unnamed Wash #12	South of Ajo Way	> 2,000	100	\$ 800,000
<i>Additional washes s. of Ajo Way</i>				
TOTAL				\$ 70,000,000

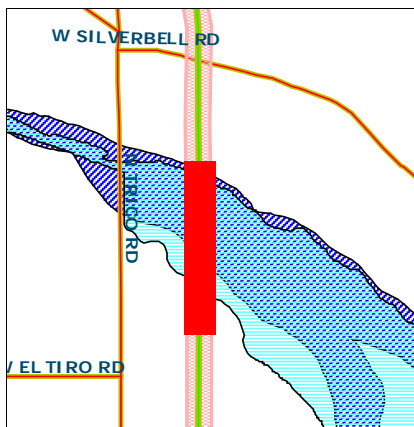
Mitigation Measures

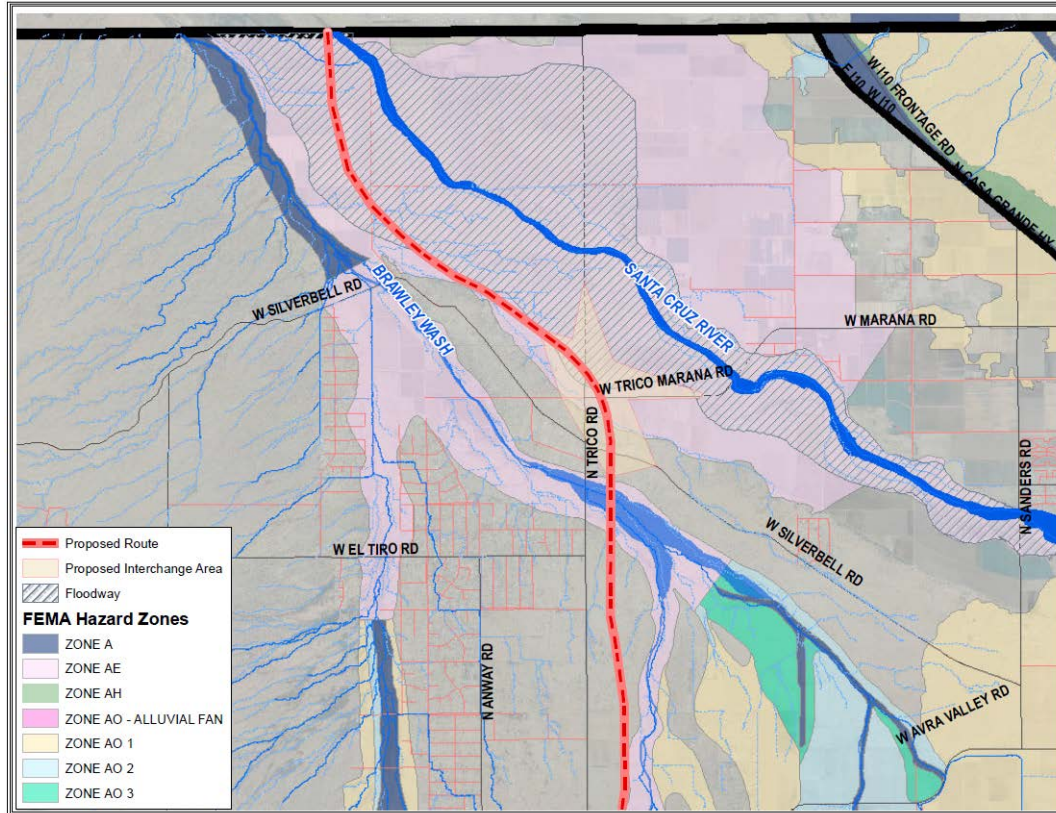
The proposed freeway and any potential traffic interchange(s) should avoid major washes to the greatest extent possible. Where wash crossings are unavoidable, the alignment should be moved to cross the watercourse where the floodplain and floodway is at its narrowest, if possible.

Historic Berms and Channels

Throughout portions of Avra Valley, numerous historic agricultural infrastructure were constructed that have real but unquantified impacts on floodplain functions and riparian habitat. These improvements, typically berms or channels, were constructed before floodplain regulations existed and were intended to protect farm fields from flooding. The alignment of the highway could take advantage of these relic structures by augmenting the existing infrastructure, avoiding locations where flow paths have been created as a result, or by removing some the infrastructure to restore natural flows and reduce the impact the highway would have. The use or modification of these relic structures could be part of the environmental mitigation strategy. To better determine where these opportunities exist better floodplain mapping would be necessary for the Brawley Wash through Avra Valley. The current mapping, done by FEMA, is approximate and does not take into account localized drainage features, small elevation changes, or the agricultural improvements. Due to the broad shallow nature of the Black/Brawley/Los Robles wash floodplains, all of these features have significant impacts on the extent and duration of flooding. The use of newly available two-dimensional modeling is recommended prior to or during any future location and floodplain analysis to best take advantage of these features.

Example inset map showing potential bridge over Brawley/Los Robles wash:





Drainage and Clean Water Act Impacts

If and when an environmental assessment or environmental impact statement of the proposed route is conducted, the U.S. Army Corps of Engineers (Corps) would review all wash crossings along the proposed route. The Corps would determine which of the washes are under its jurisdiction and a Clean Water Act Section 404 Permit would be required for each affected wash. Mitigation requirements would be determined at that time. The Corps requires that practicable steps must first be taken to avoid and minimize impacts to aquatic resources at all possible steps in the design process. Methods of providing compensatory mitigation include aquatic resource restoration, establishment, enhancement, and in certain circumstances, preservation. The Corps is ultimately responsible for determining the appropriate form and amount of compensatory mitigation required. Several of the washes crossings throughout the draft corridor would likely require a Section 404 Permit.

Biological Resources

Impacts to Species

Habitat Loss, fragmentation, and degradation. Habitat loss and fragmentation are the most important drivers of species decline (Fahrig 2003; Stuart et. al. 2004). Direct loss and fragmentation of habitat from the construction and maintenance of the road corridor would impact a number of species and their habitats. Important areas with respect to species is the wash/bajada system near the confluence of the Brawley and Black washes. Another key site of concern is at the north end of the planning area where the highway runs west of—and parallel to—the Santa Cruz River. Undoubtedly home to riparian species, the roadway is in the floodplain and thus could impact riparian species that live in that spatially restricted zone.

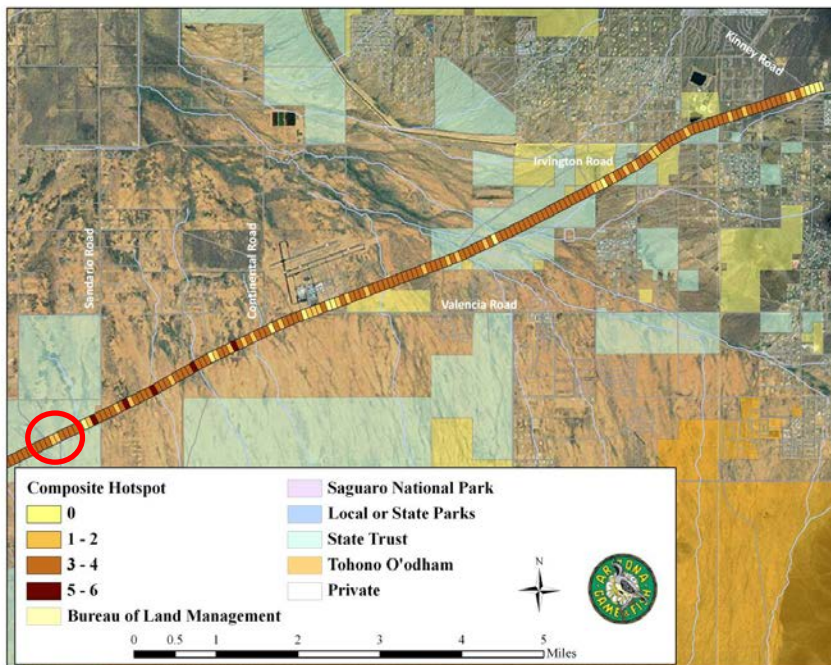
Most of the road corridor through the Sierrita and Altar valleys passes through areas with typical desert vegetation communities. As noted earlier, the corridor contains no Special Elements nor wetlands and mesic riparian areas that may harbor regionally rare or sensitive species. Provided here is an overview of plant and animal species and groups of species that are likely to be impacted by the corridor and/or might not be present. This is not a comprehensive evaluation. The number of acres in parentheses is from a GIS analysis of the proposed route; all the figures are for Priority Conservation Areas for the species unless otherwise noted.

- **Plants:** Habitat of two species of interest to Pima County’s Multi-species Conservation Plan (MSCP): Pima pineapple cactus (702 acres) and Tumamoc globeberry (1,842 acres of modeled habitat);
- **Invertebrates:** No known populations of sensitive species. No habitat for talus snails would be impacted;
- **Fish:** None along route;
- **Birds:** Impacts on MSCP species are possible for the cactus ferruginous pygmy owl (930 acres), Swainson’s hawk (853 acres), rufous-winged sparrow (862 acres), Abert’s towhee (56 acres), and especially the western burrowing owl (1,377 acres; the route follows closely this species’ habitat). In general, the corridor contains a rather unremarkable bird community (Powell 2007);
- **Reptiles and amphibians:** The Avra Valley, in particular, has high diversity and abundance of lizards, snakes, and Anuran toads (Lowe and Holm 1991; Flesch et. al. 2007). Species of interest to the Pima County MSCP that would be impacted include: lowland leopard frog habitat (545 acres), Sonoran desert tortoise (537 acres; south of Highway 86, but not north), Tucson shovel-nosed snake (610 acres), and ground snake (267 acres);
- **Mammals:** There is a chance for four MSCP covered species to occur along the corridor: lesser long-nosed (507 acres), Mexican long-tongued bat (238 acres), western red bat (174 acres), and pale Townsend’s big-eared bats (161 acres). The bajada areas of Avra Valley contain high diversity of rodents and species of state concern such as kit fox, American badger (Swann and Powell 2007). Concerns over the impact of the Central Arizona Project Canal on mule deer and mountain lions led to the creation of mitigation lands there. The highway corridor adds to concerns for these and other highly mobile, terrestrial species.

The direct loss of habitat resulting from the construction of the corridor is a critical consideration in determining impacts of the project on species. It is also important to consider the long-term impacts of road, which are considered one of the leading causes of decline for wildlife populations in North America (Forman and Alexander 1998). In fact, road impacts are so wide ranging that the study of roads on their impact on nature has become an entire area of study, known as *road ecology*. The three most

important impacts of the corridor project on wildlife are the loss of habitat, direct mortality of animals by vehicles, and the loss of an animal's ability to move across the highway to adjacent habitat. These challenges can be mitigated to various degrees (more on that in the following section), but below is a brief overview of potential impacts, particularly for the species/groups of species noted above.

Direct mortality from vehicles is considered to be the most significant direct cause of wildlife injury and death in the United States (Forman and Alexander 1998). The problem of wildlife mortality is particularly acute in desert environments, where most reptiles seek the warmth of roads after sunset during the warm months. In one study of snakes along State Route 85 in western Pima County, Rosen and Lowe (1994) calculated that as many as 4,000 snakes are killed per mile per year. In the Avra and Altar valleys, mortality of Anuran toads are likely to be high in low-lying areas during the monsoon season. Lowery et al. (2011) found that areas of relatively high mortality of a host of species (birds, mammals, reptiles and amphibians) occurred along wash crossing along Highway 86 (Figure below). Wildlife collisions along the length of the road corridor are similarly expected to be greatest where the road crosses washes and in areas of the bajada and valley bottoms with the highest abundance of reptiles, amphibians, and small mammals occur. Within Avra Valley, wildlife corridors follow the West Branch of the Brawley Wash, the Santa Cruz River basin, and broad areas of lowlands that connect the Tucson Mountains to the Ironwood National Monument and mountain ranges west and south of Avra Valley. Wildlife corridors are most often associated with large washes, but for larger animals, areas away from housing developments can also be important crossing points. These important areas include near to the CAP Wildlife Mitigation Corridor and just north of there where there are CAP land bridges (e.g., near where Mile-wide Road intersects the CAP and corridor). These areas are near to the confluence of the Black and Brawley washes, areas that are also problem sites from sheet flooding and land/ownership and siting concerns.



Wildlife mortality along Highway 86. Red circle is the approximate location of the IWH. From Lowery et al. (2011). Note the areas of highest composite scores (5-6) and how they align with areas of relatively high diversity.

In addition to direct loss of habitat and mortality of individuals, the highway would also cause edge effects that would further degrade wildlife habitats adjacent to the highway by way of invasive species, illegal dumping and highway trash, lights, and noise. The relative impact of each of these elements would vary. A key design feature of this highway is the relatively low number of access and entry points onto the highway, which would reduce the secondary developments that inevitably cluster around access ramps. Those development activities have not figured into this analysis.

Species Mitigation Approaches

The proposed project would have significant impacts on plant and animal species along the proposed corridor. Yet mitigation of some of these impacts is possible by implementing a host of actions, from avoiding problem areas to off-site mitigation activities.

Avoidance actions. As noted in the previous section, there are a number of sites that would be ideal to avoid by rerouting the alignment, if possible. Those problem areas include:

- Confluence of the Black and Brawley washes and adjacent to the Wildlife Mitigation Corridor. These nearby areas likely contains a number of important species of concern (e.g., Abert's towhees, Anuran frogs, etc), but more importantly, they are likely important for wildlife movement. A preferred alternative for largely avoiding the Brawley Wash would be to put the road through the Garcia Strip.
- Parallel to the Santa Cruz River. Putting the alignment in the floodplain increases habitat loss and fragmentation for important riparian species. Suggest running road perpendicular to river by crossing at Trico Road.

Minimization actions. Minimization is an area that would have significant benefits for all species impacted. Key among these design features is to:

- Reduce the number of access ramps, which would, in turn, reduce the chance for urban sprawl.
- Incorporate wildlife features. These feature could include bridges, elevated road surfaces (over sheet flooding areas such as at the confluence of the Black and Brawley washes), box culverts, and even a wildlife overpasses. Fences could be used extensively to discourage wildlife from entering the road, which would reduce wildlife mortality and increase human safety.
- Restore former agricultural lands throughout the valley to restore flood flows (see Page 11). Much of this restoration potential is on City of Tucson HCP mitigation lands.

Off-site Setasides. Off-site mitigation in the form of conserved lands should be in an area with similar or better environmental assets as the area being impacted (Bull et. al. 2013), and for this, using the CLS provides a valuable approach. Also, mitigation lands should be located in a geographic area that is as near as possible to those lands being impacted (McKenney and Kiesecker 2010). A few areas that would be ideal to focus off-site mitigation include:

- Near to the CAP canal land bridges to ensure no new development on key sites.
- Protection of lands in the Sierrita Mountains;
- Buffers around Ironwood National Monument, Saguaro National Park
- Additional flood-prone lands along the Brawley Wash.

Air Quality Impacts and Mitigation

Potential impacts on air quality in Pima County associated with a proposed freeway through Avra Valley would include short and long term impacts due to air emissions along the corridor from construction activities during construction and from highway traffic once the corridor is complete and in use. It is anticipated that some traffic would shift from the current Interstate 10 (I-10) route through Tucson to the new corridor through Avra Valley. Short-term increases in emissions could occur during the construction of the freeway; these air emissions would include emissions from construction vehicles and fugitive dust emissions from construction activities. The most favorable option for reducing short-term impacts would be to use the lowest emitting construction equipment available.

Long-term air quality impacts could include increased air pollution from vehicles traveling along the freeway and at interchanges with planned services. However, air emissions also could decrease along I-10 through Tucson if many of the commercial trucks transporting goods would utilize the new highway for transport rather than I-10. The best measure for reducing long-term impacts would be to eliminate or limit the number of interchanges along the corridor. If interchanges are included, they should provide options to limit truck idling including truck stop electrification. Consideration should also be given to installing charging equipment for electric vehicles.

Pima County operates air quality monitors to demonstrate compliance with the National Ambient Air Quality Standards (NAAQS). The NAAQS are standards set for six criteria pollutants: particulate matter (10 micrometers or less and 2.5 micrometers or less), ozone, carbon monoxide, lead, nitrogen dioxide, and sulfur dioxide. Pima County is currently in attainment for all NAAQS (with a maintenance plan for carbon monoxide, and two areas on nonattainment for particulate matter that are under the jurisdiction of the Arizona Department of Environmental Quality); however, the NAAQS for ozone is currently undergoing revisions by the US Environmental Protection Agency. If the NAAQS for ozone is lowered and levels of ozone remain similar to climatological levels in Pima County, the county could be reclassified to nonattainment for ozone. A nonattainment classification would require the evaluation and adoption of effective emission control strategies which may affect vehicles and fuels.

Light Pollution Impacts and Mitigation

The proposed highway could directly and indirectly impact the quality of astronomical research at Kitt Peak and the preservation of a naturally-dark environment in the Ironwood National Forest and Saguaro National Park. At its closest point, the proposed corridor alignment is approximately 20 miles from the summit of Kitt Peak and approximately 30 miles from the summit of Mt. Hopkins both of which are economically important astronomical research facilities. This places the corridor within the most restrictive special areas (E1b and E1c) designated by the Pima County Outdoor Lighting Code to minimize lighting and ensure a naturally dark environment. The corridor also comes within about 1 mile from the most sensitive and restrictive zone (E1a) which includes both Ironwood National Forest and Saguaro National Park. In this zone, the preservation of a naturally-dark environment, both in sky and in the visible landscape, is considered of paramount concern and unshielded lighting is not allowed. The Code restricts illumination levels (total lumen output) and curfew times, regulates light color temperature, and requires shielding to minimize light pollution.

To mitigate light impacts, the proposed interstate should not be lighted, but light impacts from vehicle headlights would not be able to be mitigated. Impacts would be more significant at any interchanges and with any associated roadside commercial development. More importantly, any future land development that occurred as a result of the new freeway would contribute to light degradation along the corridor and

within the impact areas of both Kitt Peak and Mt. Hopkins. Mitigation measures to discourage and limit development along the corridor are discussed in more detail later in this report.

Prime and Unique Farmland and Mitigation

Avra Valley has historically been an important agricultural area in Pima County, producing mostly cotton but also alfalfa hay and other crops. Pima County ranks 5th in the state for barley production, 6th for cotton and 7th for alfalfa hay¹. Significant areas of active farmland remain at the north end of Avra Valley and especially east of the draft alignment within the Town of Marana. The Garcia Strip portion of the Tohono O’Odham Nation also remains irrigated and under agricultural production. In central and southern Avra Valley, the City of Tucson acquired nearly 20,000 acres of former farmland and has developed recharge basins and associated infrastructure to recharge CAP water into underground aquifers for Tucson’s potable water supply.

The proposed interstate corridor has the potential to affect some prime and unique farmland, especially at the north end of Avra Valley. Such determination would typically be made by the U.S. Department of Agriculture, Natural Resources Conservation Service, at the request of Federal Highway Administration. Significantly, none of the local jurisdictions has policies to protect or conserve prime and unique farmland in the area of the corridor, however the 1981 Farmland Protection Policy Act (FPPA) is intended to minimize the impact that federal programs, including highways, have on the unnecessary and irreversible conversion of farmland to nonagricultural uses.

Mitigation methods to preserve farmland could include set-asides in proportion to the amount of farmland impacted, purchase of agricultural conservation easements, and transfer of development rights. These methods are similar to those that could be used to conserve wildlife habitat and environmentally sensitive lands and to discourage development along and near to the corridor.

Federal and Local Preserve Impacts and Mitigation

The proposed freeway corridor impacts several federal and local parklands and preserves, including Ironwood National Forest, Saguaro National Forest, Tucson Mountain Park, and the Bureau of Reclamation Wildlife Mitigation Corridor. Also impacted are Tucson Water’s Wildlife Mitigation Lands, the City of Tucson’s proposed Avra Valley Habitat Conservation Plan, the Tumamoc Globerry Preserve, and Diamond Bell Ranch. The following sections discuss impacts to each preserve in more detail.

Ironwood National Forest and Saguaro National Park

The draft corridor would impact Ironwood National Forest, Saguaro National Park, and Tucson Mountain Park. The alignment does not cross any of these park lands, but it is located within 1 mile of each at several locations and would impact each. The potential impacts include noise, air quality, lights, views, and impacts to wildlife and plants through habitat loss and fragmentation. Additional development - including any interchanges - that might occur as a result of the interstate corridor being built would further impact these park lands. Construction activities would also impact and disrupt wildlife breeding and movements for a period of years. Identifying all the impacts to these parklands and potential mitigation measures is beyond the scope of this report, but these agencies would be consulted as part of any federally-required environmental assessment or impact statement.

¹ Arizona Farm Bureau

Bureau of Reclamation Wildlife Mitigation Corridor

The draft corridor impacts the federally-designated Wildlife Mitigation Corridor (WMC), a 4.25 square mile preserve which straddles the CAP Aqueduct between Sandario Road and Tucson Mountain Park. The WMC contains both endangered and candidate species of plants and wildlife and provides habitat and wildlife corridors over CAP aqueduct. The draft alignment currently follows Sandario Road, which runs along the 2-mile western boundary of the WMC. Even if sufficient right of way to build a freeway (400 ft) could be obtained from the Tohono O’Odham Nation and/or the Department of the Interior, the wildlife habitat and corridor functions of the WMC would be compromised and the Bureau of Reclamation and other agencies would need to be consulted.

The WMC was established to allow free plant and wildlife movement back and forth across the CAP aqueduct, and between the Tucson Mountains to the east and the Ironwood National Forest and Roskrige Mountains to the west. Maintaining wildlife movements would likely require that the proposed freeway, if approved, be either raised up as a bridge overpass or sunken below grade and covered with land bridge(s) to allow wildlife to cross freely. Noise and other impacts would also likely need to be mitigated. It is important to note that previous proposed roadway planning efforts that potentially impacted the Wildlife Mitigation Corridor have been reviewed, rejected and opposed by the Bureau of Reclamation, Arizona Game and Fish, Pima County Board of Supervisors, Saguaro National Monument and local landowners.

Tucson Water Wildlife Mitigation Lands

The draft corridor cuts through environmental mitigation lands associated with the Tucson Water Central Avra Valley Storage and Recharge Project (CAVSARP). The alignment also impacts existing and planned recharge basins, wells and pipelines but these impacts are discussed in later sections of this report. The Tucson Water mitigation lands, including designated wildlife corridors between the basins, were established to provide for wildlife habitat and movement. These mitigation lands are encumbered by restrictive covenants enacted by the Environmental Protection Agency in consultation with the US Fish and Wildlife Service (USFWS) to mitigate against impacts from CAVSARP on the Cactus Ferruginous Pygmy Owl, a federally endangered species. The draft corridor bisects portions of this 473 acre conservation preserve (Figure W-1, dark green area). Because the proposed freeway would reduce the size and impact the function of this conservation habitat, consultation with USFWS would be required. It is unknown whether USFWS would allow impacts to this mitigation preserve area, or if they would recommend that the corridor be moved, most likely along San Joaquin Road. Using San Joaquin Road as the alignment for the freeway could minimize impacts to wildlife and habitat, but it would impact residential properties and require new roadways to provide for local access.

Avra Valley Habitat Conservation Plan

The draft corridor cuts through portions, including “priority areas”, of the City of Tucson’s proposed Avra Valley Habitat Conservation Plan (HCP). The HCP is proposed to minimize and mitigate the impacts of its water recharge facilities and infrastructure on listed and sensitive species and their habitats in Avra Valley. The HCP will help project seven species including the federally listed Lesser Long-nosed Bat, the candidate Western Yellow-billed Cuckoo, and rare and/or sensitive species including the Cactus Ferruginous Pygmy-owl, Western Burrowing Owl, Desert Tortoise, Pale Townsend’s Big-eared Bat, and the Tucson Shovel-nosed Snake (Figure 2). Use of any of this land for the freeway would likely require approval by City of

Tucson and consultation by the US Fish and Wildlife Service and other federal agencies. While specific properties and restoration projects are not discussed within the draft HCP, the need to remove drainage/channelization structures that preclude sheet flow, braiding, and sediment deposition within the Brawley Wash system is recognized.

Tumamoc Globerry Preserve

The draft freeway corridor is located within 250 feet of the Tumamoc Globerry Preserve, an 80 acre site purchased by the Bureau of Reclamation where globerry plants in the path of the Central Arizona Project Tucson Aqueduct were transplanted. This preserve is located just east of the draft alignment, between Mile Wide Road and Manville Road. This species is listed as “sensitive” by the USFS and the BLM and Arizona Native Plant Law lists it as “Salvage Restricted”. This preserve could be enhanced with additional wildlife crossings over the CAP aqueduct.

Diamond Bell Ranch Preserve

South of Ajo Highway at the northern limits of the Altar Valley, the draft alignment cuts through the eastern most portion of the Diamond Bell Ranch preserve, a 30,000 acre ranch acquired by the county in 2008. As part of the Sonoran Desert Conservation Plan, this area was identified as the Northern Altar Valley Reserve in an effort to bring together large private landowners and natural resource agencies to better coordinate long-term conservation efforts. Over 2.5 miles of the draft alignment lies directly over county managed grazing leases. Approximately three additional miles of the proposed route closely parallel the northeast corner of the Diamond Bell Ranch. Diamond Bell Ranch and the associated grazing leases are all part of the Multi-species Conservation Plan mitigation land bank.

The proposed alignment would bisect over 1,400 acres on the northern edge of the Pinto Blanco pasture, on the State grazing lease. The immediate impact would be to make operational use of the area more difficult, if not functionally impossible, without providing corridors for livestock and wildlife to move freely under the roadway. Alternatively, the “stranded” triangle of one pasture could be left ungrazed. Depending on location of existing water resources and the final alignment of the road, additional waters might have to be developed and maintained to support the existing livestock operation.

If the new freeway directly, or indirectly, created additional access points to the network of unimproved dirt and two-track roads, the ranch would experience additional vandalism and illegal traffic. Vandalism concerns would include loss of livestock, destruction of fences, water systems, and other conservation or livestock management infrastructure. This portion of the ranch currently falls within active illegal border traffic routes involving both undocumented human migrants and significant drug running. Until just recently, the Altar Valley was in the most active zone on the border between Mexico and the United States according to the US Border Patrol.

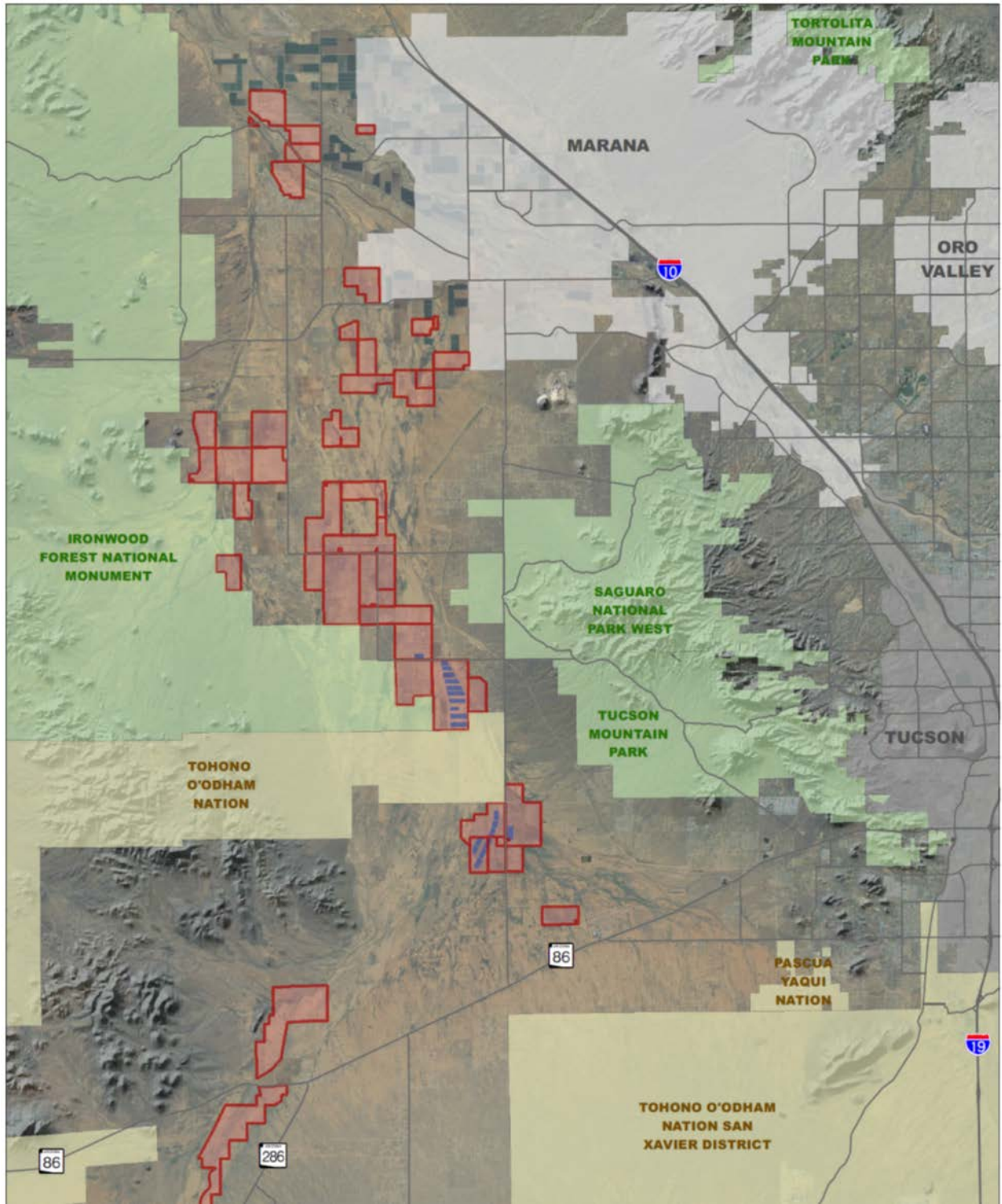
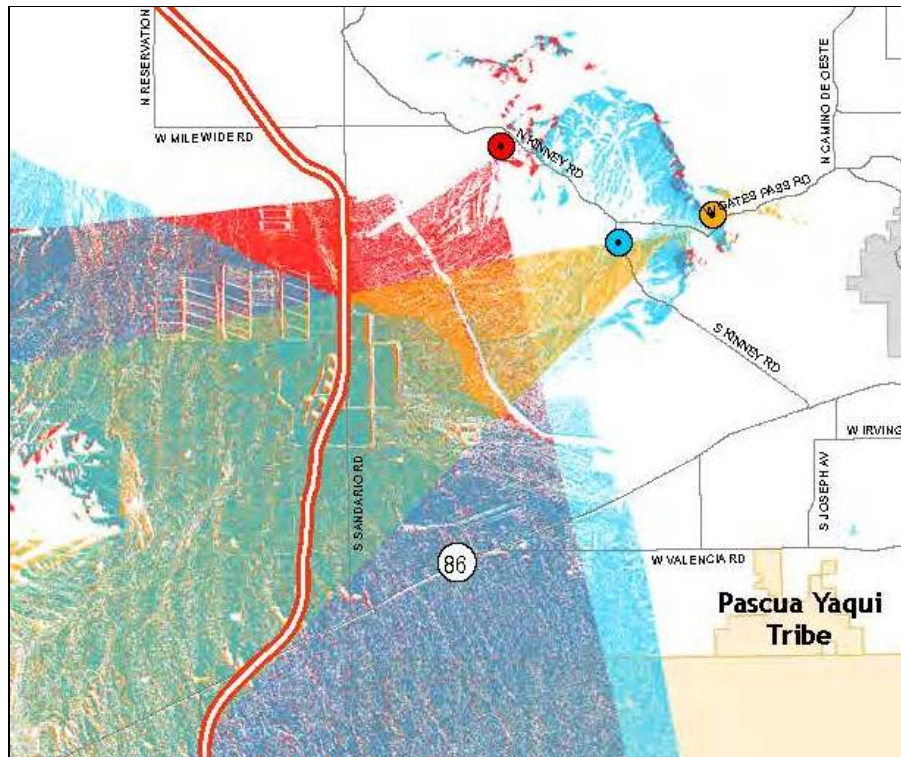


Figure 2. Avra Valley Habitat Conservation Plan Permit Area shown in red areas

Scenic View Sheds

The proposed road corridor passes within sight and ear shot of significant conservation and open space areas, including the Ironwood Forest National Monument, Saguaro National Park and Tucson Mountain Park. All of these national resources have been designated and managed as far back as the late 1920's to protect their core natural resource values, including natural view sheds, natural quiet, dark skies and protection of native and migratory plants and wildlife. The current state of the visual resources is of very high quality. Because much of the draft route lies downhill topographically from the major public view points on both Saguaro National Park and Tucson Mountain Park, view shed deterioration and noise pollution is of special concern.

Substantial work would be required to determine the extent of impacts and potential mitigation measures. The parks receive 2.5 million visitors annually and the Arizona Sonora Desert Museum (ASDM) alone receives over 450,000 visitors annually, including International visitors who contribute to the regions ecotourism economy. Most of the ASDM is outdoors and has views directly down the natural bajada to the west and onto the proposed roadway corridor for over 10 miles of the proposed highway route. The map below shows affected view sheds for three particular sites - ASDM, Old Tucson Studios, and Gates Pass, each of which would view significant portions of the proposed highway.



Recreation

Tucson Mountain Park and Saguaro National Park receive over 2.5 million visitors annually. Most of those visitors are drawn to the area for its natural open space and diverse nature-based recreational activities in undeveloped Sonoran desert landscapes. Recreational activities include hiking, mountain biking, nature study, star gazing, picnicking, hunting, nature photography, rock climbing, wildlife observation and equestrian trail riding. Tucson Mountain Park alone has over 275,000 active recreational user days a year. A sense of solitude and natural open space are qualities that form the foundation of many of the recreational experiences.

The proposed freeway could have mixed impacts to recreation. The interstate could reduce the user experience due to noise, visual and wildlife impacts. The freeway could also increase access to recreation sites if an interchange is located in Avra Valley. The benefit of improved access would need to be evaluated against the potential negative consequences of more vehicles and traffic adjacent to recreational areas. Extensive survey work would need to be completed to determine factors that might reduce recreational use in the area, reduce the quality of the experiences, or create new opportunities to access available opportunities. Experiences that would be anticipated to be negatively impacted include the loss of the iconic view sheds especially to the west, sound intrusion from a major highway, lights of vehicles at night, direct and indirect impacts to wildlife viewing opportunities and others. Mitigation measures that would facilitate wildlife movement across the highway and CAP aqueduct could also improve recreational access to the proposed CAP trail and to other public parks and preserves along the route.

Cultural and Archaeological Resources Summary

Archaeological and Historical

Archaeological knowledge of the area is uneven, depending on whether or not previous archaeological surveys have been conducted. The proposed 400-foot-wide corridor and interchanges encompass approximately 4,775 acres of lands within the Archaeological Sensitivity Zones defined in the Cultural Resources Element of the Sonoran Desert Conservation Plan (SDCP). The Corridor crosses approximately 1,390 acres of High Sensitivity lands, nearly 900 acres of Moderate Sensitivity and about 2,500 acres with Low Sensitivity. The Sensitivity Zones were mapped through an intensive knowledge-based modeling exercise based on the best available scientific expertise of the professional archaeological community in Pima County and Southern Arizona. Sensitivity Zones are often associated with Important Riparian and Biological Core Areas in valley drainage systems because the distribution of recorded cultural resources identified through surveys reveals a pattern of higher site densities associated with these areas. This demonstrated association makes the SDCP Archaeological Sensitivity mapping a useful predictive tool for estimating the locations and densities of as yet unrecorded cultural resources in areas that have not been surveyed. Independent quantitative predictive modeling confirms the high level of accuracy of the knowledge-based SDCP Sensitivity mapping, tested and found to be over 80% accurate. The Sensitivity Zones mapping produces a relatively reliable means of estimating the potential for cultural resources within the foot prints of proposed undertakings such as the Intermountain West Corridor and, absent archaeological survey data, allows estimates of the potential impacts from construction on these resources

Traditional Cultural Places, Priority Cultural Resources, Cultural Landscapes

Avra and Altar Valleys and associated uplands contain cultural landscapes that are important to the Tohono O'odham and other concerned Tribes for the plants, animals, springs, ancestral homes, ancestral burials, and ancestral religious places that are embedded within the natural landscape, all of which have tremendous present day cultural and religious importance to the Tribes. Considering the complex of cultural and sacred resources residing within the valleys holistically at the landscape scale reveals the broader picture of the importance of the cultural and sacred landscape to the Tribes and reinforces the importance of addressing the archaeological past at the landscape scale. The Tohono O'odham believe the Altar Valley is a sacred cultural landscape that should be considered as a Traditional Cultural Property (TCP) and the effects of construction of the Corridor on such cultural and historic resources should be evaluated holistically under the criteria of significance of the National Register of Historic Places, under Section 106 of the National Historic Preservation Act (NHPA).

The Corridor intersects or passes near several other categories of significant cultural and historic resources that are listed either on the National Register of Historic Places, or identified as priority sites in the SDCP. Among the recorded resources are portions of two Archaeological Districts listed on the National Register (Gunsight Mountain and Los Robles Archaeological Districts) and a large National Register-eligible archaeological site (AZ AA:11:12[ASM] Hog Farm Ballcourt Site). There is some overlap between the National Register-listed resources and Priority Cultural Resources identified in the SDCP, including three Priority Archaeological Site Complexes (Los Robles PASC, Eastern Sierrita PASC, Gunsight Mountain PASC), and one Priority Site (Hog Farm Ballcourt Site). Both National Register Districts contain numerous significant archaeological sites protected under Section 106 of the NHPA. Under the NHPA, sites that are not listed, but which are considered eligible for listing on the National Register, are afforded the same protections as listed resources.

Impacts: direct, indirect, cumulative, visual impacts, applicable federal laws & regulations

About 1,550 acres, or 34%, of the total acreage of the Intermountain West Corridor have been surveyed for cultural resources. Thirteen archaeological sites have been recorded within the Corridor, totaling 208 acres potentially subject to direct impacts. Projected site numbers based on 100% survey coverage indicate the potential for 39 archaeological sites within the 400-foot-wide Corridor, totaling about 625 acres subject to direct impacts. Based on the tested accuracy of the predictive model, projected site numbers could be subject to a margin of error of about $\pm 18\%$ (32 to 46 sites). The Corridor also crosses the alignment of the Juan Bautista de Anza National Historic Trail on the west side of the Santa Cruz River, near the Pima-Pinal County line. Over all, the alignment is well placed to avoid archaeological and historic resources.

Visual effects require different standards of evaluating impacts, resulting in different Areas of Potential Effect that could range up to five miles distance from the proposed action. Mitigation could involve modifying construction to reduce the visual profile of the proposed undertaking, either by physically reducing it or by integrating design and construction into a more aesthetically acceptable relationship with the affected resources, thereby minimizing adverse effects.

Construction of the Intermountain West Corridor would certainly have a federal nexus, so the federal cultural resources compliance standard would be appropriate, under Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations (36 CFR Part 800) as part of the implementation of the National Environmental Policy Act (NEPA) process (EA or EIS).

Mitigation is the strategy for treatment(s) implemented to address adverse effects to Historic Properties, including direct, indirect, cumulative, and visual effects. Treatments can include avoidance of Historic

Properties and other actions to mitigate or minimize adverse effects to Historic Properties. Mitigation requirements cannot be determined at this time. A Project Agreement under the NHPA would structure the mitigation strategies and approaches to account for adverse effect, including determining the nature and scope of the project's treatment plan to address effects. When avoidance is not possible, archaeological data recovery or, in the case of historic buildings and structures, mitigation documentation, or visual effect mitigation actions are implemented according to the Agreement and plan to mitigate and minimize adverse effects.

Infrastructure Impacts and Considerations for the Intermountain West Corridor

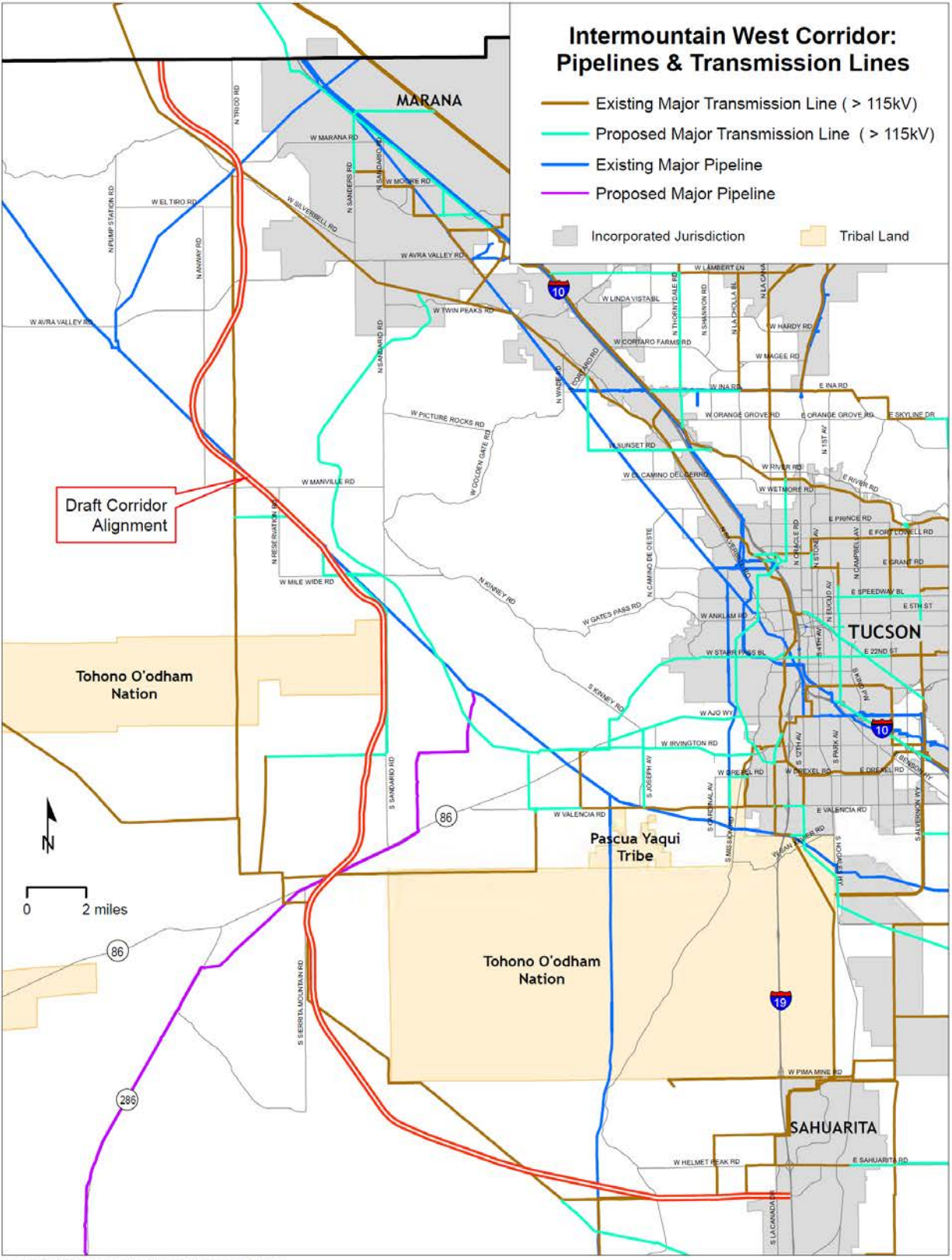
Natural Gas Pipeline Considerations

The draft alignment crosses and runs parallel to two collocated underground natural gas pipelines 30" and 26" in diameter. These pipelines are a major connection for the region to the national natural gas distribution network and are operated by El Paso Natural Gas, now part of Kinder Morgan, Inc. These lines run northwesterly from Sandario Road to Trico Road, crossing Mile Wide, Manville, and Trico Roads. The alignment could be adjusted to avoid running directly above the collocated pipelines. The roadway crosses another natural gas pipeline in the vicinity of Trico Road and Trico Marana Road. Along State Route 86, the roadway crosses the proposed 36" diameter Kinder Morgan Sierrita pipeline which would serve Mexico. Figure 4 shows the roadway corridor and natural gas facilities in the Avra Valley area.

Electrical Transmission Considerations

The proposed alignment does not impact any known electrical transmission facilities, i.e. substations, but at three locations it crosses a transmission line that runs along Trico Road. The roadway avoids a sub-station facility located east of Trico Road and south of Marana Road. At several locations, the alignment also crosses a larger transmission line that connects a sub-station north of Ajo Way and west of Sierrita Mountain Road to another sub-station on Pima Mine Road east of I-19. Figure 4 shows the roadway corridor and known electrical transmission facilities.

There are several potential additions to transmission lines planned in the general vicinity of the Intermountain alignment (Figure 4). It may be beneficial to plan for and advocate for the co-location of these utilities along the Intermountain alignment. This may minimize additional linear impacts, including associated environmental, recreational, visual impacts, associated with utility lines.



Water Supply Considerations

The proposed alignment passes close to several well fields, recharge facilities and the Central Arizona Project (CAP) canal that provide water for agriculture, municipal and industrial water supplies. The City of Tucson operates the Clearwater Renewable Resource Facility (CRRF) which annually recharges over 160,000 acre-feet of Colorado River water (CRW) from the CAP canal (Figure W-1, cyan lines). A managed recharge project stores up to 43,000 acre-feet of effluent annually. Four groundwater savings projects have the capacity to save 49,755 acre-feet of groundwater each year by using CAP water rather than groundwater (Figure 3). Two large well fields (Clearwater and South Avra Valley) and several isolated well fields supply over 95,000 acre-feet to metropolitan Tucson supplying 70% of water demand in eastern Pima County. The CAP canal delivers 220,000 acre-feet annually in southern Avra Valley.

Avra Valley is considered part of a federally-designated sole source aquifer. EPA defines a sole or principal source aquifer as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. These areas may have no alternative drinking water source(s) that could physically, legally and economically supply all those who depend on the aquifer for drinking water. Sole source aquifer designation is a tool to protect drinking water supplies from contamination.

Proposed federal financially assisted projects that have the potential to contaminate a designated sole source aquifer are subject to EPA review. As a result of EPA review of a proposed federally financed project in the designated SSA, concerns regarding ground water quality protection can lead to specific recommendations or additional pollution prevention requirements as a condition of funding ([USEPA](#), no date). Most projects referred to EPA for review are expected to provide information about proximity to wells and pipelines, and information about structures that might be associated with the construction project, such deep pilings or underground storage tanks.

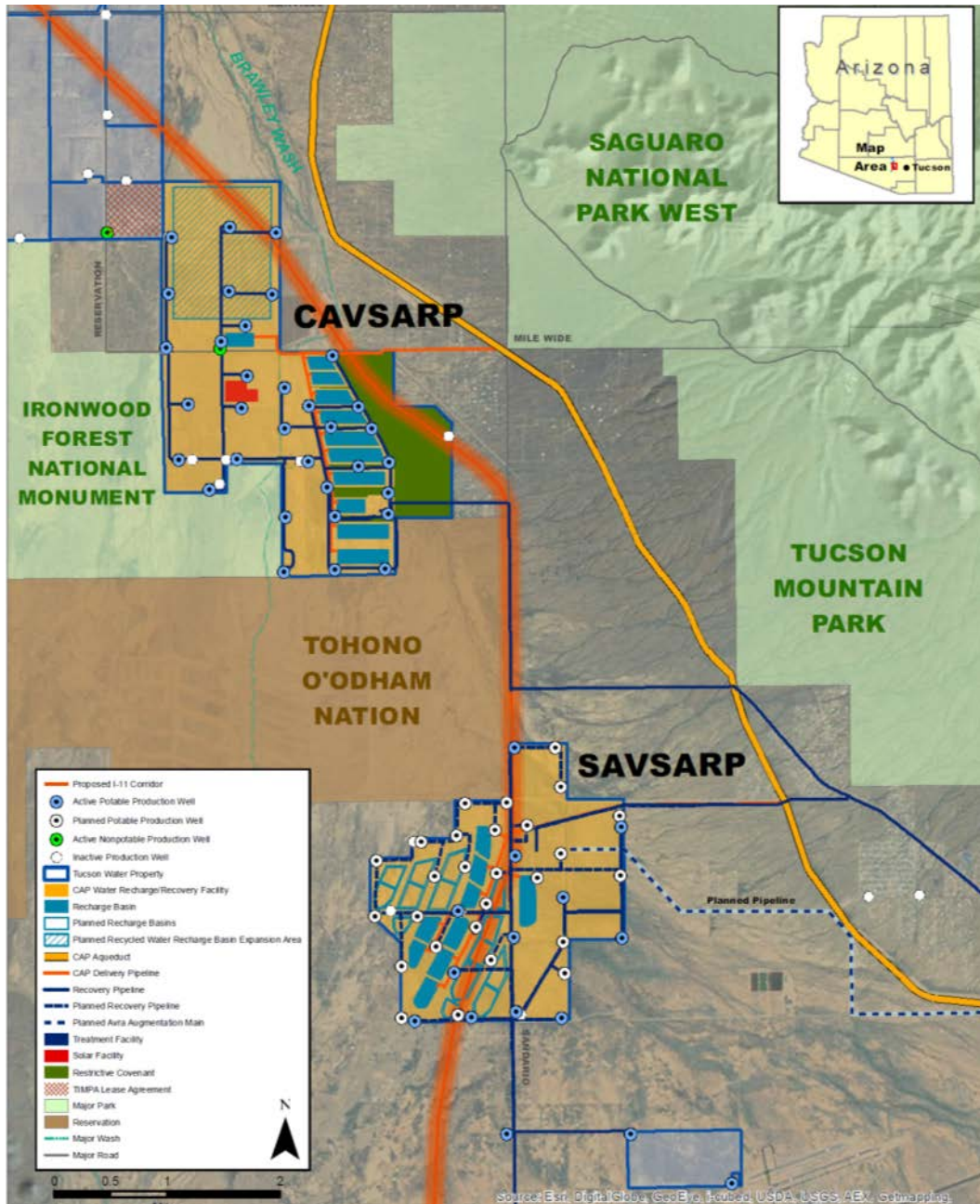


Figure 3. Clearwater Renewable Resource Facility

Clearwater Renewable Resource Facility (CRRF)

The two phases of CRRF, Central Avra Valley Storage and Recovery Project (CAVSARP) and the Southern Avra Valley Storage and Recovery Project (SAVSARP), comprise 20 recharge basins occupying 535 acres in the vicinity of Sandario Road between Mile Wide Road and Snyder Hill Road. Several delivery pipelines transport water to the basins and a series of recovery wells and collector pipelines transport the water to Hayden-Udall Water Treatment Plant.

The proposed alignment avoids the 20 existing recharge basins and most of the wells. Minor adjustments at CAVSARP can be made to avoid one or two recovery wells potentially coincident with the proposed alignment. Future plans for wells and basins at CAVSARP can be accommodated by installing delivery and recovery pipelines beneath the freeway to connect northern recharge and recovery activities with that south of the proposed alignment. At SAVSARP, the distance between Sandario Road and existing wells is large enough to accommodate 300 feet for a freeway right-of-way; however, proposed basins and wells for SAVSARP are coincident with the proposed alignment requiring placement of the route outside the SAVSARP.

The roadway corridor intersects the delivery pipeline to CAVSARP and SAVSARP as well as the collector pipeline from SAVSARP. Accommodations need to address the additional load from the freeway as well as the traffic. Minor adjustments might be needed to avoid two small stations on Milewide Road just east of Brawley Wash. The most important issue to address would be finding an easement along Sandario Road between the Tohono O'odham Nation and the Bureau of Reclamation Tucson Mitigation Corridor that avoids the 60-inch collector pipeline from CAVSARP (Figure 3).

South Avra Valley Well Field

The City of Tucson has over seven wells in the South Avra Valley well field. Collector pipelines may be intersected by the proposed alignment. Accommodations need to address the additional load from the freeway as well as the traffic.

Isolated Well Fields

City of Tucson has several isolated well fields in Avra Valley providing water to residences that are outside the proposed alignment (Figure W-2). A number of other private wells and small Public Water Systems in Avra Valley would need to be evaluated for proximity to the proposed alignment.

Lower Santa Cruz River Managed Recharge Project

This recharge project begins at Ina Road and ends at Trico Road. Key infrastructure for the project is a stream gage just upstream from Sandario Road, which is not impacted by the proposed alignment.

Groundwater Savings Projects

The BKW Milewide Groundwater Savings Facility occupies 160 acres just east of CASARP (Figure W-1, green line). The Cortaro Marana Irrigation District, BKW Farms and Avra Valley Irrigation District form a block of farm land between Interstate 10 and Brawley Wash north of Avra Valley Road (Figure W-2) that receives up to 49,000 acre-feet of CAP water. If the proposed alignment intersects these farms, an evaluation would need to be performed to identify the location of canals and determine an alternative, such as installing below grade structures.

Minimizing Land Development—An Indirect Impact

Why Limiting Development in Avra Valley Is Important

Development of the Intermountain West Corridor or any interstate freeway through Avra Valley would have many impacts, all of which would need to be fully identified and documented in an environmental impact assessment (EIS) as required by the National Environmental Policy Act (NEPA). These impacts include land development and urban growth, both directly and indirectly related to the proposed freeway. We discuss these land development impacts and ways to reduce or mitigate these impacts later in this section. But first, we discuss why limiting development along the Corridor is important.

1. Conservation Lands - As explained earlier in this report, much of Avra Valley is within the County's Conservation Lands System (CLS), which means that these areas have significant biological resources and wildlife/habitat value. Development is discouraged in these areas but encouraged elsewhere outside of the CLS. The County is committed to conserving areas within the CLS to mitigate the impacts of public and private development within the Tucson metropolitan region.
2. Floodplains and Riparian Areas - Storm water flows north through the Avra Valley within broad flood plains associated with the Brawley Wash and Black Wash. Significant storm events may reach the Santa Cruz River at the north end of the Avra Valley. These waterways include the most valuable riparian habitats and corridors for wildlife. Discouraging development helps maintain natural floodplain functions that slow down damaging flood events, increases ground water recharge, and reduced the potential for flooding downstream in areas like Marana.
3. Groundwater - Decades ago decisions were made to retire numerous agricultural wells throughout Avra Valley and construct the Central Arizona Project canal such that water imported from the Colorado River is recharged in Avra Valley, blended with natural groundwater, and pumped back and piped across the mountains to serve the growing Tucson metro area. The City and County are dependent upon the CAP and recharge basins and infrastructure for their long-term water supply. This infrastructure limits the areas where development in Avra Valley can occur. Development in Avra Valley can't occur without additional wells and impacts to the long-term Tucson water supply.
4. Limited Infrastructure, High Cost of Services – Avra Valley is predominantly rural and lacks the types of public services and infrastructure (including water and sewer) that would support more development. Extending services to this area is costly both to private developers and to public agencies.
5. Ranching and Farming – Much of Avra Valley is used for cattle ranching and farming. The County, through the Sonoran Desert Conservation Plan, has recognized the many diverse benefits of keeping ranchers ranching including maintaining the wide open spaces and natural landscapes that support plants and wildlife, natural floodplain functions, and scenic views. Farming and agricultural lands which support local food production are being recognized more and more as important land uses.
6. Dark Skies Support Astronomy – Because Avra Valley is so sparsely developed, its dark night skies help support active research at the Kitt Peak observatory and other astronomy related activities that

provide jobs and contribute to the local economy. The proposed freeway and any associated development along the Corridor, even if it were to comply with the Tucson/Pima Outdoor Lighting Code, would contribute to light pollution and threaten astronomical research at Kitt Peak.

7. Rural Land Uses – The existing land uses along the Corridor in Avra Valley are generally low density residential, ranching, farming or publically-owned natural parks. The County’s Comprehensive Land Use Plan and Zoning aims to maintain these types of land uses.
8. Development Generates Traffic – The new freeway would encourage more development with the promise of improved interstate access and reduced travel times. However, this development would generate more traffic which would reduce the effectiveness and efficiency of the route as a trucking and freight corridor or as a bypass. Because the route is so much longer than I-10, it only becomes an attractive alternative route if traffic remains light and travel speeds are high. Any new development that occurs as a result of the freeway would add traffic to the freeway and gradually diminish its value as a bypass.

Direct Land Development Impacts

The direct land impacts of new interstate freeway include the consumption of land required to accommodate the roadway facility itself, including travel lanes, paved shoulders, medians, clear zones, and roadway interchanges. A four-hundred foot wide freeway corridor is assumed in this analysis, but this width can increase if interchanges are built to accommodate on-off ramps, bridges, and the reconfiguration of intersecting roads. Approximately 2700 acres of right of way is anticipated for the entire length of the proposed freeway. Two additional interchanges could add 2100 acres to this. If a total of 4800 acres of acres were used for the entire system, this would utilize approximately 2200 acres of State Trust land, and 1200 acres of private land.

Indirect Land Development Impacts

Travel-Related Development

Besides the direct land impacts of any new roadway and the right of way it occupies, new roadways impact adjacent lands by encouraging development. Freeways and interstates in particular generate demand for travel-related development such as truck stops, gas stations, lodging and food. Even limited-access freeways require some basic level of services and access to operate safely. This type of travel-related development is typically concentrated more at interchange areas where vehicles enter and exit the freeway, but can also follow along intersecting roadways away from the freeway.

Residential and Commercial Development

Besides travel-related development, freeways also generate demand for nearby residential and commercial development that benefit from improved access and reduced travel times. Avra Valley is relatively remote and served by only a few rural roadways and minimal infrastructure and services. But a new freeway could open up vast areas to development that otherwise would not occur, or would occur much more slowly, due to direct access to the interstate system and associated trade and commerce. Limiting this type of indirect development would be difficult to accomplish, but several strategies are discussed below.

Measures to Minimize Development along the Route

Summary paragraph about measures and their effectiveness/limitations

1. Limit Interchanges and Access

The most effective and permanent way to minimize and control land development along the proposed corridor would be to control or limit access to this facility. With no local access, there would be no additional incentive for land development to occur along or adjacent to the route. A freeway with little or no access to local roads would minimize environmental impacts associated with direct and indirect land development. If a service area were required, even this could be provided with no access to local roads.

Making this facility a toll road or using some other measure of pricing would not control or limit traffic, but it could discourage some travel unless the alternative route is more costly. Unlike older toll highways which limited access to these facilities and required vehicles to stop and pay tolls, modern toll roads use technology that allows vehicles to travel at highway speeds while transponders charge their vehicle at specific points.

2. Elevate the Roadway

Elevating the proposed interstate above the ground could reduce the land impacts of the roadway itself. Bridges would be required over washes and low-lying areas. By physically separating the roadway from the land, the footprint of the roadway can be reduced to only the bridge piers that support the roadway deck. Elevated roadways can allow people, water, vehicles and wildlife to cross under the facility without conflict. In areas where limited right of way exists, such as along Sandario Road, an elevated roadway could potentially fit within the existing right of way without impacting the Tohono O’odham Nation to the west or the Bureau of Reclamation Tucson Wildlife Mitigation Corridor to the east. Elevated roadways do increase highway noise further away from the interstate, so other sound mitigation measures such as rubberized asphalt, trees and walls could be required as well.

3. Purchase Land for Conservation

Governmental agencies like ADOT or Pima County could purchase land along the Corridor and restrict its use to open space and/or agricultural activities if desired. For example, lands acquired along the Corridor could be actively managed as a County natural resource park like Tucson Mountain Park, or passively managed as a wildlife corridor, or even leased to ranchers or farmers – all with the goal of not developing the land for residential or commercial uses. As discussed earlier in this report, several thousand acres of land would need to be acquired for the mitigation of impacts associated with development of the Corridor itself (following Pima County’s Conservation Land System requirements). Those mitigation lands could serve dual purposes if sited along either sides of the Corridor; preventing future development along the corridor, as well as protection of natural open space, wildlife corridors, and riparian areas for necessary mitigation of the Corridor impacts. The County has a lot of experience in buying and managing land for these purposes with well over 100,000 acres for conservation purposes. If land were purchased to prevent development along the Corridor, a third party could hold an interest in those lands so as to prevent the County, or any other agency that owns the land, from selling the land in the future for development. For

instance, the County or ADOT could purchase the land and convey an easement or enforcement right to another agency or non-profit organization.

4. Purchase Conservation Easements, Development Rights or Deed Restrictions

Another tool to prevent development along the Corridor is to purchase conservation easements, development rights or deed restrictions. As opposed to purchasing the land outright, governmental agencies could purchase just a portion of the property rights, which is less expensive. The landowner would then retain certain rights. However, the County has had limited success in acquiring conservation easements or development rights mainly because the appraised value of acquiring such rights is lower than value of purchasing land outright and therefore landowners have often chosen to receive a greater amount of money for selling outright.

5. Comprehensive Planning and Zoning

The planning and zoning of land provides some measure of controlling future land use development, but these tools are not permanent. Land is frequently up-planned and rezoned to support development projects that may not conform to existing plans and zoning. Public opinions about growth and development change over time, as do the elected officials who create and enforce policy. Therefore, any comprehensive plan or zoning designation that is intended to control land development along the corridor may not last and can always be changed.

Down-zoning or down-planning land to control development has limited appeal because of Proposition 207 which requires the County to reimburse landowners for any diminution of land value. The County could purchase private development rights, but this has similar financial drawbacks and may not be viable from a budget perspective. It would also require willing sellers. But with the exception of some higher intensity zoning at the northeast corner of Anway and Manville Roads, and along Avra Valley Road leading north to Trico-Marana Road, zoning is mostly low density/intensity along the projected route so there are few down-zoning opportunities.

The fact that much of the corridor through Avra Valley impacts the Conservation Lands System (CLS) could potentially limit the number and size of rezonings which might otherwise be approved. This is because for any impacted CLS lands, open space must be set-aside in proportion to the amount and conservation value of the impacted lands. However, these set-asides are not restricted to the site of the rezoning or impacted area, so important CLS lands can legally be developed if set-asides are provided. This is an important point, because CLS lands in Avra Valley are unique biologically and ecologically and setting aside lands elsewhere does little to preserve the native flora and fauna, habitats, and wildlife corridors in Avra Valley. *Also, the CLS allows more dense development such as cluster development and small lot development.*

As authorized by A.R.S. § 11-821.03, transfer of development rights (TDR's) is a process by which potential development associated with one lot or parcel of land may be transferred to another lot or parcel of land in unincorporated Pima County. Property owners in defined "sending areas" can transfer (sell) development rights to property owners in defined "receiving areas". All such transfers of development potential must be in compliance with the Comprehensive Plan for the receiving area. The value of the TDR's approach (and governmental purchase of development rights) is limited. The transactions are voluntary. The majority of the zoning along the projected route is RH, which is essentially the least intensive zone for residential density, at one dwelling per 4.12 acres. Receiving areas would need to be

added and it may be difficult to find sufficient private land holdings that would qualify for this assignment in the unincorporated area.

As a temporary measure, the County could adopt Comprehensive Plan policies that would limit growth along and near the projected route, including assigning a mapped urban growth boundary beyond which higher density rezonings are discouraged and planned infrastructure improvements are limited. Such an approach could be combined with strategic up-planning within the boundary to ensure adequate lands for population growth and to avoid housing and other new development cost increases that could otherwise result. To be effective, the Town of Marana would need to agree to limiting growth near the corridor, but since this area is part of their own growth area, it is not likely they would agree to such controls. A “low-density/intensity” overlay zone could also be devised that adds development restrictions and standards to the underlying zone within a certain distance of the corridor or around public preserves in its vicinity.

7. Impact Fees and Financial Incentives

Impact fees are used to help fund infrastructure where growth is occurring or expected to occur. Some may suggest their use as a method for growth control, but there is disagreement over whether or not this works. Whether or not fees may or may not discourage or slow development, they do not ultimately prevent development for willing payers.

Synthesis: Mitigation Approaches, Challenges, and Opportunities

Any state or federal planning process for the Intermountain West Corridor would evaluate and compare a full range of alternatives, including the county's proposed Avra Valley alignment, the Interstate 10/19 alternative, and the no-build alternative. Such a planning process would be much more comprehensive than this report, and it would look at multiple alignment options through Avra Valley. This report only examines one Avra Valley alignment and only considers some of the environmental impacts that would be studied through a state or federal planning process. For example, this report does not address social impacts, neighborhood impacts, access impacts and many other impacts.

Avoid Impact Areas

The best way for the proposed freeway through Avra Valley to reduce environmental impacts is to avoid those impacts in the first place. Environmentally sensitive areas and natural and cultural resources should be avoided to the greatest degree possible. This can be achieved through realignment of the corridor around those sites. Some of the most significant resources to avoid include the Santa Cruz River floodway, the Brawley Wash riparian areas, the County lands along Black Wash, and the mitigation lands for the CAP canal.

Eliminate/Minimize Interchanges

The second best approach to minimizing environmental impacts is to eliminate or minimize the number of interchanges along the freeway. Freeway interchanges require significant amounts of land to accommodate long exit and on-ramps, and they encourage roadside development of travel-related uses such as like truck stops, gas stations, fast food, and lodging. Interchanges also increase land values and encourage residential and commercial development near to freeways because they provide direct transportation access.

Mitigation Measures

Land acquisition, purchase, conservation, zoning, etc.

Wildlife Crossings

Safe passage for wildlife (see Summary Map). Provisions can be made for wildlife passage under a freeway. The efficacy of wildlife passages depends on their careful design, location, and features such as vegetation, soils, water, and fencing that lie outside the right-of-way. Compatible land management outside the right-of-way, over time, can make or break the success of wildlife passages. In some places in Avra Valley, floodplain constraints or past investments in underground water storage or land conservation provide opportunities to ensure long-term compatibility for wildlife passages.

Interagency cooperation is critical to successful wildlife crossings. Regarding of the actual route chosen, land ownership is spread out among many different entities; without cooperation, many wildlife measures discussed in this report would simply be impossible to implement.

Reducing visual impacts. addressed within the right-of-way

Avoidance and minimization measures include:

- Minimize number/eliminate freeway interchanges.
- Minimize impacts to Kitt Peak astronomy research and economy by limiting lighting.
- Avoid or minimize impacts to Tucson Water recharge ponds, wells, and pipe facilities by route adjustments.
- Avoid or minimize impacts to environmental mitigation lands, floodplains, and agricultural lands by route adjustments.
- Avoid or minimize impacts to ironwood desert scrub near Mile Wide Road.
- Avoid impacts to Santa Cruz River by route adjustments.
- Elevate longer sections of roadway to avoid floodplains and wildlife impacts.
- Minimize sound impacts through pavement type and sound attenuation measures.
- Avoid or minimize impacts to cultural resources by route adjustments around most sensitive sites.
- Protect important natural areas and historic properties through property acquisition, conservation easements and other preservation methods.
- Minimize and discourage future development along and adjacent to route by eliminating/limiting interchanges, buying land or conservation easements, maintaining low intensity land use and zoning designations, adopting overlay zone to further limit development in key areas.

Freeway construction could be scheduled to avoid impacts during certain wildlife breeding periods.

Freeway design could prohibit or reduce overhead lighting to protect dark skies and to avoid impacts on some types of wildlife.

There are many possible mitigation measures, but most do not prevent loss of natural or cultural resources. One of the few mitigation measures that provided an opportunity to reverse losses of riparian habitat is the idea of re-establishing natural vegetation and processes on the mix of City and County lands that exist along the Brawley Wash, an idea which is consistent with the City's 2012 draft Avra Valley Habitat Conservation Plan. The challenge would be whether such an effort could be successful, and the extended time over which such an effort could be carried out. The best way to approach this would be to begin with small-scale efforts in advance of freeway construction, using adaptive management to see if actual outcomes match those predicted and then using these results to learn and adjust future management plans and policy (Walters 1986). Restoring damaged floodplains to natural functions would require significant long-term commitment to funding, perhaps using an endowment. In addition, it would require a long-term, interagency engagement to learn about how to restore the Brawley and meet agreed-upon objectives.

Mitigation measures include:

- \$8 million for in-lieu mitigation fees (or up to 2000-4000 acres of land acquisition) for riparian habitat mitigation within floodplains. In lieu fees could be dedicated to (1) working with Tucson Water to rehabilitate floodplain functions across former farmland in Avra Valley, and maintain or enhance areas of mesquite woodland and floodplain grassland, (2) revegetating former farmland to improve habitat quality for wildlife and reduce buffelgrass, and/or (3) acquiring and protecting areas of existing riparian habitat.
- 11,000 acres of mitigation for Conservation Lands System impacts to be used to maintain and restore wildlife connectivity in Avra and Altar Valleys and limit future development in key areas.

- Provide more wildlife passages across Central Arizona Project (CAP) canal at Saguaro National Park and other areas north of the BOR mitigation corridor.
- Elevate extended sections of roadway to reduce floodplain and wildlife impacts and limit adjacent development.
- Provide livestock and wildlife crossings in Altar Valley or wildlife waters and pasture fencing to compensate for impacts to County's Diamond Bell ranch.
- Follow cultural resource compliance process (state and/or federal standard): site identification inventory in APE, determination of site eligibility to identify historic properties, determination of adverse effect to historic properties, mitigate adverse effect through avoidance and minimization of impacts, if avoidance is not possible mitigate impacts through archaeological data recovery and/or monitoring.

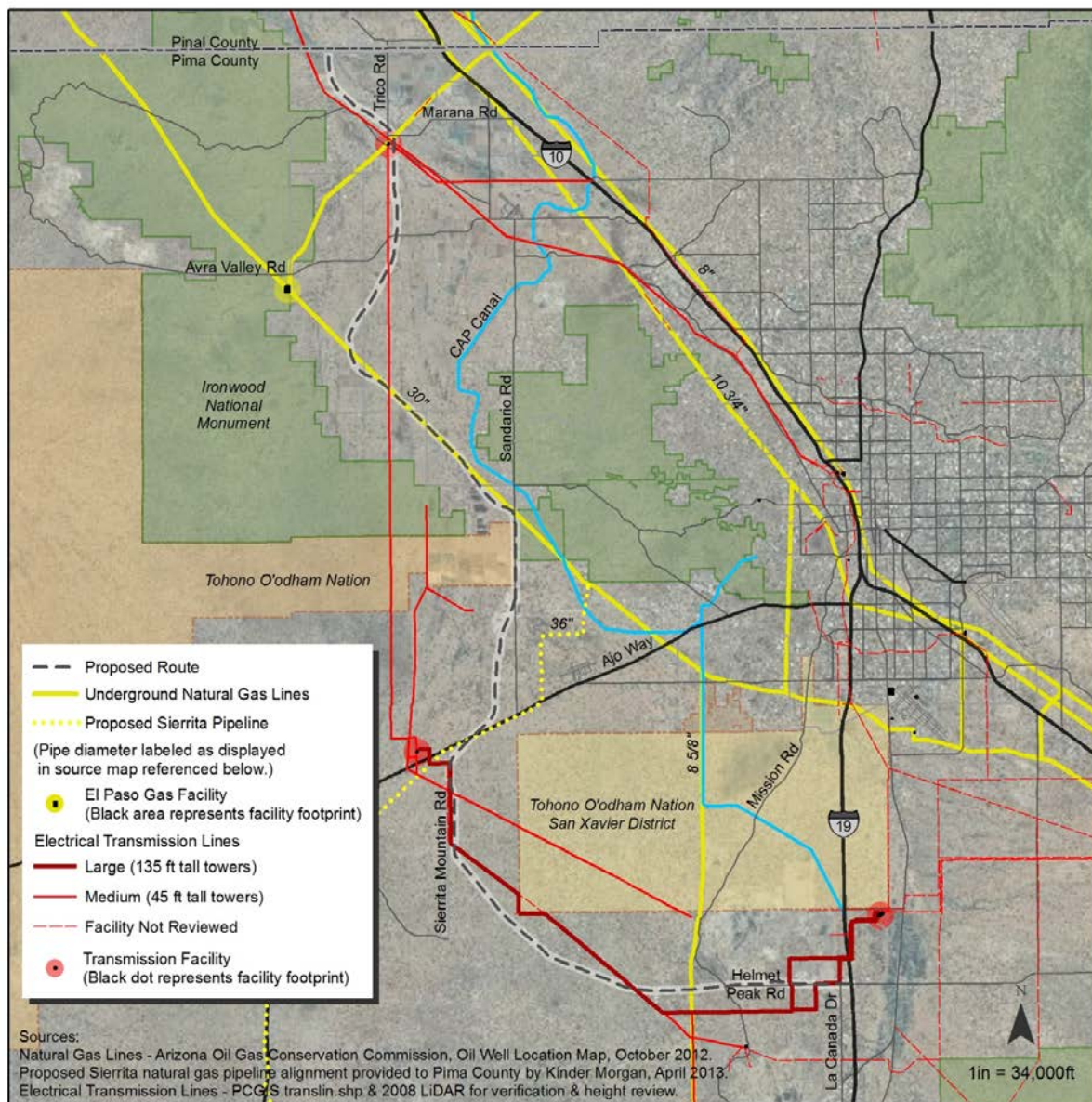


Figure : Natural Gas and Electrical Transmission Facilities

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ATTACHMENT 3



COUNTY ADMINISTRATOR'S OFFICE

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130 W. CONGRESS, FLOOR 10, TUCSON, AZ 85701-1317
(520) 724-8661 FAX (520) 724-8171

C.H. HUCKELBERRY
County Administrator

April 13, 2018

Alex Smith
Deputy Area Manager
US Bureau of Reclamation
Phoenix Area Office
6150 W. Thunderbird Road
Glendale, Arizona 85306

Re: Decision-making Authority regarding developments within Tucson Mitigation Corridor

Dear Mr. Smith:

The Bureau of Reclamation (Reclamation) has been negotiating directly with the Federal Highways Administration (FHWA) and the Arizona Department of Transportation (ADOT) regarding the potential future routing of the proposed Interstate 11 (I-11) through the Tucson Mitigation Corridor (TMC). The TMC compensates for decreased wildlife habitat connectivity between the rest of the Tucson Mountain Wildlife Area and areas to the west blocked by the Central Arizona Project (CAP) aqueduct. The TMC was purchased as a direct result of consultation with the Arizona Game and Fish Department (Department) and the United States Fish and Wildlife Service (USFWS) under the Fish and Wildlife Coordination Act (FWCA).

Reclamation accepted the Department's recommendation to acquire the TMC and worked with the Department in developing management prescriptions for wildlife found in the 1986 *Environmental Commitment Plan* (ECP) and the 1990 *Master Management Plan* (MMP).

The FWCA authorized the acquisition of the TMC under 16 USC § 663 (a) and (b), and Section §663(d) directs that such properties "*shall continue to be used for such purposes, and shall not become the subject of exchange or other transactions if such exchange or other transaction would defeat the initial purpose of their acquisition.*"

The Department inquired with the Office of the Arizona Attorney General (AG) regarding the ECP and MMP, and the AG returned a memorandum to the Department on March 16, 2017 concluding that the 1986 *Environmental Commitment Plan* is that wildlife conservation "project plan" required in 16 USC § 662(b), and the 1990 *Master Management Plan* is the "general plan" jointly approved by DOI and the Department for the management of TMC for wildlife conservation purposes pursuant to 16

Mr. Alex Smith

Re: **Decision-making Authority regarding developments within Tucson Mitigation Corridor**

April 13, 2018

Page 2

USC § 663(b). According to Section II (2), "Management Actions," Reclamation is obligated to prohibit any future developments within the TMC unless jointly agreed to by Reclamation, the Department, the USFWS, and Pima County (parties).

Pima County has worked with Reclamation, the Department, and USFWS together with FHWA and ADOT to provide input to a mitigation plan intended to meet minimum obligations under the ECP and MMP to satisfy the environmental commitments of Reclamation and maintain the functionality of the TMC. To date, the parties have not seen the plan, nor have they been asked for agreement. Subsequently, the parties have not agreed to any future developments within the TMC, including the proposed I-11.

Pima County has worked in good faith with Reclamation to describe those actions which would maintain functionality of the TMC but heard at our recent meeting with Reclamation that we will not be afforded an opportunity to officially consent to the mitigation package that will be negotiated between Reclamation, ADOT and FHWA, for the purposes of including it in the administrative draft Tier 1 Environmental Impact Statement (EIS) on May 21. This is contrary to our expectations of parity as parties to the TMC Agreement.

Pima County requests that any mitigation package describing mitigation for the TMC provided for the Tier 1 EIS analysis requires routing through standard decision making processes through leadership of each party and signature from each agency head prior to any consideration of alternatives that utilize the TMC.

I hope this letter clarifies our position regarding the TMC and the commitment to joint decision-making authority spelled out in the MMP.

Sincerely,



C. H. Huckelberry
County Administrator

CHH/lab

Enclosure

c: Raul Vega, Arizona Game and Fish Department
Scott Richardson, US Fish and Wildlife Service



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
CIVIL LITIGATION DIVISION
CONSUMER PROTECTION & ADVOCACY SECTION

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ATTORNEY / CLIENT PRIVILEGED INFORMATION - NOT FOR PUBLIC DISCLOSURE

MEMORANDUM

TO: John Windes, Habitat Evaluation and Lands Program Manager
Arizona Game and Fish Department

FROM: Linda Pollock, Assistant Attorney General

DATE: March 16, 2017

RE: The 1990 BOR/AGFD/Pima County *Master Management Plan* for the Tucson
Mitigation Corridor (TMC)

Question presented:

Did the September 30, 2009 expiration of the 2002 *Cooperative Agreement* between the Bureau of Reclamation and Pima County Natural Resources Parks and Recreation Department also result in the expiration of its attached *Master Management Plan*, leaving the Department with no role in Bureau of Reclamation's management of the Tucson Mitigation Corridor?

Background.

As mitigation for damages to wildlife and habitat due to the construction of the Central Arizona Project, Tucson Aqueduct – Phase B, the Bureau of Reclamation (BOR) committed to mitigation measures. These commitments were developed pursuant to the Fish and Wildlife Coordination Act, 16 USC §§ 661-667e and NEPA, 40 CFR Parts 1500-1508.

The 1985 EIS for the project and the ROD at Appendix F contained BOR's *Environmental Commitments*, which included the future development of an *Environmental Commitment Plan* (ECP), described as the "the master environmental implementation document for construction, operation, and maintenance activities" for the Tucson Aqueduct – Phase B.

Many of the ROD's *Environmental Commitments* dealt with actions to be performed during the construction phase of the CAP, such as revegetation of disturbed habitat, a rough

finish on the canal side slopes to allow small animals to escape, wildlife-proof fencing, the construction of wildlife watering sites and barrier fences along portions of the canal to protect against desert tortoise and Gila monster drownings.

The *Environmental Commitments* also contained post-construction commitments, principally the “acquisition and management of a wildlife movement corridor” (the Tucson Mitigation Corridor, or TMC). Management requirements for the TMC included “no further residential or industrial development”, “[e]xclude grazing, mining, dumping, and off-road vehicles”, the construction of the wildlife watering sites and wildlife crossings. Adoption of these commitments was essential for the selection of BOR’s preferred CAP alignment alternative, the “West Side Plan” which of all alternatives posed the highest biological losses. BOR’s environmental commitments would reduce the biological impacts “to an acceptable level”. ROD at 7-8.

The following year BOR issued its 1986 *Environmental Commitment Plan, Tucson Aqueduct, Phase B* (the ECP) describing various commitments for vegetation, land and water resource management, wildlife, and special status species (plants), among others. The commitments in the ECP were in two categories, construction-related and nonconstruction-related. The ECP was basically a recap of the ROD’s environmental commitments with more details.

The ECP noted that some commitments would be initiated and completed after the construction phase:

These commitments will be completed by Bureau personnel or by contractor (sic). Some of these commitments, such as monitoring or additional studies, may continue for many years. Post-construction compliance will be the responsibility of the [BOR] Environmental Division under the direction of the [BOR] Project Manager. . . [a]ctual implementation of some commitments may be done by other agencies through interagency agreements.

ECP at 2.

Section II of the ECP, titled Non-Construction Related commitments, discussed the acquisition and management of TMC as mitigation for wildlife movement severance. The TMC “would be turned over to a natural resource agency for management as wildlife habitat”. Management requirements of the TMC includes “no further residential or industrial development, and “exclude grazing, mining, dumping and off-road vehicles”. Section II also states that “additional mitigation recommended by the FWS, AGFD, BLM and others would be implemented as appropriate” (Section II.C.10).

BOR first offered the Department the opportunity to manage TMC in a letter dated June 26, 1987, which the Department apparently turned down. In 1990 BOR entered into a *Cooperative Agreement for Use of Project Lands for Wildlife and Plant Conservation and*

Management, Tucson Mitigation Corridor, Central Arizona Project with Pima County. The *Agreement*, which was also characterized within the body of the document as a “general plan” under the Fish and Wildlife Coordination Act, recites that the Department of the Interior and the Director of AGFD find that “it would be in the public interest” for TMC’s wildlife resources to be managed by Pima County Parks and Recreation in accordance with the attached *Master Management Plan*. BOR would provide Pima County with funding for operation, maintenance and repair of the wildlife facilities within TMC “for the life of the project”. The parties apparently contemplated that Pima County would provide this management in perpetuity, as the *Cooperative Agreement* had no termination date. Section 9 provided that if Pima County failed to administer TMC for conservation of plant and wildlife resources as described in the *Master Management Plan*, management responsibilities would transfer back to BOR.

The *Master Management Plan* and the *Cooperative Agreement* cross-reference each other, and the *Master Management Plan* contains several references to Pima County¹.

The management plan for TMC is found in Section II of the *Plan*:

- | |
|--|
| <p>II. <u>Management Plan</u>:</p> <p>1. Management Goals:</p> <p>a. Compensate for wildlife movement disruptions caused by aqueduct construction by providing an undeveloped wildlife movement corridor between the Tucson Mountains and the Nation to the west.</p> <p>b. Preserve areas containing the Federally Endangered Tumamoc globe-berry and the night-blooming cactus, Thornber’s fishhook cactus desert tortoise, and Gila monster (all Federal Candidate Category 2 species) as compensation for populations impacted by project construction.</p> <p>c. Compensate for wildlife habitat lost due to aqueduct construction by prohibiting deleterious activities within the area boundaries.</p> <p>2. Management Actions:</p> <p>a. Prohibit any future developments within the area other than existing wildlife habitat improvements described above or future wildlife improvements, management, or developments agreed to by Reclamation, Arizona Game and Fish Department (AGFD), Fish and</p> |
|--|

¹ In a letter dated December 27, 1988 from the BOR project manager to Pima County expressing BOR’s opposition to a proposed San Joaquin road extension through the TMC, BOR stated that “we are in the process of acquiring signatures on the final Management Plan for the Tucson Mitigation Corridor. This plan specifically prohibits all further developments within the area other than those for wildlife habitat improvement”. This strongly suggests that BOR and the Department had finalized the Management Plan well before BOR approached Pima County to manage the site.

Wildlife Service (FWS), and Pima County. This will preserve this fragile desert habitat from urbanization and maintain an open wildlife movement corridor.

b. Prohibit grazing, mining, dumping, discharge of firearms, trapping, recreation developments, and off-road vehicles to maintain the integrity of the area for both wildlife and special status plant species.

Prohibited activities will be regulated according to Chapter 12 of the Parks and Recreation Commission, Pima County, under authority of A.R.S. § 11-931 et seq.

c. Maintain and repair 2 wildlife watering sites within TMC.

d. Post and maintain signs around TMC.

e. Ensure that trash is kept out of the TMC.

f. Maintain and repair 4-strand fences on perimeter of TMC.

g. Maintain locked gates on perimeter of TMS to exclude unauthorized motor vehicles.

h. Enforce all laws and regulations set forth in this document, and by the State of Arizona, for the entire 2,730 acres, including the 216 acre CAP right-of-way.

[Emphasis added].

The 1990 *Cooperative Agreement* was superseded and replaced in 2002 with *Cooperative Agreement 02-FC-32-0150 between the United States Department of Interior, Bureau of Reclamation and Pima County Natural Resources Parks & Recreation for Wildlife & Plant Management in the Tucson Mitigation Corridor*, and a related *Assistance Agreement*. The 2002 *Agreement* did not refer to itself as a "General Plan", the Department was not a party, and the Fish and Wildlife Coordination Act was not referenced. The 2002 *Agreement's* objectives and purpose was to transfer funds pursuant to the Endangered Species Act and the 1985 EIS to Pima County for the continued O&M of TMC "for wildlife movement disruptions caused by the aqueduct construction". Pima County's responsibilities were identical to its duties under the 1990 *Agreement* (the *Master Management Plan* was attached to the 2002 *Agreement*), with the addition of requirements to provide detailed quarterly and financial reports to BOR. In return, BOR would continue to fund the County for the five-year term of the *Agreement*.

On September 14, 2007 BOR sent to Pima County Modification No. 002 to the 2002 *Cooperative Agreement* and *Assistance Agreement* which extended the period of performance to September 30, 2008. On September 24, 2008 BOR sent Modification No. 3 extending the term of the *Cooperative Agreement* to September 30, 2009. Pima County later decided to end its involvement as BOR's financial reporting requirements were too onerous.

Analysis.

The primary purpose of the Fish and Wildlife Coordination Act, 16 U.S.C. §§ 661-666, is to protect wildlife and habitat from the impacts of federal or federally-authorized water resource development projects which impound, divert, or control waters from streams or other bodies of water. 16 USC §§ 661; 663(a).

Prior to the implementation of any water project, the federal project agency is required to consult with the USFWS and the head of the state wildlife agency. 16 USC § 662(a). The consultation is directed toward the protection and development of wildlife resources. *Id.* The project report from the lead federal agency must give “full consideration to the reports and recommendations” that result from the consultations with FWS and the state wildlife agency, and “the project plan shall include such justifiable means and measures for wildlife purposes as the [federal project agency] finds should be adopted to obtain maximum overall project benefits”. 16 U.S. C. § 662(b).

The FWCA also authorizes the acquisition and use of lands and water for wildlife conservation purposes:

The use of such waters, land, or interests therein for wildlife conservation purposes shall be in accordance with **general plans approved jointly** (1) by the head of the particular department or agency exercising primary administration in each instance, (2) by the Secretary of the Interior, and (3) **by the head of the agency exercising the administration of the wildlife resources of the particular State wherein the waters and areas lie.**

Section § 663(a) and (b). (emphasis added). Subsection § 663(d) states that such properties “shall continue to be used for such purposes, and shall not become the subject of exchange or other transactions if such exchange or other transaction would defeat the initial purpose of their acquisition”.

Section § 664 provides that such lands “shall be administered by the [Secretary of the Interior]” directly or in accordance with cooperative agreements entered into pursuant to section 661 in accordance with “general plans approved jointly by the Secretary of the Interior and the head of the department or agency exercising primary administration of such areas”.

Pursuant to FWCA, BOR consulted with the Department by hiring the Department to catalog potential wildlife losses along the CAP alignment in the 1983 and 1985 *Biological Resource Inventory*. BOR also accepted the Department’s recommendation to acquire TMC and worked with the Department in developing the management prescriptions for wildlife found in the 1986 *Environmental Commitment Plan* and the 1990 *Master Management Plan*.

In replacing the 1990 *Cooperative Agreement* with Pima County with the 2002 *Cooperative Agreement*, BOR likely made the decision that the 2002 Agreement should not be called a "general plan" (as contemplated by Section § 663 of FWCA), as the agreement was not in fact a management plan, but rather an agreement transferring TMC wildlife management responsibility to Pima County with a funds transfer for the costs of management. Accordingly, references to the FWCA and the signature of the Department are missing from the 2002 *Agreement*. The *Master Management Plan* remained as an attachment.

The termination of the Cooperative Agreement in 2009 ended the County's management responsibilities for the TMC, as well as BOR's obligation to provide funding, and reverted the management of TMC back to BOR. The *Master Management Plan's* Section II "Management Goals" and Management Actions" survived the 2009 termination of the Cooperative Agreement because it stands as the jointly-approved wildlife conservation plan between the Secretary of the Interior and the Department as required in Section § 663(b) of FWCA.

Conclusion.

The 1986 *Environmental Commitment Plan* is that wildlife conservation "project plan" required in FWCA 16 USC § 662(b), and the 1990 *Master Management Plan* is the "general plan" jointly approved by DOI and the Arizona Game and Fish Department for the management of TMC for wildlife conservation purposes pursuant to FWCA 16 USC § 663(b). According to Section II(2), "Management Actions", BOR is obligated to prohibit any future developments within TMC unless jointly agreed to by BOR, the Arizona Game and Fish Department, the U. S. Fish and Wildlife Service and Pima County.



Meeting with Pima County, Meeting Notes, October 29, 2019



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Meeting Notes

Purpose: Section 4(f) Consultation Meeting with the Pima County

Date/Time: October 29, 2019 @ 1:00 – 3:00pm

Location: Pima County Administration Building, 130 W. Congress Street,
6th Floor Conference Room

Prepared by: AECOM

Attendees: FHWA: Rebecca Yedlin; Aryan Lirange; Velyjha Southern
ADOT: Jay Van Echo; Katie Rodriguez
Pima County: Kathryn Skinner, Ana Olivares, Jenny Neeley, Ian Milliken, Linda Mayro
AECOM: Jessica Rietz, Anita Frijia

If you have revisions to the meeting notes, please send to the preparer of the notes within 5 business days of receipt and the notes will be revised and re-circulated as appropriate. After revisions, if any, the notes will be filed as final.

MEETING NOTES

Purpose: Section 4(f) consultation with Pima County about properties for which the County is the Official with Jurisdiction.

Key Discussion Points/Action Items:

Introductions and Purpose of Meeting

Jay gave overview of purpose of the meeting. The purpose of this meeting is to consult about Section 4(f) properties of which the Pima County has jurisdiction. However, if there is a need to meet about issues other the Section 4(f) that can also be arranged.

Overview of Section 4(f)

Rebecca Yedlin gave an overview of Section 4(f) regulations. She explained the different types of evaluations: individual and programmatic, as well as, Net Benefit and de minimis determinations.

Tier 1 vs Tier 2

Jay explained the difference between Tier 1 and 2. Tier 1 is a high level planning study to see where there is a need for a corridor. This study started in 1995 with the need for a N/S corridor. In order to advance to a Tier 2, the project must be in the STIP and have reasonable funding source. Currently, I-11 has neither.

Overview of I-11 Build Corridor in Tucson

DEIS looked at several options (see attached PowerPoint presentation).

Option B1 would widen I-10, while keeping the frontage roads. This option would include improvements to I-10 by co-locating I-11. Needs 120 feet of new ROW.

Option B.2 would add C/D roads. The C/D roads would have no access to adjacent parcels. It would not function the same as a frontage road. Most of the TIs would need to be rebuilt. The City of Tucson just completed rebuilding the TIs.

Option B.3 would add elevated express lanes. This option would not improve I-10. Tier 2 would determine the on/off location points. SHPO determined that this was not an avoidance alternative. Archeology would also be an issue, that may be 4f.

Option B.4 would tunnel I-11 only. This option would no improve I-10. Tier 2 would determine the on/off location points. The tunnel would be approximately 6 miles, at about \$1Billion per mile. The Alaskan way eliminated the surface road, but that would NOT happen here. Tolling is not precluded for an elevated or tunneled structure, but the EIS does not mention tolling.

Option B.5 would eliminate frontage roads. This scenario was not evaluated in the DEIS; however, team is considering it.

Discussion of Pima County 4(f) Properties with a Potential Use

FHWA and ADOT assume that all parks are significant for purposes of the Section 4(f) evaluation.

- Habitat Conservation Plan and other sites
 - Pima County believes that some mitigation lands in this plan qualify for protection under Section 4(f)
 - Other Section 4(f) sites may have been missed or have incorrect boundary

✓Action:

- I-11 Team to reach out to Pima County (Carmine DeBonis) to get current Pima County Parks shapefile, then use this to update/revise 4(f) property boundaries, as appropriate
- Pima County to provide additional documentation/information on 4(f) properties (within 30 days, on or around November 29, 2019). Info FHWA would be looking for: documentation detailing how the properties were established, and what their primary purpose is. FHWA also welcomes input from Pima County regarding relative significance of properties for which Pima County is the OWJ.
- For information regarding data sources in the I-11 Draft EIS, Pima County to review Draft EIS document; if they need clarification, they will reach out to I-11 team for additional technical details
- Pima County to send cultural resources data directly to Rebecca Yedlin, FHWA

Next Steps

The I-11 Team will confirm all boundaries of all Section 4(f) properties by means of consultation letters.

c: Document Control

Attachments:

- PowerPoint presented at meeting
- Sign-in sheet

Meeting Purpose: Section 4(f) Consultation Meeting with Pima County
 Location: Pima County Administration Bldg, 130 W. Congress St., 10th Floor Conference Room
 Date: 10/29/19 Time: 1:00pm

SIGN-IN SHEET

Name	Organization	Phone	E-mail	Address
Anita Richardson Frijia	AECOM	602-148-2498	anita.richardson@aecom.com	
Katie Rodriguez	ADOT	602-712-8858	KRodriguez@adot.gov	
Jay Van Eello	ADOT	520-400-6207	janeeho@adot.gov	
Yelgyna Southren	FHWA	-	Yelgyna.Southren@dot.gov	
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Ana Olivares	PCDOT	520-724-6410	Ana.Olivares@pima.gov	
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Ian Milliken	PC-OSC	724-6684	ian.milliken@pima.gov	
Linda Mayro	PC-OSC	724-6451	linda.mayro@pima.gov	
Aryad LIRAKG	FHWA	602 382 8973		
Rebecca Yedlin	FHWA	602 382 8979	rebecca.yedlin@dot.gov	
Jonathan Crowe	PCDOT	520-724-6353	Jonathan.Crowe@pima.gov	

SIGN-IN SHEET

Name	Organization	Phone	E-mail	Address
Julia Fonseca	PC OSC	520-724-6460	Julia.Fonseca@pima.gov	
Brian Powell	PC NRRP	727-5253	brian.powell@pima.gov	
SHERYL BUTNER	PC OSC	520/724.6762	sherilyn.butner@pima.gov	
Carmine DeBonis	Pima County	520.724.8480	Carmine.debonis@pima.gov	
John M. Moffatt	" "	520-924-4444	John.Moffatt@pima.gov	



Pima County Section 4(f) Consultation Meeting



October 29, 2019

Meeting Agenda



- 1. Introductions**
- 2. Overview of Section 4(f)**
- 3. Overview of I-11 Build Corridor Scenarios**
- 4. Discussion of 4(f) Properties with a Potential Use**
- 5. Properties where a Section 4(f) Use is Avoided**
- 6. Next Steps**



Overview of Option B through Tucson



To accommodate 2040 traffic demands, the Orange Alternative would expand I-10 and I-19:

Section of I-10	Number of Lanes		
	Existing Condition	No Build Alternative (2040)	Orange Alternative – Option B (2040)
I-19: Sahuarita to I-10	4	4	6-8 – Expand as needed within existing ROW
I-10: I-19 to Speedway Boulevard	8	8	14 – Expand as needed
I-10: Speedway Boulevard to Prince Road	8	8	12 – Expand as needed
I-10: Prince Road to Pima/Pinal County Line	6	8 – Prince Road to Ina Road 6 – Ina Road to Tortolita Road	8-10 – Expand as needed within existing ROW

Source: Draft Tier 1 EIS, Appendix E1

These capacity improvements would meet LOS D on I-19 and I-10 in 2040

Option B Scenarios through Tucson

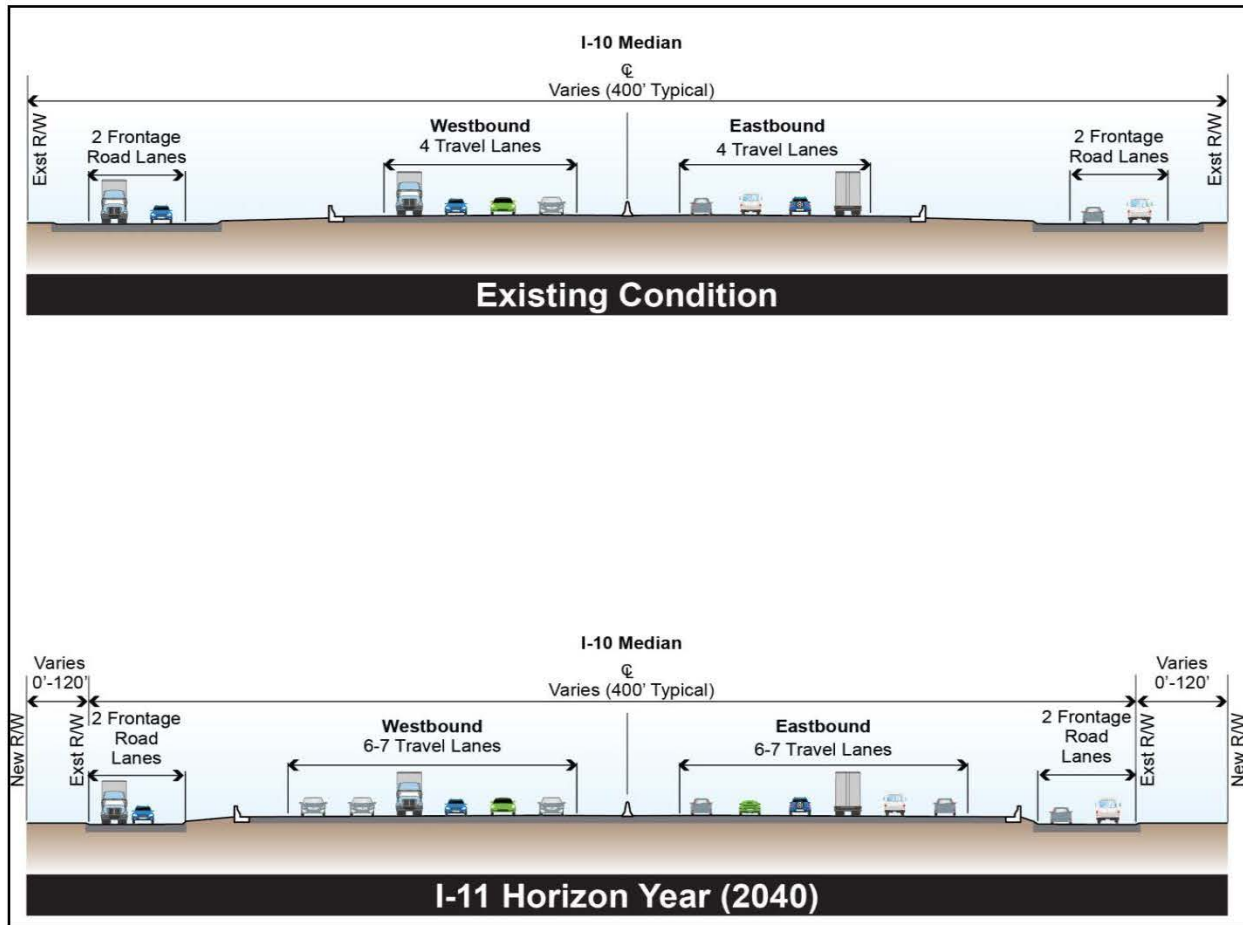


- **B1 – General Purpose Widening, keeping Frontage Roads**
- **B2 – Collector/Distributor Road System**
- **B3 – Elevated Express Lanes (I-11 Only)**
- **B4 – Tunnel (I-11 Only)**
- **B5 – General Purpose Widening, eliminating Frontage Roads**

Draft Tier 1 EIS Right-of-Way Assumptions



I-10, I-19 to Prince Road



B2 - Collector/Distributor Road System

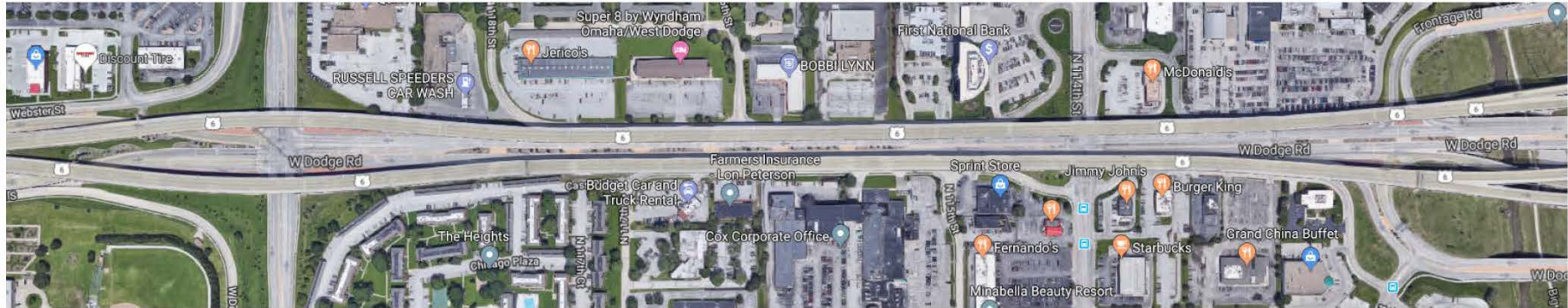


B3 - Elevated Express Lanes



- **I-11 travel lanes on structures extending between I-19 and Prince Road**
- **No access points except at eastern/western ends (Tier 2 decision point)**
- **No improvements to I-10**

B3 - Elevated Express Lanes



B4 - Tunnel



- **I-11 in tunnel between I-19 and Prince Road**
- **No access points except at eastern/western ends (Tier 2 decision point)**
- **More design needed to determine ROW needs at the portals**
- **No improvements to I-10**

B4 - Tunnel



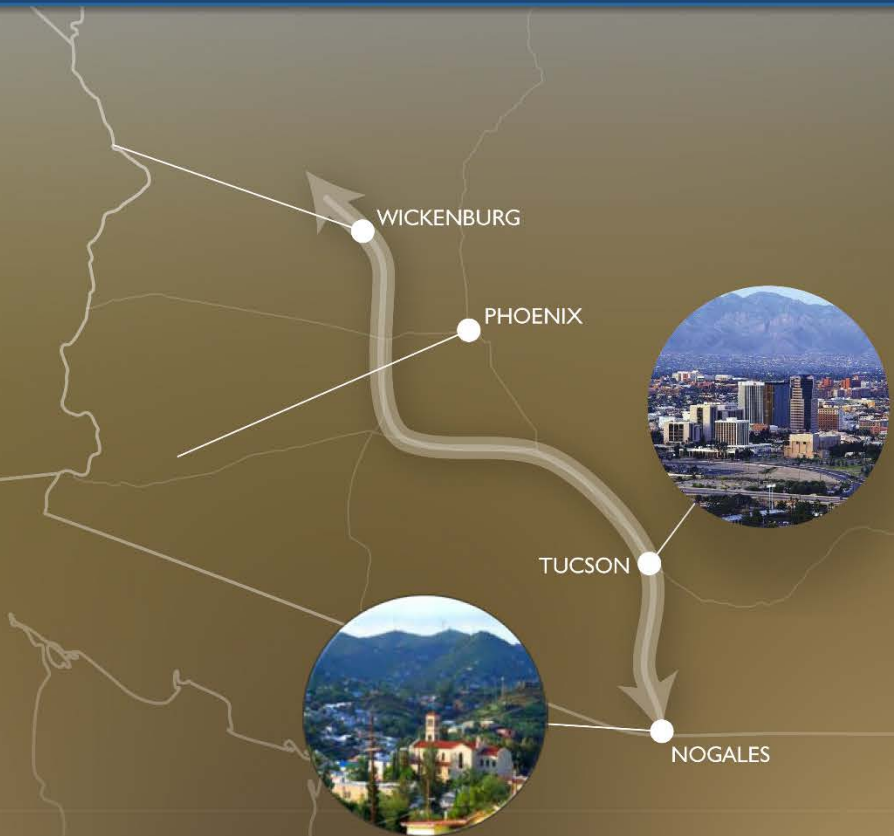
B5 - General Purpose Widening, eliminating Frontage Roads



- **Eliminates both east/westbound frontage roads and uses space to construct I-11 lanes**
- **Not evaluated in DEIS**
- **Request by City of Tucson**
- **More design needed to determine feasibility, acquisitions, impacts to abutting properties, and local access and circulation**



THANK YOU!!





Letter from Pima County, December 6, 2019



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COUNTY ADMINISTRATOR'S OFFICE

PIMA COUNTY GOVERNMENTAL CENTER
130 W. CONGRESS, FLOOR 10, TUCSON, AZ 85701-1317
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C.H. HUCKELBERRY
County Administrator

December 6, 2019

Jay Van Echo & Rebecca Yeldin
I-11 Tier 1 EIS Study Team
Arizona Department of Transportation
1655 West Jackson Street
Phoenix, AZ 85007

Submitted via email: rebecca.yedlin@dot.gov; jvanecho@azdot.gov

Re: Additional Information on Pima County 4(f) Properties Potentially Impacted by I-11 Project

Dear Mr. Van Echo and Ms. Yeldin:

We appreciate the opportunity to provide the Arizona Department of Transportation (ADOT) and the Federal Highways Administration (FHWA) with additional information regarding Pima County 4(f) properties that may be impacted by the proposed Interstate 11 (I-11).

As was stated by staff at the October 29, 2019, Section 4(f) Consultation meeting with ADOT and FHWA and in the County's previous comments on the Tier 1 Draft Environmental Impact Statement (EIS) submitted July 8, 2019, we understand the importance of I-11 as a trade corridor and do not support the "no-build" alternative for this project. We understand that the alternatives under consideration will all have significant environmental, historic, archeological, social, economic, and urban form impacts that will require extensive mitigation. Also as previously stated, Pima County will object to any I-11 alternative that does not adequately mitigate these impacts.

The goal of this submittal is to assist ADOT and FHWA in ensuring that all potentially affected County 4(f) properties are fully identified so that the project's impacts can be accurately assessed and adequate mitigation obligations can be developed.

I. Supplementary Information

The information provided in this submittal package is intended to supplement that which has already been considered by the I-11 Tier One EIS Study Team and does not represent a comprehensive list of properties owned by Pima County or the Regional Flood Control District (RFCD) that may potentially be impacted by I-11. The supplemental information

Mr. Van Echo and Ms. Yeldin, I-11 Tier 1 EIS Study Team
Re: **Additional Information on Pima County 4(f) Properties Potentially Impacted by I-11 Project**

December 6, 2019

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referenced throughout this letter and summarized on the final page will be submitted by separate email to ADOT and FHWA.

The GIS shapefiles containing potential 4(f) Historic Sites will be transmitted directly to FHWA in order to maintain required confidentiality.

We ask that as part of your ongoing analysis that you consider the additional and supplementary information provided. We also wish to express our strong support for further consideration of the recommendation by the City of Tucson to consider a new I-11 alternative that would utilize the existing I-10 corridor, but eliminate frontage roads (as in Phoenix), thus potentially allowing ADOT and FHWA to avoid using a significant number of 4(f) properties.

II. Pima County and RFCD 4(f) Parks, Recreation Areas, and Wildlife Refuges

We conducted an assessment of likely Pima County or RFCD 4(f) properties potentially impacted by the four build corridor alternatives. This assessment included properties that are fee-owned or where the County or RFCD owns a less than a fee interest, such as a conservation easement. These non-fee interests deserve consideration as 4(f) properties due to case-specific factors, as well as their importance in meeting County objectives. All Pima County and RFCD 4(f) Parks, Recreation Areas, and Wildlife Refuges are listed in Attachment 1. Documentation that supports 4(f) status for all listed properties is provided in Attachment 2 and GIS shapefiles of these properties are provided in Attachment 3.

To ensure the assessment included those properties potentially subject to indirect effects, the assessment extended each 2,000-foot build corridor by another 1,000 feet on each side, resulting in a 4,000-foot review corridor. The resulting list of 4(f) Park, Recreation Area, and Wildlife Refuge properties in Attachment 1 thus includes those that may be directly impacted, potentially resulting in permanent use, or indirectly impacted, potentially resulting in constructive use.

In addition to providing the GIS shapefiles, we have prepared an online interactive map highlighting these additional 4(f) properties that can be viewed here:

<https://pimamaps.maps.arcgis.com/apps/webappviewer/index.html?id=1e4a8f1f844b482492b9f37b8ccc3384>

A. Significance

Per federal 4(f) regulations and policy guidance, the significance of a 4(f) property is presumed unless the Official with Jurisdiction states otherwise (23 C.F.R. 774.11.) Pima County considers all 4(f) properties included in this submittal to be significant in light of the role they play in the County's related objectives. For example, 4(f) Wildlife Refuge properties under the Multi-species Conservation Plan (MSCP) Restrictive Covenant are uniquely significant in that maintaining these properties as

undeveloped wildlife habitat in perpetuity is required for the County to meet its federal mitigation obligations under the MSCP and associated Endangered Species Act Section 10 Permit (#TE84356A), issued in July 2016 by the U.S. Fish and Wildlife Service (USFWS). The County has not yet acquired enough suitable acreage to cover all anticipated impacts from activities covered under the MSCP, so every acre of potential MSCP mitigation land is critical for the County to meet its federal obligations.

Similarly, 4(f) Wildlife Refuge properties serving as existing mitigation for previous impacts to the County's Maeveen Marie Behan Conservation Lands System (CLS) or to wildlife habitat for MSCP-covered species are significant. Maintaining these existing mitigation properties is essential to the successful implementation of both the MSCP and the Board of Supervisor's-authorized Sonoran Desert Conservation Plan (SDCP), and to meet the biological goal of the SDCP which is to "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 ecosystem structures and functions necessary for their survival."

For 4(f) Parks, the County considers each designated park within its system to be significant regardless of size or location, as the County is committed to providing high-quality park and recreation services to all Pima County communities.

B. Public Access

All listed 4(f) Parks are open to the public. All listed 4(f) Wildlife Refuges are open to the public in the same manner as other identified 4(f) Wildlife Refuges, such as the Tucson Mitigation Corridor. That is, all are open to the public except to the extent necessary to protect the 4(f) values of the resource.

C. Primary Purpose

- 1. 4(f) Parks, Recreation Areas:** Attachment 1 (and the associated GIS shapefile) lists potentially impacted properties the County has identified as 4(f) Parks and Recreation Areas that were not included in ADOT's preliminary evaluation. All listed properties are officially designated as Parks and are part of Pima County's Park System. Documentation regarding the official "Park" designation for the listed properties is included in Attachment 2. The 4(f) Parks and Recreation Areas being submitted here are in addition to those 4(f) Parks ADOT has already identified in the preliminary 4(f) evaluation.
- 2. 4(f) Wildlife Refuges:** Attachment 1 (and the associated GIS shapefile) also includes potentially impacted properties the County has identified as additional 4(f) Wildlife Refuges that were not included in ADOT's preliminary evaluation. The supporting documentation substantiating each property's primary purpose is included in Attachment 2. All of the listed 4(f) Refuges are managed as "Preserves" and are designated as such internally; all fall within one or more of the following categories:

- a. MSCP Mitigation Lands: These properties were acquired and are managed specifically to serve as federal mitigation under the County MSCP and Section 10 Permit. The MSCP and Section 10 Permit require the County to protect and manage these lands as wildlife habitat in perpetuity in order to mitigate for the impacts of certain development activities in habitat for species covered by the MSCP. A significant portion of the MSCP mitigation lands are owned in fee by Pima County or the RFCD, and the County receives full credit under the MSCP for these lands. In certain cases, the County holds long-term leases on MSCP mitigation lands, for which the County receives partial credit under the MSCP.

All 4(f) properties listed in Attachment 1 are owned in fee by the County or RFCD except for a portion of Diamond Bell Ranch, where the County owns a portion in fee which anchors the leases from the Arizona State Land Department. The final MSCP approved by the USFWS explicitly lists both fee-owned and leased portions of Diamond Bell as properties that will be used to fulfill the mitigation obligations for the County's Section 10 Permit (#TE84356A).¹ The entire property is key to the implementation of the MSCP and Section 10 Permit because it provides habitat for numerous MSCP covered species, including the federally endangered Pima pineapple cactus, and is a critical link in a connected system of County and federal conservation areas that allows wildlife to move across the landscape between the U.S. - Mexico border and AZ Highway 286.² If the I-11 project were to isolate and treat the fee-owned lands differently from the leased lands, the property's value as MSCP mitigation land would be significantly undermined and rendered potentially unusable. For these reasons, we urge the agencies to consider this entire property as a 4(f) Refuge.

- b. CLS Mitigation Land; Other Existing Mitigation Lands: The primary purpose of 4(f) properties in this category is to serve as wildlife habitat mitigation, most commonly to offset impacts to the CLS. The CLS was constructed according to the most current tenets of conservation biology and biological reserve design and is specifically designed to promote the conservation of priority vulnerable species within Pima County. The CLS identifies and maps those areas where priority biological resources occur within Pima County and establishes policy guidelines for the conservation of these resources. These guidelines, as approved by the Board of Supervisors, include mitigation ratios that call for a certain amount of acreage to be set aside as undisturbed wildlife habitat for each acre developed depending on the specific CLS category

¹ Pima County. 2016. Multi-species Conservation Plan for Pima County, Arizona: Final. Submitted to the Arizona Ecological Services office of the U.S. Fish and Wildlife Service, Tucson, Arizona. Table 8.4, p.110.

² Pima County. 2011. Protecting our Land, Water, and Heritage: Pima County's Voter-Supported Conservation Efforts. pp. 60-61.

impacted. Several 4(f) Refuges in this category were donated to the County or RFCD by private developers in order to fulfill CLS mitigation requirements applied by the Board of Supervisors. A few 4(f) Refuges also serve as mitigation compelled by authorities other than the CLS. For example, the Central Avra Valley Storage and Recovery Project property (CAVSARP), located near the intersection of Sandario Road and Mile Wide Road, serves as mitigation for impacts to habitat for the cactus ferruginous pygmy-owl habitat, an MSCP-covered species, and is under a property-specific restrictive covenant for that purpose. Regardless of the authority compelling mitigation, all 4(f) Refuges in this category are currently serving as mitigation for impacts to sensitive wildlife habitat, and the County is required to maintain all of these properties as undeveloped wildlife habitat in perpetuity.

- c. Pima County 2004 Bond Habitat Protection Priorities: Many listed 4(f) Refuges were acquired under the 2004 Open Space Bond specifically as "Habitat Protection Priorities." According to the Bond Ordinance, the purpose of this specific category of bond acquisitions was "to guide implementation of the County's Multi-Species Habitat Conservation Plan... The objective of developing the Habitat Protection Priorities was to apply a set of biologically based goals and criteria to the Conservation Lands System to: 1) identify the most important lands to protect first; 2) provide recommendations on the sequencing of land preservation efforts; and 3) design a project so that it can be easily incorporated into an adaptive management program to be implemented over the life of the Federal Section 10 Permit using the best scientific information available." Many 4(f) Refuges that fall into this category also fall into one or more of the other categories of 4(f) Refuge properties listed above.

III. Pima County and RFCD 4(f) Historic Sites

A. Supplemental Historic Site Information

Pima County is a Certified Local Government (CLG) and maintains a detailed and dynamic cultural resources database that contains digital data that provide some additional data compared to what is available at either AZSITE or the Arizona State Museum's Archaeological Records Office (ARO). Pima County, therefore, provides the below referenced data layers to assist with defining 4(f) Historic Properties for the Tier 1 EIS. As noted above, these shapefiles will be sent by separate email to maintain required confidentiality:

- pcsdpcrzones – Sonoran Desert Archaeological Sensitivity Zones: Defined in 2004 as a baseline predictive model for assessing the density and distribution of archaeological properties throughout eastern Pima County.
- pcsurvey2000buf – Pima County Archaeological Survey Records: Pima County survey data that intersect Blue, Purple, Green and Orange alternatives. These records

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have been verified by County staff, and while there is overlap with data presented in AZSITE, notable errors in AZSITE spatial representations have been rectified in the County dataset based on the associated report and/or shapefiles submitted directly from the consultant of record.

- pcnrhpnd2000buf – National Register of Historic Places Listed Non-Districts: Non-Districts listed in the National Register of Historic Places (NRHP) that intersect Blue, Purple, Green and Orange alternatives. These records were digitized using NRHP nomination forms and/or using shapefiles submitted directly from the nominating authority of record.
- pcnrhpd2000buf – National Register of Historic Places Listed Districts: - Districts listed in the National Register of Historic Places (NRHP) that intersect Blue, Purple, Green and Orange alternatives. These records were digitized using NRHP nomination forms and/or using shapefiles submitted directly from the nominating authority of record.
- pccr2000buf – Pima County Archaeological Site Records: Pima County archaeological site data that intersect Blue, Purple, Green and Orange alternatives. These records have been verified by County staff, and while there is overlap with data presented in AZSITE, notable errors in AZSITE spatial representations have been rectified in the County dataset based on the associated report and/or shapefiles submitted directly from the consultant of record.
- anzatrlPC – Juan Bautista de Anza National Historic Trail: The provided alignment has been certified as a National Historic Trail by the National Park Service, and although National Historic Trails are exempt from being considered a 4(f) property, we provide the alignment for planning purposes.

Pima County also provides the following preliminary cultural resource (archaeological and historic sites) analysis for the 2,000-foot corridor together with recommendations for more detailed analyses to identify and evaluate 4(f) properties in relation to selecting the preferred alternative. Table A below provides details for historic properties along the full length of corridor for each Alternative. Table B provides a summary of the information broken down based on urban and rural segments of each Alternative. See Attachment 4 for maps showing these segments.

Table A - Full Corridor Analysis (Pima County only)

	Orange Alternative (14,832 Acres)	Purple Alternative (14,775 Acres)	Green Alternative (17,230 Acres)	Blue Alternative (18,715 Acres)
Previous Survey (Total Acreage)	9,456	2,486	4,230	3,300

Mr. Van Echo and Ms. Yeldin, I-11 Tier 1 EIS Study Team
 Re: **Additional Information on Pima County 4(f) Properties Potentially Impacted by I-11 Project**

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Previous Survey (% of Corridor)	64%	17%	4,230	3,300
No. of Known Sites Present	204	39	24%	18%
No. of NRHP- Listed Districts	6	0	68	70
No. of NRHP- Listed Non- Districts	4	0	1	1

Table B - Urban vs. Rural Route Analysis (Pima County only)

	Orange Alternative (14,832 Acres)		Purple Alternative (14,775 Acres)		Green Alternative (17,230 Acres)		Blue Alternative (18,715 Acres)	
	URBAN (14,832)	RUR AL (0)	URBA N (722)	RUR AL (14,053)	URBA N (3,721)	RUR AL (13,509)	URBA N (4,155)	RUR AL (14,560)
Previous Survey (Total Acreage)	9,456	N/A	523	1,968	2,301	1,928	2,716	1,583
Previous Survey (% of Corridor)	64%	N/A	72%	14%	62%	14%	65%	11%
No. of Known Sites Present	204	N/A	5	33	42	25	48	24
No. of NRHP- Listed Districts	6	N/A	1	0	1	0	1	0
No. of NRHP- Listed Non- Districts	4	N/A	0	0	0	0	0	0

B. Recommendations and Findings:

- AZSITE Site and Survey data are not reliable due to deficiencies related to spatial integrity of existing data, qualitative integrity of data related to NRHP recommendations/determinations, and quantitative deficiencies related to AZSITE not being updated reliably for the past six years. Pima County strongly recommends that ARO be directly consulted for ensuring the most accurate and up-to-date data is used for identifying and assessing potential 4(f) properties.
- The existing urban corridor contains a far greater number of known and previously recorded historic properties (archaeological and historic sites) as compared to the proposed rural routes; however, these numbers are misleading based on the percentages of the corridors that have been inventoried by prior cultural resources surveys. Pima County's preliminary cultural resources analysis identified significant overlap of the analyzed corridors along the existing I-19 urban route, which skewed the results of survey coverage for the Purple, Green and Blue Alternatives. Consequently, Pima County analyzed the corridors by separating new rural routes from existing urban routes, which more accurately represents the disparity of existing cultural resources data between alternatives. Table B demonstrates that 60% of each analyzed urban route has been previously surveyed compared to less than 15% of each analyzed rural route. The disparity of existing data between corridors is problematic when using such data to determine the preferred alternative, as the least harm determination cannot be made when the full population of resources that would be affected is not known.
- A review of County records indicates that a large number of known cultural resources properties that are located within the analyzed Alternatives do not have determinations of NRHP eligibility. Pima County recommends that ADOT consider ALL cultural resources properties that have been recommended eligible by consultants as potential 4(f) properties until determined otherwise, or preferably, that ADOT consult with SHPO, Tribes and other consulting parties, as applicable, on determinations of eligibility for known resources that intersect alternatives which cannot be avoided regardless of where the actual construction footprint will be located within an individual alternative.

Furthermore, the urban corridor is considerably more developed as compared to the rural routes, and because the standard in determining 4(f) properties is skewed to historic period properties, the analysis must acknowledge the singular emphasis placed on the built environment (buildings, structures, districts) as opposed to archaeological sites (See Attachment 4). In order for an archaeological site to be considered a 4(f) property they must not only be determined eligible for or listed in the NRHP, but must also be determined significant beyond its importance for information that it may yield in order to warrant preservation in place. This essentially means that individual archaeological sites must demonstrate significance

associated with important events in history, an important person in history, or have components that demonstrate the work of a master.

While the significance of individual archaeological sites may not demonstrate significance beyond information potential, the greater cultural landscape should be evaluated in order to analyze the relationship among sites as ancestral places, traditional cultural properties, rural historic landscapes (NPS bulletin 30), historic designed landscapes (NPS bulletin 18) or even cemeteries (NPS bulletin 41). This is especially necessary along any of the proposed rural routes, as the urban routes have considerable existing documentation to inform this analysis. Pima County, therefore, recommends consultation with tribal nations, descendant communities, and others to identify and evaluate these types of properties.

IV. Additional Information Regarding Already-Identified 4(f) Properties

A. Santa Cruz River

As the agencies requested at the October Consultation, we are providing a list (and associated GIS shapefile) of all County and RFCD-owned Santa Cruz and Rillito River Park properties (Attachment 5 and 6). These properties are all part “The Loop,” which consists of several Pima County river parks and has already been identified by the agencies as a 4(f) Park and Recreation Area. Pima County or RFCD is the Owner with Jurisdiction over all the listed properties, including those within the City of Tucson and Town of Marana.

Additionally, the County and RFCD have an Intergovernmental Agreement (IGA) with the City of Tucson that conveys “perpetual easements in favor of the County and the District over the segments of City-owned property along the Rivers for the purpose of access and maintenance of the Rivers, including all flood control and river park facilities, for the benefit of the public.” The IGA (Attachment 7) identifies the properties subject to it. Because the County and RFCD are the sole managing agencies over these City-owned river park properties, we ask that FHWA consider the County and RFCD as Owners with Jurisdiction jointly with the City of Tucson and consult with us should any of these properties be subject to use by this project.

B. Tucson Mountain Park, Tucson Mitigation Corridor and the Tucson Mountain Wildlife Area

We strongly support the Arizona Game and Fish Department’s (AGFD) request to consider the Tucson Mountain Wildlife Area (TMWA) as a 4(f) Refuge, and ask ADOT to evaluate potential impacts to the area, and potential mitigation strategies, accordingly. Pima County is the Owner with Jurisdiction over the Tucson Mountain Park (TMP), and we are also an Owner with Jurisdiction over the Tucson Mitigation Corridor (TMC); these two properties make up a significant portion of the TMWA, and we agree with AGFD that it is appropriate to consider this entire area as a 4(f)

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Refuge because of the significant wildlife habitat it provides and the critical role it plays in regional wildlife connectivity.

As the AGFD discussed in its February 1, 2017 memo submitted to FHWA on this subject, the TMWA's significance, the original purpose of the state's "Wildlife Area" designation, and its functionality as a critical wildlife corridor in this area all support a 4(f) finding for the publicly-owned portions of the TMWA. Additionally, the County is providing additional information and perspective regarding the TMP, its history, and its current management directives, all of which support AGFD's position that when considered as part of the TMWA, this property does indeed qualify as a 4(f) Refuge.

TMP was officially established as a County park by a unanimous vote of the Pima County Board of Supervisors on April 11, 1929, and the County began acquiring land for it in 1933. In between these two events, in 1931, the AGFD Commission created a number of state Game Refuges, including the "Tucson Mountain Game Refuge," now the TMWA, "provided that Pima County take over the refuge's management as a county park."³ It was thus understood by both Pima County and the AGFD Commission at the time of its establishment that TMP would play a key role in the establishment and management of the Game Refuge. This dual purpose is reflected in the May 2008 "Tucson Mountain Park Management Plan." (See Attachment 2). In fact, this plan lists biological resources as the primary resource for which TMP is managed and makes clear that other park resources are managed so as to not interfere with these resources. The plan's very first management objective makes clear that TMP "will be managed with the objective of preserving and enhancing the biological resources of the park as a healthy, discrete Sonoran Desert ecosystem and as part of Pima County's overall conservation land system."⁴ Other management objectives are explicitly secondary to the primary objective of protecting biological resources.⁵

Pima County is also an Owner with Jurisdiction for the TMC, another significant publicly-owned portion of TMWA, and has decision-making authority regarding its use. The agencies already recognize TMC as a 4(f) Refuge because of its significant value as a critical wildlife corridor which is entirely dependent on its continued connection to, and the long-term integrity of, the adjacent blocks of undisturbed wildlife habitat that are encompassed by TMWA. Omitting the publicly owned areas within the TMWA that encompass these habitat blocks and only assessing impacts to TMC in isolation undermines the agencies' ability to meaningfully assess potential impacts to the TMC's value as a wildlife movement corridor. We strongly encourage

³ David E. Brown, *Bringing Back the Game, Arizona Wildlife Management 1912-1962* at 42 (Arizona Game and Fish Department, 2012).

⁴ Pima County, *Tucson Mountain Management Plan* at 3-1. (May 2008.)

⁵ *See id.* at 7-1: "Tucson Mountain Park will be managed with the objective of providing the public with developed facilities that accommodate a range of uses and activities that are appropriate for the park's natural resource setting, that are safe, and that can be conducted without degradation of the park's biologicalresources." (Emphasis added.)

the agencies to evaluate the publicly-owned portions of the TMWA, including TMP and TMC, as a 4(f) Refuge so that a meaningful evaluation of the potential impacts on regional wildlife connectivity can be performed and sufficient mitigation for those impacts can be developed.

V. Relative Value of 4(f) Properties

A. 4(f) Parks, Recreation Areas, and Wildlife Refuges

Because all alternatives will likely result in the use of 4(f) properties, ADOT is required by federal regulations to consider, among other factors, the relative value of these properties when determining which alternative will cause the least overall harm to 4(f) properties [23 C.F.R. 774.3(c)(1)(iii)]. For 4(f) properties where Pima County is the Owner with Jurisdiction, we ask that ADOT consider those lands intended to serve as mitigation for the MSCP to be of relatively higher value than other Pima County 4(f) Parks, Recreation Areas, and Wildlife Refuges. This is because Pima County is required to maintain these properties as undisturbed wildlife habitat in perpetuity in order to meet our federal obligations under the MSCP and associated Section 10 Permit. All other Pima County 4(f) Park, Recreation Area, and Wildlife properties should be considered equally valuable, relatively speaking.

B. 4(f) Historic Sites

As mentioned above, a 4(f) evaluation requires the agencies to conduct a “least harm” analysis, which in the case of historic properties requires that the full population of resources be known. The results of initial analyses indicate that the known quantity of potential 4(f) properties along the urban corridor, particularly the Orange Alternative through the Tucson metropolitan area, is far greater than the known quantity of potential 4(f) properties located along the proposed alternatives in rural areas. Based on this information alone, selection of an urban alternative appears to have the potential to cause significantly greater harm to 4(f) properties. However, this may not be the case if the rural areas are analyzed to the same level of detail.

Disregarding the disparity of known historic property data between alternatives, analysis must go further to look at how individual properties may be impacted. For example, the Levi H. Manning House is identified as a 4(f) property that would be impacted by selecting the Orange Alternative. However, the NRHP-listed property boundary is contiguous with the parcel boundary, and the 2000-foot corridor only intersects a portion of the parking lot, but not the actual building. While we support analysis of indirect effects to historic properties, there appears to be no potential to affect the building, which is the defining element of the historic property. Pima County therefore recommends that potential impacts to 4(f) properties be analyzed on a property-by-property basis in order to determine which alternative will result in the least harm to historic properties.

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VI. General Mitigation Considerations

We ask the agencies to consider certain general factors when developing measures to mitigate impacts to different types of 4(f) properties.

A. 4(f) Parks and Recreation Areas

Mitigation for impacts to these 4(f) properties should:

- Reflect like-for-like infrastructure, amenities, and equipment;
- Serve the same community;
- Consider access issues;
- Prioritize public safety; and
- Adhere to all County ordinances.

B. 4(f) Refuges

Mitigation for impacts to these 4(f) properties should:

- Be of equal biological value as impacted 4(f) properties;
- Be located in the same general area as impacted 4(f) properties;
- Connect the same blocks of wildlife habitat as impacted 4(f) properties where the primary purpose is to provide for wildlife movement;
- Be acquired as soon as possible, in consideration of the future availability or scarcity of suitable mitigation lands with the same biological value and in the correct location;
- Meet established mitigation ratios for MSCP mitigation lands if mitigating impacts to MSCP mitigation lands,
- Mitigation lands must meet established mitigation ratios for CLS mitigation lands if mitigating impacts to CLS mitigation lands.

VII. Pima County supports consideration of the City's proposed "no frontage roads" alternative.

Pima County strongly supports ADOT's consideration of the alternative proposed by the City of Tucson that would use and expand the existing I-10 corridor but eliminate the existing frontage roads, allowing that area to be used instead for the necessary expansion of the I-10 roadway. NEPA's implementing regulations require the consideration of reasonable alternatives such as this one that would meet the purpose and need of the project (40 C.F.R. 1502.14). It stands to reason that this alternative would greatly reduce the number of 4(f) properties that will potentially be used as compared to the other alternatives examined and is worth considering. The agencies mentioned at the October Consultation with County staff that this alternative may require the acquisition of over 300 properties and businesses that currently depend on the frontage roads for access. While significant, similar expenditures will no doubt be required for any of the alternatives currently under consideration. For some alternatives, necessary expenditures will include both acquisition of affected properties and acquisition of a significant number and acreage of mitigation lands.

Mr. Van Echo and Ms. Yeldin, I-11 Tier 1 EIS Study Team
Re: **Additional Information on Pima County 4(f) Properties Potentially Impacted by I-11
Project**

December 6, 2019

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Conclusion

Again, we appreciate the opportunity to submit this additional information for the agency's consideration. It is our hope that this information helps to ensure that impacts to Pima County and RFCDD properties are fully identified, meaningfully assessed and that adequate mitigation for those impacts is developed as this project moves forward. More broadly, we are pleased to assist the agencies in ensuring that a robust 4(f) analysis is conducted and that the numerous 4(f) properties potentially impacted by each alternative are carefully considered. It is of the highest importance that the agencies are fully informed of all potentially impacted 4(f) properties before making final decisions regarding the Recommended Alternative.

If you need additional materials or information or have questions about this transmittal, please contact Jenny Neeley at 520-724-6940 or Jenny.Neeley@pima.gov.

Sincerely,



C. H. Huckelberry
County Administrator

Enclosures:

- Attachment 1: Table – 4(f) Park, Recreation Area and Wildlife Refuge Properties
- Attachment 2: Supporting Documents for 4(f) Park, Recreation, and Wildlife Refuge Properties
- Attachment 3: GIS Shapefile – 4(f) Park Recreation Area, and Wildlife Refuge Properties
- Attachment 4: Historic Site Analysis
- Attachment 5: Table – County-owned River Park 4(f) Properties
- Attachment 6: GIS Shapefile – County-owned River Park 4(f) Properties
- Attachment 7: Intergovernmental Agreement between Pima County, Pima County Regional Flood Control District and City of Tucson for Maintenance of Major Watercourses and River Parks

c: Carmine DeBonis Jr., Deputy County Administrator for Public Works
Linda Mayro, Director, Pima County Office of Sustainability and Conservation

ATTACHMENT 1. 4(F) PARKS, RECREATION AREAS, AND WILDLIFE REFUGES

PROPERTY NAME	PARCEL(S)	ACRES	OWNER	OWNERSHIP STATUS	4F TYPE	BUILD CORRIDOR(S)	CLS CATEGORIES	DESIGNATED PARK	MANAGED AS PRESERVE	MSCP MITIGATION	EXISTING MITIGATION	HABITAT PROTECTION PRIORITY	SUPPORTING DOCS (SEE ATTACHMENT 1)
ABREGO PARK	30427569C; 30427569D; 30427569E	4.3	Pima County/FCD	FEE SIMPLE	PARK	BLUE; GREEN; ORANGE	Outside CLS	X					A
ANZA PARK	20812013F; 20812010D	211.4	Pima County/FCD	FEE SIMPLE	PARK	BLUE; PURPLE	IRA	X					B
AVRA VALLEY I 10 WILDLIFE CORRIDOR	22601032B; 22601032C; 22601032D	48.0	Pima County/FCD	FEE SIMPLE	REFUGE	ORANGE	IRA/Bio Core/SSMA	X	X	X			A; C; D
CAMINO DE LA TIERRA TRAILHEAD (AKA "CHICKEN RANCH PROERTY")	10107111A	9.1	FCD	FEE SIMPLE	PARK	ORANGE	Outside CLS	X					A
CENTRAL AVRA VALLEY STORAGE AND RECOVERY PROJECT (CAVSARP)	21116006A; 211100010; 211100050; 21117015A	539.1	Other with PC Interest	RESTRICTED COVENANT	REFUGE	BLUE; GREEN; PURPLE	Multiple Use/SSMA		X		X		F
CENTRO DEL SUR COMMUNITY CENTER	11822192A	0.3	Pima County	FEE SIMPLE	PARK	ORANGE	Outside CLS	X					A
CONTINENTAL RANCH DEVELOPMENT LLC WILDLIFE CORRIDOR (AKA "WEXLER PROPERTY")	22608002A; 22608007P	16.6	Pima County	FEE SIMPLE	REFUGE	ORANGE	Bio Core/SSMA		X		X	X	H
CORTARO-HARTMAN/DE ANZA	221060230; 221060240; 221060260; 22106728B	90.7	Pima County/FCD	FEE SIMPLE	REFUGE	ORANGE	IRA/Multiple Use/SSMA	X	X	X	X	X	A; C; E; H
CORTARO MESQUITE BOSQUE	22607005J	66.1	FCD	FEE SIMPLE	PARK	ORANGE	IRA/SSMA	X					A
DIAMOND BELL RANCH	30121001J; 30121007Q	1,452.5	Pima County/Other with PC Interest	FEE SIMPLE; LEASE	REFUGE	BLUE; GREEN; PURPLE	Multiple Use		X	X		X	C; H
FLAP (AKA "RB PARCELS"; "BRAWLEY WASH-TWIN PEAKS")	21519002J; 21519002D; 21519005C	327.4	Pima County	FEE SIMPLE	REFUGE	PURPLE	IRA		X	X			D
LOS ROBLES WASH-TRICO RD.	208150490; 208150500; 208150530	33.5	FCD	FEE SIMPLE	REFUGE	BLUE; GREEN	IRA		X		X		E
MIKE JACOB SPORTS PARK	21402028C; 21401006A; 21401003A; 214010020; 21402028D; 101050200	70.7	Pima County	FEE SIMPLE	PARK	ORANGE	Outside CLS	X					A
RED POINT CASCADA	216196020	38.6	Pima County	FEE SIMPLE	REFUGE	ORANGE	IRA/SSMA		X		X		E
VALENCIA PROPERTY	13801006C	67.1	Pima County	FEE SIMPLE	REFUGE	ORANGE	Outside CLS	X	X	X	X	X	A, C; G; H

ATTACHMENT 2. 4(f) Parks, Recreation Areas, and - Refuges Supporting Documentation.

A. Resolution No. 2016-65; Resolution No. 2016-FC-3. *Resolution of the Pima County Board of Supervisors and of the Board of Directors of the Pima County Flood Control District Reaffirming and Designating Certain County and District Lands and Pima County Parks. Adopted October 18, 2016.* This document supports 4(f) status for the following Parks: **Pages 1-7.**

- Abrego Park
- Avra Valley I-10 Wildlife Corridor
- Camino de la Tierra Trailhead (a.k.a. "Chicken Ranch Property")
- Centro del Sur Community Center
- Cortaro-Hartman/De Anza (Cortaro-Hartman Portion: Parcel Nos. 221060230; 221060240; 221060260)
- Cortaro Mesquite Bosque
- Mike Jacob Sports Park
- Valencia Property

B. Resolution No. 2007-175. *Resolution of the Pima County Board of Supervisors Designating an Area in Northwest Pima County as the Anza Park. Adopted July 24, 2007.* This document supports 4(f) status for Anza Park. **Pages 8-12.**

C. *Master Restrictive Covenant for Pima County MSCP Mitigation Land. Recorded November 8, 2016.* This document supports 4(f) status for the following MSCP Mitigation properties: **Pages 13-43.**

- Avra Valley I-10 Wildlife Corridor (Parcel No. 22601032D)
- Cortaro-Hartman/De Anza (Cortaro-Hartman Portion: Parcel Nos. 221060230; 221060240; 221060260)
- Diamond Bell Ranch
- Valencia Property

D. *Master Restrictive Covenant for Regional Flood Control District MSCP Mitigation Land. Recorded November 8, 2016.* This document supports 4(f) status for the following MSCP Mitigation properties: **Pages 44-75.**

- Avra Valley I-10 Wildlife Corridor (Parcel Nos. 22601032B, 22601032C)
- FLAP (a.k.a. "RB Parcels"; "Brawley Wash-Twin Peaks")

E. *Deed of Conservation Easement for Valencia Property. Recorded March 15, 2010.* This document supports 4(f) status for this MSCP Mitigation property. **Pages 76-90.**

F. CLS Mitigation Documentation: 1) *Maeveen Marie Beehan Conservation Lands System Overview-Pima Prospers*; 2) Property-Specific CLS Rezoning Ordinances, 3) Property-Specific Warranty Deeds, and 4) Property-Specific Donation Agreements. These documents support 4(f) status for the following CLS Mitigation properties:

Pages 91-264.

- Cortaro-Hartman/De Anza (De Anza Portion: Parcel No. 22106728B)
- Los Robles Wash-Trico Rd.
- Red Point – Cascada

G. CAVSARP Mitigation Documentation: 1) *City of Tucson Mayor and Council Resolution Approving Grant of Restrictive Covenant in Favor of Pima County, adopted September 20, 2016*; and 2) *Restrictive Covenant made by The City of Tucson in Favor of Pima County, recorded December 2, 2016*. These documents support 4(f) status for the Central Avra Valley Storage and Recovery Project (CAVSARP) Mitigation property.

Pages 265-301.

H. 2004 Pima County Bond Habitat Protection Priority Acquisitions Documentation: 1) *Pima County Ordinance No. 2004-18: Bond Improvement Plan*; and 2) *Pima County Conservation Acquisition Bond Programs List of Properties Appendix i, “Protecting our Land Water and Heritage: Pima County’s Voter-Supported Conservation Efforts.”* These documents support 4(f) status for the following “Habitat Protection Priority” acquisitions, properties purchased to further MSCP implementation:

Pages 302-436.

- Continental Ranch Development LLC Wildlife Corridor (a.k.a. “Wexler Property”)
- Cortaro-Hartman/De Anza
- Diamond Bell Ranch
- Valencia Property

I. Tucson Mountain park Management Plan Report. February 1, 2017. This document supports 4(f) Refuge status for the publicly-owned areas of the Tucson Mountain Wildlife Area, which includes Tucson Mountain Park.

Pages 437-516.

ATTACHMENT 2A.

Resolution No. 2016- 65

Resolution No. 2016-FC 3

Resolution of the Pima County Board of Supervisors and of the Board of Directors of the Pima County Regional Flood Control District Reaffirming and Designating Certain County and District Lands as Pima County Parks

The Pima County Board of Supervisors and the Board of Directors of the Pima County Regional Flood Control District find:

1. The Pima County Board of Supervisors has the authority under A.R.S. section 11-932 to acquire and dedicate lands as parks. The Board of Directors of the Pima County Regional Flood Control District has the authority under A.R.S. section 48-3603(C) to own real property and to manage District-owned real property.
2. Records on historic designations of County lands and parks are often incomplete or difficult to document and do not always reflect additions of properties to existing parks over time.
3. The Pima County Board of Supervisors has established different types of parks in the adopted County Recreation Area Design Manual.
4. Implementation of the Sonoran Desert Conservation Plan calls for conservation lands to be administered by the Pima County Department of Natural Resources, Parks and Recreation under Park Rules as allowed under A.R.S. section 11-935 and County Ordinances.
5. Designation of County- and District-owned lands as parks will enable uniform administration of such designated park lands pursuant to duly adopted County Park Rules.


NOW, THEREFORE, BE IT RESOLVED, that the Pima County Board of Supervisors and the Board of Directors of the Pima County Regional Flood Control District affirm prior designations of County and District-owned lands as public parks and hereby designate the list of Parks and other properties attached to this resolution as Exhibit A as Pima County Parks. The Pima County Board of Supervisors and the Board of Directors of the Pima County Regional Flood Control District further direct Pima County Real Property Services to include designations of future property acquisitions that will be managed as park lands in the acquisition Agreement package that is presented to the respective Board for review and action.

Passed, Adopted and Approved this 18 day of 2016.

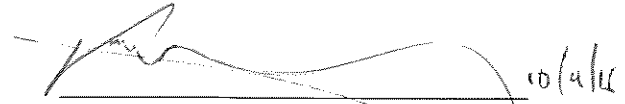
PIMA COUNTY BOARD OF SUPERVISORS


Sharon Bronson, Chair OCT 18 2016


ATTEST:


Robin Brigode, Clerk of the Board

Approved as to Form:

 10/4/16
Tobin Rosen, Deputy County Attorney

Approved as to Content:


Chris Cawein, Director, Natural Resources
Parks and Recreation

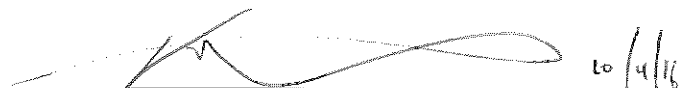
PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT

 OCT 18 2016
Sharon Bronson, Chair of the Board of Directors

ATTEST:


Robin Brigode, Clerk, Board of Directors

Approved as to Form:

 10/4/16
Tobin Rosen, Deputy County Attorney

Approved as to Content:


Suzanne Shields, Director

EXHIBIT A – County and Flood Control District Properties to be Managed as Parks – October 2016

Alphabetical Listing
A7 Ranch
Abrego Trailhead
Agua Caliente Hill South Trailhead
Ajo Community Center
Ajo Regional Park
Ajo Roping Arena
Amadon Property
Andrada-Bloom Property
Ann Day Community Park
Anza Trail and associated trailheads
Arivaca Community Center
Arroyo Chico
Arthur Pack Park
Augie Acuna Los Ninos Park
Avra Valley I 10 Wildlife Corridor
Bar V Ranch
Bee Mordka Property
Bingham Cienega
Brandi Fenton Park
Branding Iron Park
Buckelew Property
Burleson Donation Property
Canada del Oro River Park
Canada del Oro River - River Bottom
Canoa Preserve Park
Canoa Ranch (excluding HHdIC)
Canoa Ranch FLAP Properties
CAP Trailhead
Carpenter Ranch
Casas Adobes Park
Catalina Community Center
Catalina Neighborhood Park
Catalina Regional Park FLAP Properties
CDO Properties between Overton and La Canada
Centro Del Sur Community Center and Boxing Gym

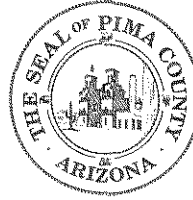
Chicken Ranch Property
Children's Memorial Park
Chuck Bowden/Mt. Lemmon Community Center
Cienega Creek Natural Preserve
Clyne Ranch
Cochie Canyon Property
Colossal Cave Park (excluding leaseholds)
Continental Community Center
Cortaro/Hartman Property
Cortaro Mesquite Bosque
Culling Property
Curtis Park
Dakota Wash Property
Dan Felix Park
Denny Dunn Park
Desert Willow Property
Diamond Bell Ranch
DM Prevention Properties
Drewes Property
Dybvig Property
E.S. Bud Walker Park
Ebonee Marie Moody Park
Elephant Head Properties
Ellie Towne Community Center
Empirita Ranch
Esmond Station Park
Feliz Paseos Park
Flowing Wells Park
Forrest Rickard Park
George Mehl Park
Granite Property
Habitat 36th and Kino Property
Habitat For Humanity Property/San Juan
Henderson Property
Historic Hacienda de la Canoa (part of Canoa Ranch)
Holden Donation Property
Honeybee Village Property
Iris Dewhirst Pima Canyon Trailhead
Isabella Lee Property
Jacobs Trust Property/Enchanted Hills

Julian Wash/Tucson Diversion Channel - River Bottom
Julian Wash/Tucson Diversion Channel River Park
King 98 Ranch
Lawrence Park
Lazy C Ranch
Linda Vista Park
Linda Vista Patrick Property
Lords Ranch
Los Morteros Property
M Diamond Ranch
Madera Highlands Property
Malcolmson Property
Marley Ranch
Mckenzie Property
Meadowbrook Park
Mike Jacob Sportspark
Mission Garden Property
Mission Ridge Park
Mission San Agustin Property
Nancy Properties I, L.L.C.
Nunez Property
NW YMCA Community Center
Old Hayhook Ranch
Oracle Ridge Property
Painted Hills Property
Palo Verde II Property
Pantano River Park
Pantano River - River Bottom
Pantano Townsite Property
Paseo de las Iglesias
Picture Rocks Park/Community Center
Pima Prickly Park
Poteet Property
Prf3 Llc -abuts Cochie Canyon Property
Rancho Seco Ranch
Reid Property
Richardson Park
Rillito Regional Park
Rillito River Park
Rillito River - River Bottom

Rillito Vista Park
Robles Ranch Community Center
Roy P. Drachman Agua Caliente Park
Ruddick Property
Sands Ranch
Santa Cruz River Park
Santa Cruz River - River Bottom
Sarasota Trailhead
Scheer Property
Simmons Property - Empirita Ranch 2
Six Bar Ranch
Sopori Ranch
Southeast Regional Park
Starr Pass Fee Property
Star Valley Community Park
Stevens Property
Summit/Old Nogales Park
Sunset Pointe Park
Swan Wetlands 1, 2 and 3
Sweetwater Preserve
Sweetwater Preserve (under NR Parks) Trailhead
Tang Property
Tanque Verde and Houghton Property
Ted Walker Park
Terra Rancho Grande Property
Thomas Jay Regional Park/Littletown CC
Three Points Veterans Memorial Park
Tortolita Mountain Park
Treehouse Property
Tucson Mountain Park (excluding leaseholds)
Tumamoc Hill Property
Upper CDO Properties south of Edwin Rd
Valencia Property
Ventana Canyon Trailhead
Vesey Park
Walden Property
West Branch Santa Cruz River Property
Wildwood Park
Winston-Reynolds Manzanita Park/Drexel Heights CC

ATTACHMENT 2B.

F. ANN RODRIGUEZ, RECORDER
RECORDED BY: NMB
DEPUTY RECORDER
1134 AS1
P0230
PIMA CO CLERK OF THE BOARD
PICKUP



DOCKET: 13112
PAGE: 3416
NO. OF PAGES: 3
SEQUENCE: 20071510810
08/06/2007
RES 18:00
PICKUP
AMOUNT PAID \$ 0.00

Resolution 2007 - 175

**Resolution of the Pima County Board of Supervisors
Designating an Area in Northwest Pima County as the Anza
Park**

Whereas, the Pima County Board of Supervisors on May 1, 2007, adopted a resolution declaring their support for new County sustainability initiatives that include continued use of effluent, storm water, and reclaimed water for riparian rehabilitation and restoration efforts, as well as recreational facilities; and

Whereas, to supplement the adopted Sonoran Desert Conservation Plan, Pima County has purchased over 45,000 acres of open space property, and grazing leases for 86,000 acres of open space; and

Whereas, the Board adopted the Recreation Areas for Residential Subdivisions Ordinance in 2003 to require recreation areas within new subdivisions and to collect fees to benefit the regional park system; and

Whereas, Pima County and the Pima County Regional Flood Control District operate and maintain over 14 miles of river parks along the region's major watercourses and has established nodal park facilities at strategic locations along the river park system; and

Whereas, future opportunities for creating and establishing active and passive recreational opportunities must be sought out well in advance of urban encroachment; and

Whereas, an urban wildlife habitat has been established by the City of Tucson at the Sweetwater Wetlands installation, in the vicinity of the Roger Road Wastewater Treatment Plant, that serves as an important component of the region's urban parkland system; and

Whereas, Pima County seeks to establish a similar opportunity for active and passive recreational opportunities in the vicinity of the Marana Wastewater Treatment Plant; and

Whereas, the following conditions support the location of a park facility in the downstream reach of the Santa Cruz River:

- a. This river segment is contained with the Corps of Engineers Tres Rios del Norte study area that seeks to promote long-term flood control, groundwater recharge, river restoration, and riparian area preservation;
- b. The Regional Flood Control District has acquired properties in the downstream reach to minimize exposure of urban development to inundation and erosion threats;
- c. The Juan Baustista de Anza National Historic Trail traverses the Santa Cruz River throughout Pima County, including this segment of the river;

OFFICE NUMBER

d. Pima County's Natural Resources, Parks and Recreation Department Parks Master Plan recognizes the importance of using areas along the major river systems, including the Santa Cruz River, for parks establishment opportunities;

e. Pima County's Wastewater Management Department has invested significant sums in the Marana Wastewater Treatment Plant, and continues to invest in the plant's expansion, including the acquisition of additional property to address setback and buffer requirements.

Now, Therefore, upon Motion Duly Made, Seconded and Carried, Be it Resolved That:

1. The Pima County Board of Supervisors hereby designates the area identified in the attached map as the Pima County Anza Park.

2. The Board hereby directs staff to take all necessary steps to retain ownership of the Park property and continue the expansion plans for the Marana Wastewater Treatment Facility located within the Park.

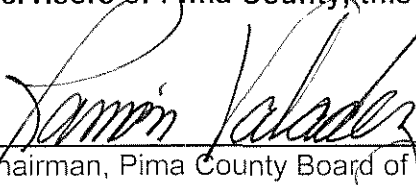
3. The Board hereby directs staff to develop an appropriate environmental restoration program associated with the treatment and recharge of wastewater, recharging all reclaimed water generated at the Marana Wastewater Treatment Facility for the benefit of all Pima County residents and wastewater ratepayers.

4. The Board hereby directs the Wastewater Management Department; Natural Resources, Parks and Recreation Department; and the Cultural Resources Office of Pima County, through the County Administrator, to coordinate and develop a master plan, in consultation with the Pima County Flood Control District, for Board consideration, identifying property uses and improvements within the park for the purposes specified previously.

Passed and adopted by the Board of Supervisors of Pima County, this 24 day of July, 2007.

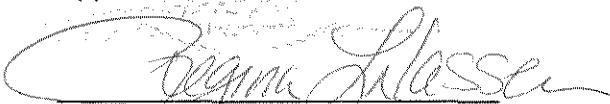
Attest:


Clerk of the Board of Supervisors

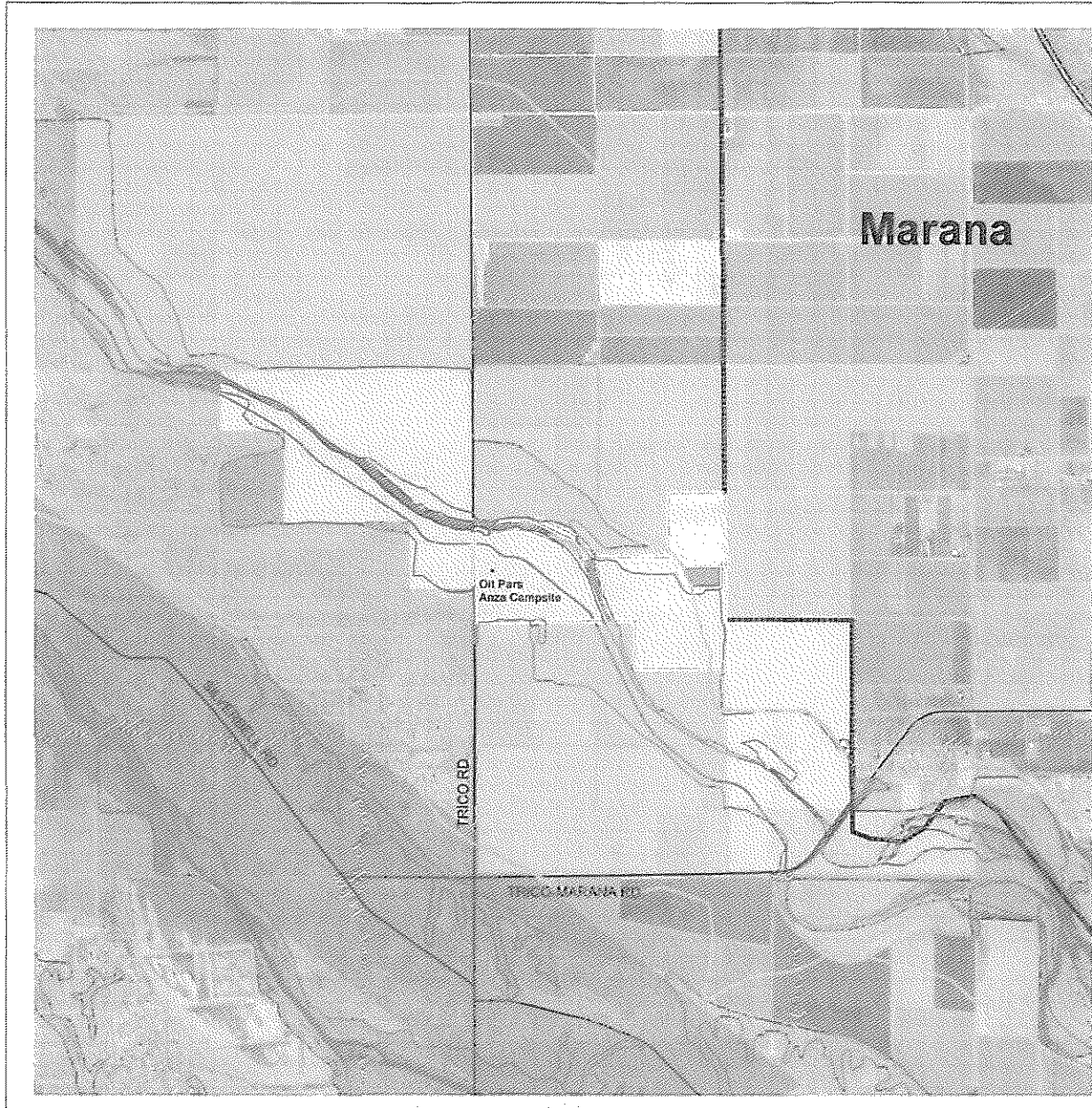

Vice-Chairman, Pima County Board of Supervisors

JUL 24 2007

Approved as to Form:


Deputy County Attorney

6b



Pima County Anza Park

- Town of Marana
- Major Streets
- Floodway
- Important Riparian Areas
- Anza Trail
- Anza Park Boundary
- Los Robles Site Complex
- Potential Park Expansion - Private
- Potential Park Expansion Properties - County
- Potential Park Expansion Properties - COT
- Important Riparian Areas
- Anza Park
- Marana WWTP

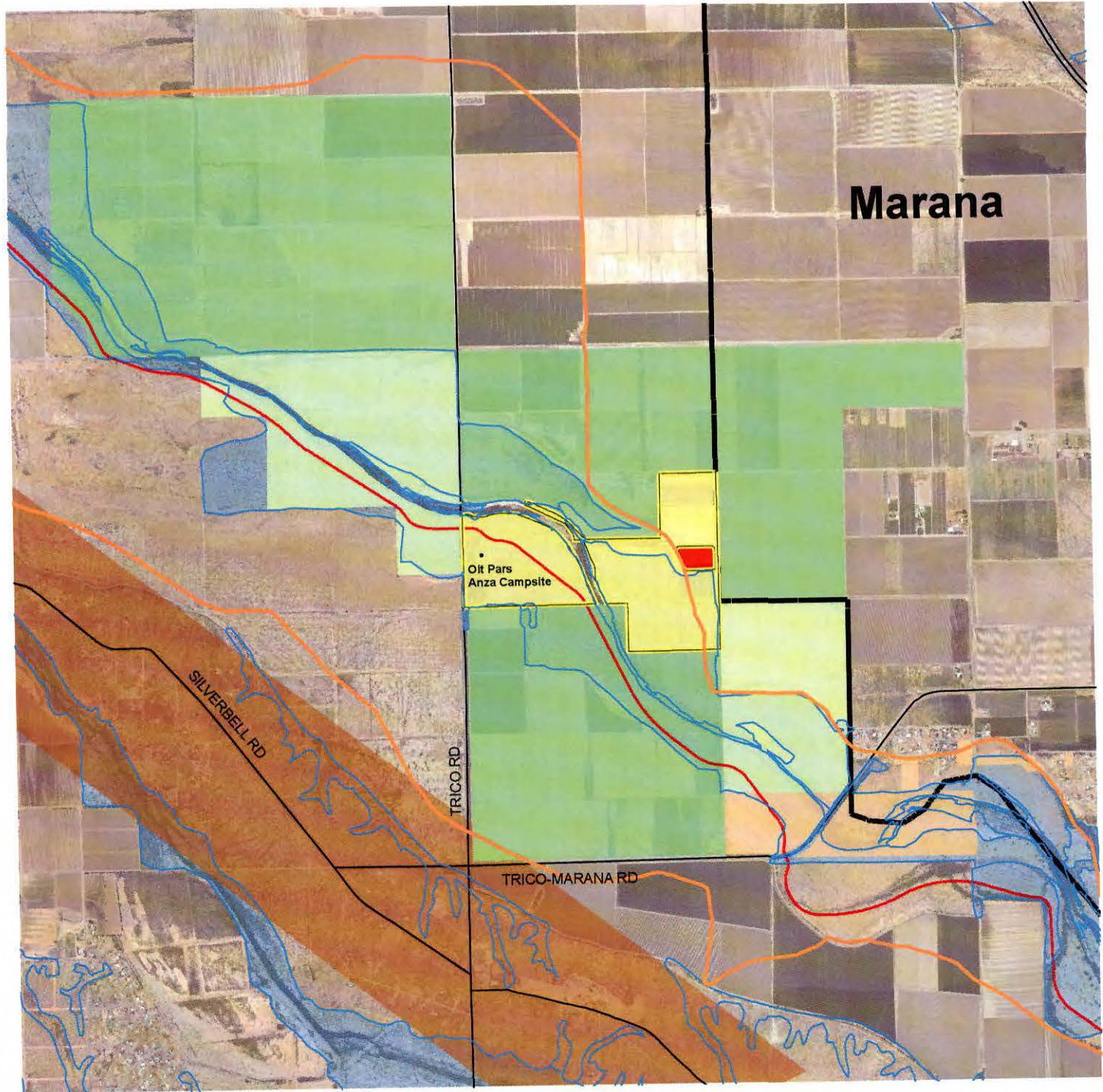


Investigation prepared by the Arizona Department of Transportation, Division of Planning and Research, in cooperation with the Pima County Department of Planning and Research. The information presented herein is for informational purposes only and does not constitute a contract or any other legal instrument. The user assumes all responsibility for the use of the information presented herein.

Prepared by: **DOT Geographic Information Services**

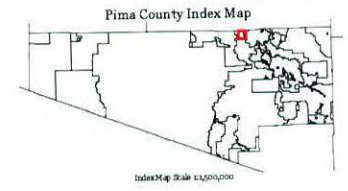
11/20/11





Pima County Anza Park

- Town of Marana
- Major Streets
- Floodway
- Important Riparian Areas
- Anza Trail
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- Potential Park Expansion Properties - Private
- Potential Park Expansion Properties - County
- Potential Park Expansion Properties - COT
- Important Riparian Areas
- Anza Park
- Marana WWTP



The information displayed on this display is the result of digital analyses performed on a variety of data sets provided and maintained by various governmental agencies. The accuracy of the information presented is limited to the collective accuracy of these databases on the date of the analysis. The Pima County Department of Transportation Geographic Information Services Division makes no claim regarding the accuracy of the information depicted herein.

This product is subject to the Department of Transportation's Disclaimer and the Warranties.



PIMA COUNTY
DOT Geographic Information Services

Pima County Geographic Information Services
201 North State Avenue - 4th Floor
Tucson, Arizona 85701-1227
(520) 243-6277, FAX (520) 243-3425
http://www.pima.gov



6/13/07

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ATTACHMENT 2C.

F. ANN RODRIGUEZ, RECORDER
Recorded By: LW
DEPUTY RECORDER
41

PCREA
PIMA CO REAL PROPERTY SERVICES
PICKUP



SEQUENCE: 20163130354
NO. PAGES: 104
COV 11/08/2016
14:53:01
PICK UP
AMOUNT PAID: \$0.00

WHEN RECORDED RETURN TO:
PIMA COUNTY REAL PROPERTY SERVICES
ATTN.: MICHAEL D. STOFKO
201 N. STONE, 6TH FLOOR
TUCSON, AZ 85701-1215

**DOCUMENT TITLE: MASTER RESTRICTIVE COVENANT FOR PIMA
COUNTY MSCP MITIGATION LAND**

ARS Section 11-1134 is inapplicable.

**Master Restrictive Covenant for
Pima County MSCP Mitigation Land**

This Master Restrictive Covenant ("**MSCP Master Covenant**") is entered into by Pima County, a political subdivision of the State of Arizona ("**County**"), the Pima County Regional Flood Control District, a political taxing subdivision of the State of Arizona ("**District**"), and the Arizona Land and Water Trust, Inc., an Arizona nonprofit corporation ("**Beneficiary**") (County, District, and Beneficiary being collectively the "**Parties**").

1. Background and Purpose

1.1. The United States Fish and Wildlife Service issued permit #TE84356A to County (the "**Permit**") for the incidental take of threatened and endangered species caused by specific, lawful activities within Pima County. To direct the mitigation of these incidental takes and ensure compliance with the permit, the County has established its Multi-Species Conservation Plan ("**MSCP**"). The objectives of the MSCP (the "**Objectives**") include managing mitigation lands to prioritize conservation of Covered Species and their habitats, prevent landscape fragmentation, and support species establishment or recovery.

1.2. The County owns the real property listed in Exhibit A (the "**Restricted Property**" or "**Restricted Properties**"). A map identifying the Restricted Property is attached hereto as Exhibit B. Individual maps of each of the Restricted Properties are attached hereto as Exhibit C. The Restricted Property contains significant undisturbed natural open space that the County wishes to preserve and protect for the mitigation of incidental take covered by the County's incidental take permit.

1.3. The Parties intend this MSCP Master Covenant to prohibit uses of the Restricted Properties that would impair or interfere with the mitigation efforts of the County, except for any pre-existing uses as shown on imagery by Pictometry or Pima Association of Governments dated 2015 or 2016, whichever is more recent (the "**Pre-existing Uses**").

1.4. The Parties intend that this MSCP Master Covenant assure that the Restricted Properties will be forever preserved as natural open space for the conservation of natural habitat for wildlife, the protection of rare and unique native plants and animals and the scenic enjoyment of the general public.

2. Recording of Site Specific Restrictive Covenants

2.1. The Parties intend that a site specific agreement ("**Site Specific Agreement**") be recorded for each individual property listed on Exhibit A and depicted on Exhibits B and C. The Site Specific Agreement shall be in the form of Exhibit D attached hereto. The Parties intend that each Site Specific Agreement incorporate all of the terms and conditions contained in this MSCP Master Covenant. Each Site Specific Agreement will contain the legal description of the referenced property, and recordation of a Site

Specific Agreement will subject the real property described therein to the terms of this MSCP Master Covenant and cause such property to be a Restricted Property.

2.2. County hereby delegates to the County Administrator or his designee the authority to sign each of the Site Specific Agreements on behalf of County. District hereby delegates to the General Manager of the District or his designee the Authority to sign each of the Site Specific Agreements on behalf of District.

3. Nature of MSCP Master Covenant

3.1. This MSCP Master Covenant runs with each Restricted Property and binds the County and its successors and assigns.

3.2. This MSCP Master Covenant remains in perpetuity with respect to each Restricted Property, unless released by written consent of County, District, and Beneficiary, with the written concurrence of the U. S. Fish & Wildlife Service. Any release will specify if it relates to a specific Restricted Property or to this Master Agreement and, therefore, all the Restricted Properties.

3.3. The uses of the Restricted Properties prohibited by this MSCP Master Covenant remain in effect notwithstanding any future annexation of all, or any portion, of a specific Restricted Property by a municipality.

3.4. This MSCP Master Covenant may not be amended or modified except upon written agreement of County, District, and Beneficiary, and written concurrence from the U.S. Fish and Wildlife Service.

3.5. This MSCP Master Covenant may be enforced by District or Beneficiary as provided in Section 9 below.

4. **The Restrictions.** Except as provided in Section 5 of this MSCP Master Covenant, the following uses of the Restricted Properties are prohibited (collectively the "**Restrictions**"):

4.1. Development of the Restricted Properties, including subdividing or lot splitting of a Restricted Property;

4.2. Construction or placement of new or additional buildings or structures on a Restricted Property, unless the construction supports the purposes for which the Restricted Property was originally intended including any adopted master plan, and does not degrade the Restricted Property's values as expressed in the purpose statement;

4.3. Alteration of the ground surface or natural vegetation, except as may be needed for ranch, range improvement, or trail-based recreational uses, and only if such alterations are consistent with other provisions of the Multi-species Conservation Plan;

4.4. Impoundment, diversion or alteration of any natural watercourse unless for watershed enhancement to improve species habitat or to maintain a Restricted Property's mitigation values;

4.5. Development of, or the granting of, access, rights-of-way or easements for new roads or new utilities, including telecommunications facilities, except where County has no discretion to prohibit the activity;

4.6. Filling, excavation, dredging, mining, drilling, exploration, or extraction of minerals, hydrocarbons, soils, sand, gravel, rock or other materials on or below the surface of the Restricted Property, except where County has no discretion to prohibit the activity;

4.7. Storage, accumulation or disposal of hazardous materials, trash, garbage, solid waste or other unsightly material on the Restricted Property;

4.8. Introduction of non-native fish or amphibians or other non-native animals to or from catchments, tanks, springs or creeks. Other non-native species that might adversely affect the mitigation of permitted activities are also prohibited except for the purposes of supporting existing ranching operations, if any, and limited to those areas identified that have historically been devoted to the growing of such species, as shown on 2015 or 2016 aerial photographs;

4.9. Storage and use of biocides and chemical fertilizers except for residential and agricultural purposes. Aerial application of biocide or other chemicals is prohibited except where County and District concur that it is an appropriate and necessary management technique to promote the recovery and re-establishment of native species, to reduce threats to ecosystem structure and function, or to protect public health, safety and welfare;

4.10. Pumping of water from existing diversions for purposes other than on-site residential, wildlife, recreational, habitat enhancement and agricultural uses associated with livestock grazing on the Restricted Property. Increases in the pumped amounts of surface or subsurface water as allowed by the Arizona Department of Water Resources are not permitted without joint approval from the County and District and concurrence from the U.S. Fish and Wildlife Service;

4.11. Installation of underground storage tanks for petroleum or other polluting substances, except for already existing or permitted septic tanks;

4.12. Confinement of livestock where animals are permanently located in enclosures and the majority of their feed supplied from outside sources. This includes feeder cattle, dairy, pig, poultry and exotic animal farm operations;

4.13. Commercial enterprises inconsistent with the Objectives, excluding farming and ranching. The County and District may jointly approve commercial enterprises, other

than farming or ranching, that provide for ecotourism or wildlife-related recreation provided that it is consistent with the Objectives and does not degrade the Restricted Property's mitigation value;

4.14. Residential use for mobile homes, travel trailers, tent trailers, self-propelled recreational vehicles and like structures or vehicles, except temporary use as permitted by County Park Rules or reasonable use as needed to support the protection or enhancement of the Restricted Property's mitigation value;

4.15. Paving of roads using asphalt or concrete except where required by County ordinance;

4.16. Any modification of the topography of the Restricted Property through the placement of soil, dredging spoils, or other material, except for those uses permitted under this document, or to reduce soil erosion or to protect public health, safety and welfare;

4.17. Severance of water rights appurtenant to the Restricted Property including the transfer, encumbrance, lease and sale of water rights;

4.18. Off-road vehicular travel except to facilitate permitted activities on the Restricted Property; and

4.19. Removal of natural, mineral, or cultural resources that is not authorized by County.

5. Exceptions to Restrictions. Notwithstanding any other provision of this MSCP Master Covenant, the following uses of the Restricted Properties are not prohibited:

5.1. Any use of the Restricted Property which the County Board of Supervisors in its reasonable discretion determines is necessary to retain, restore, or enhance the mitigation of incidental take covered by the Permit;

5.2. Any Pre-existing Use of the Restricted Property;

5.3. Any use of the Restricted Property expressly permitted by a contract in effect between the County and a third party as of the date this MSCP Master Covenant is recorded; and

5.4. Any use of the Restricted Property which the County Board of Supervisors determines, based on clear and convincing evidence presented to said Board, is necessary to protect the public health, safety or welfare.

6. Obligations of County

6.1. County, through its employees, agents and contractors, retains all responsibilities and will bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Restricted Properties. County remains solely responsible for obtaining any applicable governmental permits and approvals for any activity or use undertaken on the Restricted Properties. All such activity shall comply with all applicable Federal, state, and local laws, regulations, and requirements.

6.2. County, through its employees, agents and contractors, at County's expense, will conduct an inspection of the Restricted Properties at least biennially to determine if there are any violations of the Restrictions. The inspection will be completed by either examination of aerial photographs or by physical inspections with onsite photographs taken at the time of the inspections. The County will prepare and deliver copies of biennial reports ("Reports") of its inspections, which reports will describe the then current condition of the Restricted Properties inspected and note any violations of the Restrictions. Copies of the Reports will be provided to District and Beneficiary upon completion, and in no event later than October 15 of each biennial reporting year. County will maintain the Reports as County records in accordance with Arizona state law.

6.3. County shall report any violations of the terms of this MSCP Master Covenant to District and Beneficiary within 2 working days of County discovery and confirmation of any such violation. For purposes of this Section 6.3, the determination of what shall constitute a reportable violation of this MSCP Master Covenant shall be at County's reasonable discretion. However, County's determination of what is reportable pursuant to this Section 6.3 will not limit District or Beneficiary's right to enforce this MSCP Master Covenant as provided for in Sections 7, 8, and 9 of this MSCP Master Covenant.

6.4. The parties acknowledge that Beneficiary has no legal ownership interest in the Restricted Properties, and it is the parties' intent that the Beneficiary not undertake any responsibility or liability with respect to the Restricted Properties, other than liability related to Beneficiary's negligence ("Beneficiary's Negligence"), as more specifically limited below. Therefore, County agrees:

6.4.1. County (as indemnifying party) shall indemnify, defend and hold harmless, Beneficiary and its officers, directors, employees, agents, affiliates, successors and permitted assigns (collectively, "**Indemnified Party**") against any and all losses, damages, liabilities, deficiencies, claims, actions, judgments, settlements, interest, awards, penalties, fines, costs, or expenses of whatever kind, including attorneys' fees, that are incurred by Indemnified Party (collectively, "**Losses**"), arising out of or related to any third-party claim alleging:

6.4.1.1. breach or non-fulfillment of any provision of this Agreement by County, District, or County or District's personnel;

6.4.1.2. any negligent or more culpable act or omission of County, District, or County or District's personnel (including any reckless or willful misconduct) in connection with the performance of County, District, or County or District's personnel under this Agreement;

6.4.1.3. any bodily injury, death of any person or damage to real or tangible personal property caused by the negligent or more culpable acts or omissions of County, District, or County or District's personnel (including any reckless or willful misconduct);

6.4.1.4. any failure by County, District, or County or District's personnel to comply with any applicable federal, state or local laws, regulations or codes, including any failure related to their performance under this Agreement; or

6.4.1.5. any claim by any third party asserting a failure of Beneficiary to enforce Beneficiary's rights, or perform Beneficiary's duties, under this Agreement. County's obligation to indemnify Beneficiary against third party claims related to any failure of Beneficiary perform Beneficiary's duties, under this Agreement will not preclude County from replacing Beneficiary as provided in Section 8.5. Replacement of Beneficiary will be County's sole remedy for Beneficiary's breach of its obligations under this Agreement.

6.4.2. Beneficiary must give notice to County (a "**Claim Notice**") of any claim filed which may give rise to a Losses. Indemnified Party's failure to provide a Claim Notice does not relieve County of any liability, but in no event shall County be liable for any Losses that result directly from a delay in providing a Claim Notice, which delay materially prejudices the defense of the claim. County's duty to defend applies immediately after receiving a Claim Notice.

6.4.3. County may select legal counsel to represent Beneficiary in any action for which County has an obligation to indemnify, defend and hold harmless Beneficiary, and County shall pay all costs, attorney fees, and Losses.

6.4.4. County shall give prompt written notice to Beneficiary of any proposed settlement of a claim that is indemnifiable under this Agreement. County may settle or compromise any claim without Beneficiary's consent, so long as Beneficiary is not responsible for paying any Losses.

7. Obligations of District

7.1. District shall review any and all reports on potential violations of the Restrictions provided by County to District as required by this MSCP Master Covenant, at District's expense.

7.2. If the event of any action that may constitute a violation of the terms of this MSCP Master Covenant, District shall determine, in its reasonable discretion, whether to take any action to enforce the terms of this MSCP Master Covenant.

7.3. In the event that County desires to take action with respect to the Restricted Properties that may constitute a violation of this MSCP Master Covenant, County will obtain District's prior approval of such action, and District shall respond to any such request from County in a timely manner.

7.4. District and County will advise Beneficiary in writing of any non-privileged communications between County and District with regard to the matters referred to in Sections 7.2 and 7.3. District and County will also provide Beneficiary with copies of any written communications, in whatever form, between District and County with regard to the matters referred to in Sections 7.2 and 7.3.

8. Obligations of Beneficiary

8.1. Beneficiary shall review any and all reports provided by County to Beneficiary as required by this MSCP Master Covenant, at County's expense. County shall compensate Beneficiary for performing its actions under this Section 8.1 on a time and materials basis, pursuant to the terms of professional services contract entered into between County and Beneficiary (the "Services Agreement"). In the event (i) County and Beneficiary cannot agree upon the Services Agreement; (ii) the Services Agreement is terminated, for any reason; (ii) County fails to timely pay Beneficiary under the Services Agreement; or (iii) County materially breaches any other term of the Services Agreement, then Beneficiary will have the right to terminate its obligations under this MSCP Master Covenant by providing County and District ten days prior written notice.

8.2. If the event of any action that may constitute a violation of the terms of this MSCP Master Covenant, Beneficiary shall determine, in its reasonable discretion, whether to take any action to enforce the terms of this MSCP Master Covenant. Beneficiary shall be reimbursed for any expenses incurred by Beneficiary to enforce this Master Agreement in accordance with the Services Agreement.

8.3. In the event that County desires to take action with respect to a Restricted Property that may constitute a violation of this MSCP Master Covenant, County will obtain Beneficiary's prior approval of such action, and Beneficiary shall respond to any such request from County in a timely manner. Beneficiary shall be compensated for any services performed in response to any such request in accordance with the Services Agreement.

8.4. In the event Beneficiary is no longer able to perform its obligations under this MSCP Master Covenant, or no longer desires to serve as Beneficiary, then Beneficiary shall provide not less than sixty (60) days' notice to County. Beneficiary may designate a replacement Beneficiary subject to County's approval. In the event Beneficiary does not designate a replacement Beneficiary within 45 days' after delivery of the notice, then

County will be solely responsible to designate a replacement Beneficiary. Beneficiary's resignation shall be effective sixty (60) days after the delivery of the notice by Beneficiary to County.

8.5. County's sole remedy for Beneficiary's failure to perform Beneficiary's obligations under this Agreement will be to terminate the Services Agreement and replace Beneficiary with a new party who will fill the role of Beneficiary. County will be solely responsible to designate a replacement Beneficiary in such event.

9. District and Beneficiary's Right To Enforce.

9.1. District and/or Beneficiary (for purposes of this Section 9, collectively or individually the "**Enforcing Party**") may enforce this MSCP Master Covenant against the County and its successors and assigns.

9.2. If the Enforcing Party has reason to believe that a violation of the Restrictions may have occurred, the Enforcing Party has the right to enter upon the Restricted Properties. The Enforcing Party must provide at least two (2) business days' notice to County prior to entering upon a Restricted Property.

9.3. The Enforcing Party shall hold County harmless from liability for any injuries to its employees or agents occurring on a Restricted Property in the course of its duties pursuant to this MSCP Master Covenant which are not directly or indirectly the result of acts, omissions, or the negligence of County, or County's employees, agents, successors and assigns.

9.4. If the Enforcing Party determines that there is a breach of the terms of the Restrictions, the Enforcing Party may, but is not obligated to, enforce the terms of this MSCP Master Covenant as provided in this Section 9. When evaluating any possible breach or enforcement action, the Enforcing Party will have the right to consult experts (e.g., biologists, engineers, etc.) to assist it in determining both whether or not there is a violation and appropriate remedial action, provided that the cost of any such experts is subject to the maximum dollar limitation in the Services Agreement. Beneficiary will be reimbursed by County for any such expenses in accordance with the Services Agreement.

9.5. Prior to any enforcement action by the Enforcing Party, the Enforcing Party must give written notice to County of such breach (the "**Notice of Breach**") and demand corrective action sufficient to cure the breach and, where the breach involves injury to a Restricted Property resulting from any activity inconsistent with the purpose of this MSCP Master Covenant, to restore the portion of the Restricted Property so injured.

9.6. If (i) under circumstances where an alleged breach can be cured within a 30 day period, County fails to cure an alleged breach within 30 days after receipt of the Notice of Breach, or (ii) under circumstances where an alleged breach cannot reasonably be cured within a 30 day period, County fails to begin curing such breach within the 30 day

period, or County fails to continue diligently to cure such breach until finally cured, the Enforcing Party may in any such event bring an action at law or equity to enforce the terms of this MSCP Master Covenant or to enjoin the breach by temporary or permanent injunction, and to recover any damages caused by the breach of the terms of this MSCP Master Covenant or injury to any protected uses or mitigation, including damages for any loss, and to require the restoration of any Restricted Property to the condition that existed prior to the injury.

9.7. In the event any action, suit or proceeding at law or in equity is instituted with respect to this MSCP Master Covenant, the Enforcing Party shall be entitled to reasonable attorneys' fees, expenses and court costs incurred if it is the prevailing party.

9.8. Nothing contained in this MSCP Master Covenant can be construed to entitle the Enforcing Party to bring any action against the County for any injury to or change in the Restricted Property resulting from causes beyond the County's control including unforeseeable acts of trespassers, fire, flood, storm, drought, pests, natural earth movement, vegetative disease, or resulting from any action taken by the County under emergency conditions to prevent, abate or mitigate significant injury to any Restricted Property resulting from such causes.

10. General Provisions

10.1. The laws and regulations of the State of Arizona govern this MSCP Master Covenant. Any action relating to this MSCP Master Covenant must be brought in a court of the State of Arizona in Pima County.

10.2. Unless the context requires otherwise, the term "including" means "including but not limited to".

10.3. Each provision of this MSCP Master Covenant stands alone, and any provision of this MSCP Master Covenant found to be prohibited by law is ineffective only to the extent of such prohibition without invalidating the remainder of this MSCP Master Covenant.

10.4. This instrument sets forth the entire Agreement of the County, District and Beneficiary with respect to this MSCP Master Covenant.

10.5. Any notice given under this MSCP Master Covenant must be in writing and served by delivery or by certified mail upon the other Parties as follows:

If to County: Office of Sustainability and Conservation
 Attn: Director
 Pima County Public Works
 201 N Stone Ave., 6th FL
 Tucson, Arizona 85701

If to District: Regional Flood Control District
Attn: Director
Pima Works Building
201 N Stone Ave., 9th FL
Tucson, Arizona 85701

If to Beneficiary: The Arizona Land and Water Trust
Attn: Diana Freshwater, President
3127 N. Cherry Ave.
Tucson, Arizona 85719

The Parties have executed this MSCP Master Covenant by their duly authorized representatives.


COUNTY: PIMA COUNTY, a political subdivision of the State of Arizona:



Chair, Board of Supervisors

OCT 18 2016
Date

ATTEST:



Robin Brigode, Clerk of Board of Supervisors

OCT 18 2016
Date

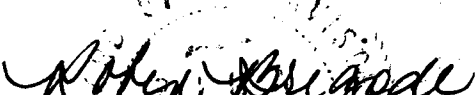
DISTRICT: The Pima County Regional Flood Control District



Chair, Board of Directors

OCT 18 2016
Date

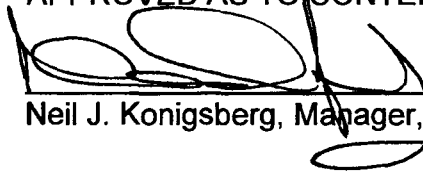
ATTEST:



Robin Brigode, Clerk of Board of Directors

OCT 18 2016
Date

APPROVED AS TO CONTENT:


Neil J. Konigsberg, Manager, Real Property Services


John Bernal, Deputy County Administrator, Public Works

APPROVED AS TO FORM:

 10/10/16
Tobin Rosen, Deputy County Attorney

BENEFICIARY: The Arizona Land and Water Trust, Inc.


Diana Freshwater, President

10/11/16
Date

EXHIBIT D

When Recorded, Please Return to:

Pima County Real Property Services
201 N Stone Ave, 6th Floor
Tucson, AZ 85701-1215

SITE-SPECIFIC AGREEMENT TO MASTER RESTRICTIVE COVENANT

1. **Parties; Effective Date.** This Site-Specific Agreement ("SSA") is entered into by and between PIMA COUNTY, a body politic and corporate of the State of Arizona ("County"), the PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT, a political taxing subdivision of the State of Arizona ("District"), and the Arizona Land and Water Trust, Inc. an Arizona nonprofit corporation ("Beneficiary") (County, District, and Beneficiary being collectively the "Parties"). This SSA shall be effective on day it is signed by the Parties (the "Effective Date").

2. **Incorporation of Master Agreement** This SSA incorporates all definitions, terms and conditions of that certain Master Restrictive Covenant for County Conservation Land between the Parties, dated _____, and recorded _____, 2016, in the records of the Pima County Recorder in Sequence No. _____ (the "Master Covenant").

3. **Site-Specific Property.**

3.1. The property subject to this SSA is legally described on Exhibit A to this SSA (the "Site-Specific Property").

3.2. The Site-Specific Property is subject to all of the terms and conditions of the Master Covenant.

COUNTY: PIMA COUNTY

By: _____
Its: _____ Date _____

DISTRICT: Regional Flood Control District

By: _____
Its: _____ Date _____

BENEFICIARY: The Arizona Land and Water Trust, Inc.

By: _____
Its: _____ Date _____

EXEMPTION: A.R.S. § 11-1134.A.3.		PCGPR Mitigation: Sec 10 [] ; ILF [] ; Sec 7 [] ; CLS [] ; Other []	
Agent: MDS	File: E-0019	Activity:	P [] De [] Do [] E []

EXHIBIT A**MSCP Restrictive Covenants: Pima County Owner & Grantor; FCD Receives Covenant**

Property	APN	Acres	MapID
36TH STREET CORRIDOR	118033370	20.4	1
36TH STREET CORRIDOR	118033360	20.5	1
36TH STREET CORRIDOR	118033380	20.1	1
36TH STREET CORRIDOR	118071280	0.5	1
36TH STREET CORRIDOR	118071290	0.5	1
36TH STREET CORRIDOR	118071340	0.6	1
36TH STREET CORRIDOR	118071300	0.3	1
36TH STREET CORRIDOR	118071350	0.4	1
36TH STREET CORRIDOR	118071380	0.5	1
36TH STREET CORRIDOR	118071390	0.4	1
36TH STREET CORRIDOR	118071400	0.4	1
36TH STREET CORRIDOR	118071410	0.4	1
36TH STREET CORRIDOR	118071420	0.4	1
36TH STREET CORRIDOR	118072730	3.9	1
36TH STREET CORRIDOR	118072190	0.3	1
36TH STREET CORRIDOR	118072180	0.2	1
36TH STREET CORRIDOR	118072390	0.7	1
36TH STREET CORRIDOR	118072170	0.2	1
36TH STREET CORRIDOR	118071360	0.3	1
36TH STREET CORRIDOR	118072160	0.2	1
36TH STREET CORRIDOR	118072200	0.4	1
36TH STREET CORRIDOR	118072390	1.3	1
36TH STREET CORRIDOR	118072150	0.2	1
36TH STREET CORRIDOR	118071330	0.4	1
36TH STREET CORRIDOR	118072140	0.2	1
36TH STREET CORRIDOR	118072130	0.2	1
36TH STREET CORRIDOR	118071270	0.3	1
36TH STREET CORRIDOR	118072120	0.2	1
36TH STREET CORRIDOR	11803335A	17.2	1
36TH STREET CORRIDOR	118071130	0.3	1
36TH STREET CORRIDOR	118072720	2.0	1
36TH STREET CORRIDOR	118072110	0.2	1
36TH STREET CORRIDOR	118072210	0.3	1
36TH STREET CORRIDOR	118071370	0.3	1
36TH STREET CORRIDOR	118071310	0.3	1
36TH STREET CORRIDOR	118071140	0.2	1
36TH STREET CORRIDOR	118072230	0.2	1
36TH STREET CORRIDOR	118072220	0.4	1
36TH STREET CORRIDOR	118072100	0.2	1
36TH STREET CORRIDOR	118072090	0.2	1
36TH STREET CORRIDOR	118072080	0.2	1
36TH STREET CORRIDOR	118072070	0.2	1

Property	APN	Acres	MapID
36TH STREET CORRIDOR	118072060	0.3	1
36TH STREET CORRIDOR	118071150	0.2	1
36TH STREET CORRIDOR	118071430	0.3	1
36TH STREET CORRIDOR	118071320	0.4	1
36TH STREET CORRIDOR	118071160	0.2	1
36TH STREET CORRIDOR	118072270	0.2	1
36TH STREET CORRIDOR	118071440	0.2	1
36TH STREET CORRIDOR	118072240	0.3	1
36TH STREET CORRIDOR	118071170	0.2	1
36TH STREET CORRIDOR	118072050	0.2	1
36TH STREET CORRIDOR	118072280	0.2	1
36TH STREET CORRIDOR	118072390	8.7	1
36TH STREET CORRIDOR	118071250	0.2	1
36TH STREET CORRIDOR	118071260	0.2	1
36TH STREET CORRIDOR	118071180	0.2	1
36TH STREET CORRIDOR	118071240	0.2	1
36TH STREET CORRIDOR	118071450	0.2	1
36TH STREET CORRIDOR	118072040	0.2	1
36TH STREET CORRIDOR	118071230	0.2	1
36TH STREET CORRIDOR	118072260	0.4	1
36TH STREET CORRIDOR	118071190	0.2	1
36TH STREET CORRIDOR	118072250	0.3	1
36TH STREET CORRIDOR	118071460	0.2	1
36TH STREET CORRIDOR	118071220	0.2	1
36TH STREET CORRIDOR	118071200	0.2	1
36TH STREET CORRIDOR	118071480	0.2	1
36TH STREET CORRIDOR	118071470	0.2	1
36TH STREET CORRIDOR	118071210	0.2	1
36TH STREET CORRIDOR	118072290	0.2	1
36TH STREET CORRIDOR	118072030	0.2	1
36TH STREET CORRIDOR	118071520	0.3	1
36TH STREET CORRIDOR	118072020	0.2	1
36TH STREET CORRIDOR	118072390	0.9	1
36TH STREET CORRIDOR	118070670	0.4	1
36TH STREET CORRIDOR	118071490	0.2	1
36TH STREET CORRIDOR	118070680	0.3	1
36TH STREET CORRIDOR	118072390	1.3	1
36TH STREET CORRIDOR	118072300	0.2	1
36TH STREET CORRIDOR	118071510	0.3	1
36TH STREET CORRIDOR	118071500	0.3	1
36TH STREET CORRIDOR	118071530	0.3	1
36TH STREET CORRIDOR	118072010	0.3	1
36TH STREET CORRIDOR	118071050	0.5	1
36TH STREET CORRIDOR	118070690	0.2	1
36TH STREET CORRIDOR	118072310	0.2	1
36TH STREET CORRIDOR	118070660	0.2	1

Property	APN	Acres	MapID
36TH STREET CORRIDOR	118071060	0.4	1
36TH STREET CORRIDOR	118071540	0.3	1
36TH STREET CORRIDOR	118071070	0.3	1
36TH STREET CORRIDOR	118071080	0.3	1
36TH STREET CORRIDOR	118072000	0.3	1
36TH STREET CORRIDOR	118071610	0.3	1
36TH STREET CORRIDOR	118071600	0.2	1
36TH STREET CORRIDOR	118071090	0.4	1
36TH STREET CORRIDOR	118071590	0.2	1
36TH STREET CORRIDOR	118071100	0.3	1
36TH STREET CORRIDOR	118071580	0.2	1
36TH STREET CORRIDOR	118070700	0.2	1
36TH STREET CORRIDOR	118071550	0.2	1
36TH STREET CORRIDOR	118071110	0.3	1
36TH STREET CORRIDOR	118071040	0.3	1
36TH STREET CORRIDOR	118071570	0.2	1
36TH STREET CORRIDOR	118070650	0.2	1
36TH STREET CORRIDOR	118071120	0.3	1
36TH STREET CORRIDOR	118072320	0.2	1
36TH STREET CORRIDOR	118072330	0.4	1
36TH STREET CORRIDOR	118071560	0.2	1
36TH STREET CORRIDOR	118071990	0.3	1
36TH STREET CORRIDOR	118071030	0.2	1
36TH STREET CORRIDOR	118070740	0.2	1
36TH STREET CORRIDOR	118070730	0.2	1
36TH STREET CORRIDOR	118070720	0.2	1
36TH STREET CORRIDOR	118070710	0.2	1
36TH STREET CORRIDOR	118071020	0.2	1
36TH STREET CORRIDOR	118071620	0.3	1
36TH STREET CORRIDOR	118070640	0.2	1
36TH STREET CORRIDOR	118070750	0.2	1
36TH STREET CORRIDOR	118071010	0.2	1
36TH STREET CORRIDOR	118072340	0.3	1
36TH STREET CORRIDOR	118070760	0.2	1
36TH STREET CORRIDOR	118071980	0.2	1
36TH STREET CORRIDOR	118071630	0.3	1
36TH STREET CORRIDOR	118071640	0.2	1
36TH STREET CORRIDOR	118071000	0.2	1
36TH STREET CORRIDOR	118071650	0.2	1
36TH STREET CORRIDOR	118070770	0.2	1
36TH STREET CORRIDOR	118070630	0.2	1
36TH STREET CORRIDOR	118071660	0.2	1
36TH STREET CORRIDOR	118071670	0.2	1
36TH STREET CORRIDOR	118070780	0.2	1
36TH STREET CORRIDOR	118071690	0.2	1
36TH STREET CORRIDOR	118071680	0.2	1

Property	APN	Acres	MapID
36TH STREET CORRIDOR	118071970	0.2	1
36TH STREET CORRIDOR	118072350	0.4	1
36TH STREET CORRIDOR	118070790	0.2	1
36TH STREET CORRIDOR	118070850	0.2	1
36TH STREET CORRIDOR	118070860	0.2	1
36TH STREET CORRIDOR	118070990	0.2	1
36TH STREET CORRIDOR	118070870	0.2	1
36TH STREET CORRIDOR	118072360	0.4	1
36TH STREET CORRIDOR	118072390	2.4	1
36TH STREET CORRIDOR	118070620	0.2	1
36TH STREET CORRIDOR	118070880	0.3	1
36TH STREET CORRIDOR	118070800	0.2	1
36TH STREET CORRIDOR	118072390	0.2	1
36TH STREET CORRIDOR	118071960	0.2	1
36TH STREET CORRIDOR	118070890	0.2	1
36TH STREET CORRIDOR	118071780	0.2	1
36TH STREET CORRIDOR	118071770	0.2	1
36TH STREET CORRIDOR	118071760	0.2	1
36TH STREET CORRIDOR	118071750	0.2	1
36TH STREET CORRIDOR	118071740	0.2	1
36TH STREET CORRIDOR	118071730	0.2	1
36TH STREET CORRIDOR	118071720	0.2	1
36TH STREET CORRIDOR	118071710	0.2	1
36TH STREET CORRIDOR	118071700	0.2	1
36TH STREET CORRIDOR	118070610	0.2	1
36TH STREET CORRIDOR	118070980	0.2	1
36TH STREET CORRIDOR	118071790	0.2	1
36TH STREET CORRIDOR	118070820	0.4	1
36TH STREET CORRIDOR	118070830	0.3	1
36TH STREET CORRIDOR	118070900	0.3	1
36TH STREET CORRIDOR	118071950	0.2	1
36TH STREET CORRIDOR	118070930	0.2	1
36TH STREET CORRIDOR	118071800	0.2	1
36TH STREET CORRIDOR	118070600	0.2	1
36TH STREET CORRIDOR	118070940	0.2	1
36TH STREET CORRIDOR	118070810	0.3	1
36TH STREET CORRIDOR	118070970	0.2	1
36TH STREET CORRIDOR	118071810	0.3	1
36TH STREET CORRIDOR	118070910	0.3	1
36TH STREET CORRIDOR	118070840	0.3	1
36TH STREET CORRIDOR	118071820	0.2	1
36TH STREET CORRIDOR	118071830	0.2	1
36TH STREET CORRIDOR	118071900	0.2	1
36TH STREET CORRIDOR	118071940	0.2	1
36TH STREET CORRIDOR	118071920	0.3	1
36TH STREET CORRIDOR	118071840	0.2	1

Property	APN	Acres	MapID
36TH STREET CORRIDOR	118071910	0.3	1
36TH STREET CORRIDOR	118070920	0.3	1
36TH STREET CORRIDOR	118071850	0.2	1
36TH STREET CORRIDOR	118071860	0.2	1
36TH STREET CORRIDOR	118071870	0.2	1
36TH STREET CORRIDOR	118071880	0.2	1
36TH STREET CORRIDOR	118072390	0.7	1
36TH STREET CORRIDOR	118071890	0.3	1
36TH STREET CORRIDOR	118070590	0.2	1
36TH STREET CORRIDOR	118070960	0.2	1
36TH STREET CORRIDOR	118070950	0.2	1
36TH STREET CORRIDOR	118071930	0.2	1
36TH STREET CORRIDOR	119310460	31.1	1
36TH STREET CORRIDOR	119310260	3.3	1
36TH STREET CORRIDOR	119310250	1.0	1
36TH STREET CORRIDOR	119310470	3.1	1
36TH STREET CORRIDOR	119310300	1.7	1
36TH STREET CORRIDOR	119310430	1.5	1
36TH STREET CORRIDOR	119310310	1.5	1
36TH STREET CORRIDOR	119310270	1.6	1
36TH STREET CORRIDOR	119310340	2.2	1
36TH STREET CORRIDOR	119310280	1.5	1
36TH STREET CORRIDOR	119310420	1.2	1
36TH STREET CORRIDOR	119310320	1.1	1
36TH STREET CORRIDOR	119310290	1.4	1
36TH STREET CORRIDOR	119310410	1.8	1
36TH STREET CORRIDOR	119310400	1.6	1
36TH STREET CORRIDOR	119310330	1.3	1
36TH STREET CORRIDOR	119310460	2.3	1
36TH STREET CORRIDOR	119310390	1.9	1
36TH STREET CORRIDOR	119310360	2.2	1
36TH STREET CORRIDOR	119310370	1.8	1
36TH STREET CORRIDOR	119310380	1.5	1
36TH STREET CORRIDOR	119310350	2.9	1
36TH STREET CORRIDOR	119310440	1.8	1
36TH STREET CORRIDOR	119310450	1.9	1
A7 RANCH	20524011E	636.6	2
A7 RANCH	205240140	611.2	2
A7 RANCH	205410010	36.7	2
A7 RANCH	205410020	1,136.7	2
A7 RANCH	20541003A	1,596.7	2
A7 RANCH	20541003A	833.3	2
A7 RANCH	20541003A	1.3	2
A7 RANCH	205410040	159.7	2
A7 RANCH	205410050	40.1	2
A7 RANCH	20542001A	563.0	2

Property	APN	Acres	MapID
A7 RANCH	205420030	80.5	2
A7 RANCH	205410070	628.2	2
AGUA CALIENTE CREEK	20529007B	14.6	3
AGUA CALIENTE CREEK	20529004A	10.2	3
AGUA VERDE CREEK	30603001D	38.7	4
AGUA VERDE CREEK	30603001C	37.7	4
AGUA VERDE CREEK	306030020	119.9	4
AGUA VERDE CREEK	30603001A	79.2	4
AGUA VERDE CREEK	30603005C	18.9	4
AGUA VERDE CREEK	306030040	155.9	4
AGUA VERDE CREEK	30603005B	19.9	4
ANDRADA	21451001C	13.9	5
ANDRADA	21451001D	144.1	5
ARIVACA OPEN SPACE	302241230	18.9	6
ARIVACA OPEN SPACE	302241290	40.3	6
ARIVACA OPEN SPACE	302241280	39.1	6
ARIVACA OPEN SPACE	30228012C	25.7	6
ARTHUR PACK OS	225010220	147.0	7
ARTHUR PACK OS	22501023B	14.5	7
AVRA VALLEY I-10 WILDLIFE CORRIDOR	22601032D	9.7	8
BAR V RANCH	30607002A	150.1	9
BAR V RANCH	30615001A	160.3	9
BAR V RANCH	30615010A	314.8	9
BAR V RANCH	30615011A	314.6	9
BAR V RANCH	30615005B	481.0	9
BAR V RANCH	30615005A	239.1	9
BAR V RANCH	306150070	76.5	9
BAR V RANCH	30615008A	39.4	9
BEAR CREEK RANCH	114083460	17.3	10
BEE	208490030	39.9	11
BEE	208490010	40.5	11
BEE	208490020	79.8	11
BUCKELEW PROPERTIES	20854134A	26.6	12
BUCKELEW PROPERTIES	30119002D	59.0	12
BUCKELEW PROPERTIES	30119005E	6.0	12
BUCKELEW PROPERTIES	30119005H	498.7	12
CANOA RANCH	304690580	943.6	13
CANOA RANCH	304690480	71.6	13
CANOA RANCH	304690410	159.9	13
CANOA RANCH	304690490	49.9	13
CANOA RANCH	304690560	184.4	13
CANOA RANCH	304690570	1,377.0	13
CANOA RANCH	304690500	23.6	13
CANOA RANCH	304690510	11.3	13
CANOA RANCH	304690400	196.8	13
CANOA RANCH	30428001Z	20.0	13

Property	APN	Acres	MapID
CARPENTER RANCH	04050270 (Pinal County	80.0	14
CARPENTER RANCH	04050280 (Pinal County	79.9	14
CARPENTER RANCH	04050290 (Pinal County	79.9	14
CARPENTER RANCH	04050320 (Pinal County	40.1	14
CARPENTER RANCH	0405033A (Pinal County	80.3	14
CARPENTER RANCH	0405044P (Pinal County	100.2	14
CARPENTER RANCH	04050450 (Pinal County	200.3	14
CIENEGA CREEK NATURAL PRESERVE	30504001J	2.2	15
CIENEGA CREEK NATURAL PRESERVE	30504001J	3.0	15
CIENEGA CREEK NATURAL PRESERVE	305122640	23.3	15
CIENEGA CREEK NATURAL PRESERVE	305122670	17.7	15
CIENEGA CREEK NATURAL PRESERVE	30516002A	37.2	15
CIENEGA CREEK NATURAL PRESERVE	30516002B	0.4	15
CLYNE RANCH	30634006A	39.9	16
CLYNE RANCH	30634007A	109.6	16
CLYNE RANCH	30634006D	60.2	16
CLYNE RANCH	30634006F	100.1	16
CLYNE RANCH	30634006G	518.3	16
CLYNE RANCH	30634062D	48.9	16
COCHIE CANYON	21810005W	130.6	17
COCHIE CANYON	21809003A	117.9	17
COCHIE CANYON	218090040	39.4	17
COLOSSAL CAVE MOUNTAIN PARK	306020030	78.8	18
COLOSSAL CAVE MOUNTAIN PARK	306020040	79.7	18
CORTARO-HARTMAN	221060260	24.7	19
CORTARO-HARTMAN	221060230	19.1	19
CORTARO-HARTMAN	221060240	5.1	19
DAKOTA WASH	13711428T	22.6	20
DAKOTA WASH	13711428T	0.4	20
DAKOTA WASH	137150720	0.7	20
DIAMOND BELL RANCH	301580010	1.3	21
DIAMOND BELL RANCH	301580020	1.0	21
DIAMOND BELL RANCH	30119013B	10.2	21
DIAMOND BELL RANCH	30121007Q	159.8	21
DIAMOND BELL RANCH	30165417B	2.4	21
DIAMOND BELL RANCH	301250020	4.7	21
DOS PICOS	11608009B	40.9	22
DOS PICOS	116080110	18.5	22
DOT SECTION 7	22116028A	9.9	63
DOT SECTION 7	22116027A	9.7	63
DOUCETTE	13303332B	21.1	23
DYBVIG	0405044J (Pinal County	109.6	24
ELEPHANT HEAD SEC.15 MIT. LANDS	30448002B	39.9	25
ELEPHANT HEAD SEC.15 MIT. LANDS (EASEL	30447001F	43.8	26
ELEPHANT HEAD SEC.15 MIT. LANDS (KREU1	30448002A	40.0	27
ELEPHANT HEAD SEC.15 MIT. LANDS (KREU1	304480030	18.9	27

Property	APN	Acres	MapID
ELEPHANT HEAD SEC.15 MIT. LANDS (KREU1	30448006B	10.0	27
ELEPHANT HEAD SEC.15 MIT. LANDS (KREU1	30448006C	10.0	27
EMPIRITA RANCH	30637003C	77.6	28
EMPIRITA RANCH	30618008D	757.8	28
EMPIRITA RANCH	30618031A	39.6	28
EMPIRITA RANCH	30618008E	40.1	28
EMPIRITA RANCH	30618029A	427.0	28
EMPIRITA RANCH	306180280	80.2	28
EMPIRITA RANCH	30618029B	98.0	28
EMPIRITA RANCH	30618008F	259.3	28
EMPIRITA RANCH	30618029A	109.1	28
EMPIRITA RANCH	306180300	40.0	28
EMPIRITA RANCH	30618009C	463.6	28
EMPIRITA RANCH	306180320	80.4	28
EMPIRITA RANCH	30618033A	202.3	28
EMPIRITA RANCH	30618033B	40.1	28
ESTHER AND DAVID TANG	216040200	40.4	29
HOLDEN DONATION	21206094A	3.4	30
HOLDEN DONATION	21206094B	3.4	30
HOLDEN DONATION	21206094E	3.6	30
HOLDEN DONATION	21206094C	3.8	30
HOLDEN DONATION	21206094D	4.2	30
HONEY BEE BIOLOGICAL CORRIDOR	219209180	52.9	31
HONEY BEE BIOLOGICAL CORRIDOR	22004006G	86.8	31
HONEY BEE BIOLOGICAL CORRIDOR	22004007C	7.0	31
INA PRESERVE (CR)	21404042G	54.1	32
KING 98 RANCH	30118001A	685.0	33
KING 98 RANCH	30119005B	354.7	33
LAZY C RANCH ESTATES	214540130	3.3	34
LINDA VISTA/PATRICK PROPERTY	216300200	9.3	35
LOS MORTEROS	226010160	40.1	36
LOS MORTEROS	22603033K	37.1	36
LOS MORTEROS	22603036A	31.4	36
LOS MORTEROS	22603033M	6.4	36
LOS MORTEROS	226030350	3.5	36
LOS MORTEROS	22102003B	26.0	36
M DIAMOND RANCH	205190020	38.2	37
M DIAMOND RANCH	205170030	40.1	37
M DIAMOND RANCH	20517005P	20.9	37
M DIAMOND RANCH	205170120	86.5	37
M DIAMOND RANCH	20517004D	20.2	37
M DIAMOND RANCH	20517004B	20.0	37
M DIAMOND RANCH	20517004A	19.9	37
M DIAMOND RANCH	20517005Q	26.4	37
M DIAMOND RANCH	20517007H	39.5	37
M DIAMOND RANCH	20517007G	39.9	37

Property	APN	Acres	MapID
M DIAMOND RANCH	20517007E	30.9	37
M DIAMOND RANCH	20517007C	39.6	37
M DIAMOND RANCH	20517007A	20.8	37
M DIAMOND RANCH	205170200	19.3	37
M DIAMOND RANCH	20517007D	9.0	37
M DIAMOND RANCH	20517010H	4.9	37
MADERA HIGHLANDS	30140002C	286.0	38
MADERA HIGHLANDS	30140002B	5.6	38
MADERA HIGHLANDS	30140002D	88.5	38
MALCOLMSON DONATION	21438001B	62.8	39
MARLEY RANCH	30141001B	606.1	40
MARLEY RANCH	30144001B	389.0	40
MARLEY RANCH	30144001B	48.5	40
MARLEY RANCH	30144001B	9.7	40
MARLEY RANCH	301450010	639.4	40
MARLEY RANCH	30141002C	1,176.5	40
MARLEY RANCH	30146017C	586.2	40
MARLEY RANCH	301460150	160.1	40
MARLEY RANCH	301460180	475.6	40
MARLEY RANCH	301460210	638.1	40
MARLEY RANCH	301460240	156.4	40
MARLEY RANCH	30146023B	39.3	40
MARLEY RANCH	30156002B	528.9	40
MARLEY RANCH	301550020	315.6	40
MARLEY RANCH	302110010	284.6	40
MARLEY RANCH	30208001B	274.6	40
ORACLE RIDGE	20516001D	161.2	41
ORACLE RIDGE	20516001A	150.3	41
ORACLE RIDGE	20516001C	226.4	41
ORACLE RIDGE	205040010	20.4	41
ORACLE RIDGE	205040030	20.9	41
ORACLE RIDGE	205070030	13.5	41
ORACLE RIDGE	205060050	20.3	41
ORACLE RIDGE	205060110	6.2	41
ORACLE RIDGE	205060060	18.9	41
ORACLE RIDGE	20506012A	7.6	41
ORACLE RIDGE	20506012A	1.0	41
ORACLE RIDGE	20506013A	5.0	41
ORACLE RIDGE	205060050	0.0	41
ORACLE RIDGE	205060060	1.2	41
ORACLE RIDGE	20506013B	4.1	41
ORACLE RIDGE	20506014A	12.5	41
ORACLE RIDGE	205060220	20.4	41
ORACLE RIDGE	20506015A	19.5	41
ORACLE RIDGE	205060230	15.2	41
ORACLE RIDGE	205060160	20.6	41

Property	APN	Acres	MapID
ORACLE RIDGE	20506009A	5.2	41
ORACLE RIDGE	20506008A	15.3	41
ORACLE RIDGE	205060070	17.7	41
ORACLE RIDGE	205060170	20.5	41
ORACLE RIDGE	205060210	20.2	41
ORACLE RIDGE	205060180	17.2	41
ORACLE RIDGE	205060200	20.6	41
ORACLE RIDGE	205060190	18.0	41
ORACLE RIDGE	205120020	13.7	41
ORACLE RIDGE	205120060	21.1	41
ORACLE RIDGE	205120090	20.7	41
ORACLE RIDGE	205120080	21.0	41
ORACLE RIDGE	205120070	20.8	41
ORACLE RIDGE	205120110	20.8	41
ORACLE RIDGE	205120100	20.5	41
OS PARK	208230260	40.2	42
PAINTED HILLS	116071250	37.4	43
PAINTED HILLS	11604164A	30.1	43
PAINTED HILLS	11604164B	5.5	43
PAINTED HILLS	116090060	150.9	43
PAINTED HILLS	11608001C	61.1	43
RANCHO SECO	30208002A	327.3	44
RANCHO SECO	30208002G	363.6	44
RANCHO SECO	30208003F	221.2	44
RANCHO SECO	30208004C	180.0	44
RANCHO SECO	30208004E	165.8	44
RANCHO SECO	302110040	186.1	44
RANCHO SECO	302110240	443.7	44
RANCHO SECO	30213001B	34.2	44
RANCHO SECO	302110050	247.0	44
RANCHO SECO	30208002C	363.3	44
RANCHO SECO	30208002D	81.8	44
RANCHO SECO	30208003E	236.0	44
RANCHO SECO	30204001A	239.5	44
RANCHO SECO	30211041A	46.2	44
RANCHO SECO	30203007A	81.0	44
RANCHO SECO	30208020B	21.0	44
RANCHO SECO	30213003E	0.3	44
RANCHO SECO	302040050	19.7	44
RANCHO SECO	30211040A	35.6	44
RANCHO SECO	302040060	20.6	44
RANCHO SECO	30208002E	82.2	44
RANCHO SECO	30203008A	39.7	44
RANCHO SECO	302040070	20.8	44
RANCHO SECO	302040030	18.4	44
RANCHO SECO	302040040	20.6	44

Property	APN	Acres	MapID
RANCHO SECO	30211010A	280.9	44
RANCHO SECO	302560010	73.5	44
RANCHO SECO	302070150	18.6	44
RANCHO SECO	30208006G	546.1	44
RANCHO SECO	30208006F	312.8	44
RANCHO SECO	30206001A	122.6	44
RANCHO SECO	302060020	17.0	44
RANCHO SECO	30208005B	320.8	44
RANCHO SECO	302070020	17.9	44
RANCHO SECO	302070110	10.1	44
RANCHO SECO	302070120	16.1	44
RANCHO SECO	30256003C	33.8	44
RANCHO SECO	302070130	21.0	44
RANCHO SECO	302070030	6.9	44
RANCHO SECO	302070040	2.2	44
RANCHO SECO	302070100	18.1	44
RANCHO SECO	302060030	20.4	44
RANCHO SECO	302070040	9.2	44
RANCHO SECO	302560180	163.0	44
RANCHO SECO	302070030	4.8	44
RANCHO SECO	302070090	17.2	44
RANCHO SECO	302070140	9.4	44
RANCHO SECO	302070050	10.8	44
RANCHO SECO	302060040	10.2	44
RANCHO SECO	302070160	20.7	44
RANCHO SECO	302060050	18.9	44
RANCHO SECO	30208006D	165.7	44
RANCHO SECO	302070080	14.8	44
RANCHO SECO	302060060	20.7	44
RANCHO SECO	302070060	19.4	44
RANCHO SECO	302060070	19.1	44
RANCHO SECO	30211012B	161.4	44
RANCHO SECO	302110090	105.1	44
RANCHO SECO	302060090	20.6	44
RANCHO SECO	302100010	10.5	44
RANCHO SECO	302070070	12.9	44
RANCHO SECO	302060080	5.1	44
RANCHO SECO	302060110	20.7	44
RANCHO SECO	302100010	5.8	44
RANCHO SECO	302060100	16.6	44
RANCHO SECO	302060130	20.7	44
RANCHO SECO	302060120	20.4	44
RANCHO SECO	30211013B	79.3	44
RANCHO SECO	30211013A	46.7	44
RANCHO SECO	302060140	10.9	44
RANCHO SECO	30208005A	42.7	44

Property	APN	Acres	MapID
RANCHO SECO	302110200	580.2	44
RANCHO SECO	302110190	150.1	44
RANCHO SECO	302110150	76.6	44
RANCHO SECO	302110140	231.2	44
RANCHO SECO	302080080	322.5	44
RANCHO SECO	30208006E	305.3	44
RANCHO SECO	30208005C	329.0	44
RANCHO SECO	302080070	80.4	44
RANCHO SECO	302310030	204.9	44
RANCHO SECO	302240030	238.2	44
RANCHO SECO	302240040	40.1	44
RANCHO SECO	302240090	39.9	44
RANCHO SECO	302250030	20.7	44
RANCHO SECO	302240100	77.6	44
RANCHO SECO	302580010	83.1	44
RANCHO SECO	302240130	163.5	44
RANCHO SECO	30258002B	131.8	44
RANCHO SECO	30258003B	57.8	44
RANCHO SECO	302241690	39.3	44
RANCHO SECO	30213001B	93.3	44
REID PARCEL	21630019F	3.3	45
SAN DOMINGO FLOOD PRONE AREA	20536069B	6.7	46
SAN DOMINGO FLOOD PRONE AREA	20536137C	7.7	46
SANDS RANCH	30634040E	4,875.8	47
SANDS RANCH	30634020C	77.8	47
SANDS RANCH	30634020B	79.9	47
SIX BAR RANCH	20516002C	637.2	48
SIX BAR RANCH	20516002B	631.2	48
SIX BAR RANCH	20516003A	175.4	48
SIX BAR RANCH	20516002F	79.6	48
SIX BAR RANCH	20516002E	319.6	48
SIX BAR RANCH	20516002D	319.9	48
SIX BAR RANCH	205230010	116.5	48
SIX BAR RANCH	205230040	361.1	48
SIX BAR RANCH	205230020	644.9	48
SOPORI RANCH	30430015C	489.1	49
SOPORI RANCH	30211002J	539.6	49
SOPORI RANCH	30211002J	3.6	49
SOPORI RANCH	30211002M	311.3	49
SOPORI RANCH	30211002J	11.4	49
SOPORI RANCH	30212001C	10.9	49
SOPORI RANCH	30211002M	26.1	49
SOPORI RANCH	30211002C	42.4	49
SOPORI RANCH	30211002F	6.4	49
SOPORI RANCH	30211002F	510.5	49
SOPORI RANCH	30211002E	361.0	49

Property	APN	Acres	MapID
SOPORI RANCH	30211002Q	109.5	49
SOPORI RANCH	30211002S	45.0	49
SOPORI RANCH	30213006A	195.1	49
SOPORI RANCH	30211002H	214.5	49
SOPORI RANCH	30211021A	664.5	49
SOPORI RANCH	30211021B	82.0	49
SOPORI RANCH	30211021C	20.8	49
SOPORI RANCH	302310010	153.6	49
SOPORI RANCH	302310020	82.2	49
SOPORI RANCH	302310040	40.7	49
SOPORI RANCH	302310090	164.7	49
SOPORI RANCH	302310060	40.0	49
SOUTH WILMOT LLC	30447001E	35.5	50
SOUTHEAST CORRIDOR	30612002K	83.8	51
SOUTHEAST CORRIDOR	306240260	19.3	51
SOUTHEAST CORRIDOR	306210160	38.9	51
SOUTHEAST REGIONAL PARK (PPC)	305010120 (Partial)	52.8	52
STEVENS	224460070	34.3	53
SWEETWATER PRESERVE	214400210	41.5	54
SWEETWATER PRESERVE	214400320	40.5	54
SWEETWATER PRESERVE	214460410	4.0	54
SWEETWATER PRESERVE	214460430	3.9	54
SWEETWATER PRESERVE	214460440	3.4	54
SWEETWATER PRESERVE	214460450	3.3	54
SWEETWATER PRESERVE	214460460	3.4	54
SWEETWATER PRESERVE	214460470	3.3	54
SWEETWATER PRESERVE	214460480	3.3	54
SWEETWATER PRESERVE	214460490	4.8	54
SWEETWATER PRESERVE	214460500	3.3	54
SWEETWATER PRESERVE	214460510	3.7	54
SWEETWATER PRESERVE	214460520	4.0	54
SWEETWATER PRESERVE	214460530	3.5	54
SWEETWATER PRESERVE	214460620	3.3	54
SWEETWATER PRESERVE	214460630	5.3	54
SWEETWATER PRESERVE	21449034K	621.4	54
SWEETWATER PRESERVE	214460420	3.4	54
SWEETWATER PRESERVE	214460400	4.0	54
SWEETWATER PRESERVE	214460640	4.9	54
SWEETWATER PRESERVE	214460780	9.2	54
SWEETWATER PRESERVE	214460540	4.2	54
SWEETWATER PRESERVE	214460390	5.6	54
SWEETWATER PRESERVE	214460560	3.9	54
SWEETWATER PRESERVE	214460550	3.8	54
SWEETWATER PRESERVE	214460380	3.3	54
SWEETWATER PRESERVE	214460320	5.3	54
SWEETWATER PRESERVE	214460370	3.1	54

Property	APN	Acres	MapID
SWEETWATER PRESERVE	214460790	0.3	54
SWEETWATER PRESERVE	214460770	5.1	54
SWEETWATER PRESERVE	214460760	3.3	54
SWEETWATER PRESERVE	21446002B	2.9	54
SWEETWATER PRESERVE	214460330	3.9	54
SWEETWATER PRESERVE	214460570	3.8	54
SWEETWATER PRESERVE	214460610	3.3	54
SWEETWATER PRESERVE	214460600	3.3	54
SWEETWATER PRESERVE	214460590	3.7	54
SWEETWATER PRESERVE	214460340	3.7	54
SWEETWATER PRESERVE	214460650	3.8	54
SWEETWATER PRESERVE	214460350	3.3	54
SWEETWATER PRESERVE	214460360	3.2	54
SWEETWATER PRESERVE	214460580	4.5	54
SWEETWATER PRESERVE	214460660	4.5	54
SWEETWATER PRESERVE	214460670	4.2	54
SWEETWATER PRESERVE	214460680	4.4	54
SWEETWATER PRESERVE	214460690	3.8	54
SWEETWATER PRESERVE	214460750	3.5	54
SWEETWATER PRESERVE	214460720	3.9	54
SWEETWATER PRESERVE	214460700	3.8	54
SWEETWATER PRESERVE	214460710	4.5	54
SWEETWATER PRESERVE	214460740	3.6	54
SWEETWATER PRESERVE	214460730	3.5	54
TANQUE VERDE & HOUGHTON PARTNERS L	13301026D	44.3	55
TANQUE VERDE & HOUGHTON PARTNERS L	13301027A	33.4	55
TERRA RANCHO GRANDE	13301043B	72.6	56
TORTOLITA MOUNTAIN PARK	21901001M	326.0	57
TORTOLITA MOUNTAIN PARK	21901001J	164.1	57
TORTOLITA MOUNTAIN PARK	21901001B	175.2	57
TORTOLITA MOUNTAIN PARK	21901001K	287.0	57
TORTOLITA MOUNTAIN PARK	21901008G	313.9	57
TORTOLITA MOUNTAIN PARK	21901008H	318.7	57
TORTOLITA MOUNTAIN PARK	219010090	637.9	57
TUCSON MOUNTAIN PARK	11607165A	36.8	58
TUCSON MOUNTAIN PARK	11607165B	20.4	58
TUCSON MOUNTAIN PARK	21204003E	56.3	58
TUCSON MOUNTAIN PARK	21201002H	154.4	58
TUCSON MOUNTAIN PARK	21204003N	200.2	58
TUCSON MOUNTAIN PARK	21201002B	9.3	58
TUCSON MOUNTAIN PARK	21211015A	1.4	58
TUCSON MOUNTAIN PARK	212100030	215.6	58
TUCSON MOUNTAIN PARK	212110220	21.8	58
TUCSON MOUNTAIN PARK	212110230	20.3	58
TUCSON MOUNTAIN PARK	11609011A	24.1	58
TUCSON MOUNTAIN PARK	212110290	7.9	58

Property	APN	Acres	MapID
TUCSON MOUNTAIN PARK	212110370	10.0	58
TUCSON MOUNTAIN PARK	212110300	6.6	58
TUCSON MOUNTAIN PARK	21211049A	14.1	58
TUCSON MOUNTAIN PARK	21211049B	4.2	58
TUCSON MOUNTAIN PARK	212110310	4.0	58
TUCSON MOUNTAIN PARK	212110360	2.2	58
TUCSON MOUNTAIN PARK	212110350	6.0	58
TUCSON MOUNTAIN PARK	212110330	9.8	58
TUCSON MOUNTAIN PARK	119351860	114.0	58
TUCSON MOUNTAIN PARK	11934001D	10.7	58
TUCSON MOUNTAIN PARK	11934001K	309.8	58
TUCSON MOUNTAIN PARK	11934001J	301.8	58
TUCSON MOUNTAIN PARK	11941264A	25.3	58
TUCSON MOUNTAIN PARK	11941175D	0.0	58
TUCSON MOUNTAIN PARK	11941266F	0.4	58
TUCSON MOUNTAIN PARK	11941266K	46.7	58
TUCSON MOUNTAIN PARK	119351640	13.3	58
TUCSON MOUNTAIN PARK	119351650	5.5	58
TUCSON MOUNTAIN PARK	11934001H	3.6	58
TUCSON MOUNTAIN PARK	11941277D	2.6	58
TUCSON MOUNTAIN PARK	119351690	1.1	58
TUCSON MOUNTAIN PARK	11935179C	3.4	58
TUCSON MOUNTAIN PARK	11935179D	6.8	58
TUCSON MOUNTAIN PARK	119351880	134.5	58
TUCSON MOUNTAIN PARK	119351900	0.8	58
TUCSON MOUNTAIN PARK BIOLOGICAL COF TUMAMOC	11628001G	9.9	59
	11626754A	277.0	60
VALENCIA ARCHAEOLOGICAL PRESERVE	13801006C	67.1	61
WALDEN	30610017H	22.2	62
WALDEN	30610017J	356.5	62
WALDEN	30610017F	0.1	62
WALDEN	30610017G	67.7	62
		56,811.5	

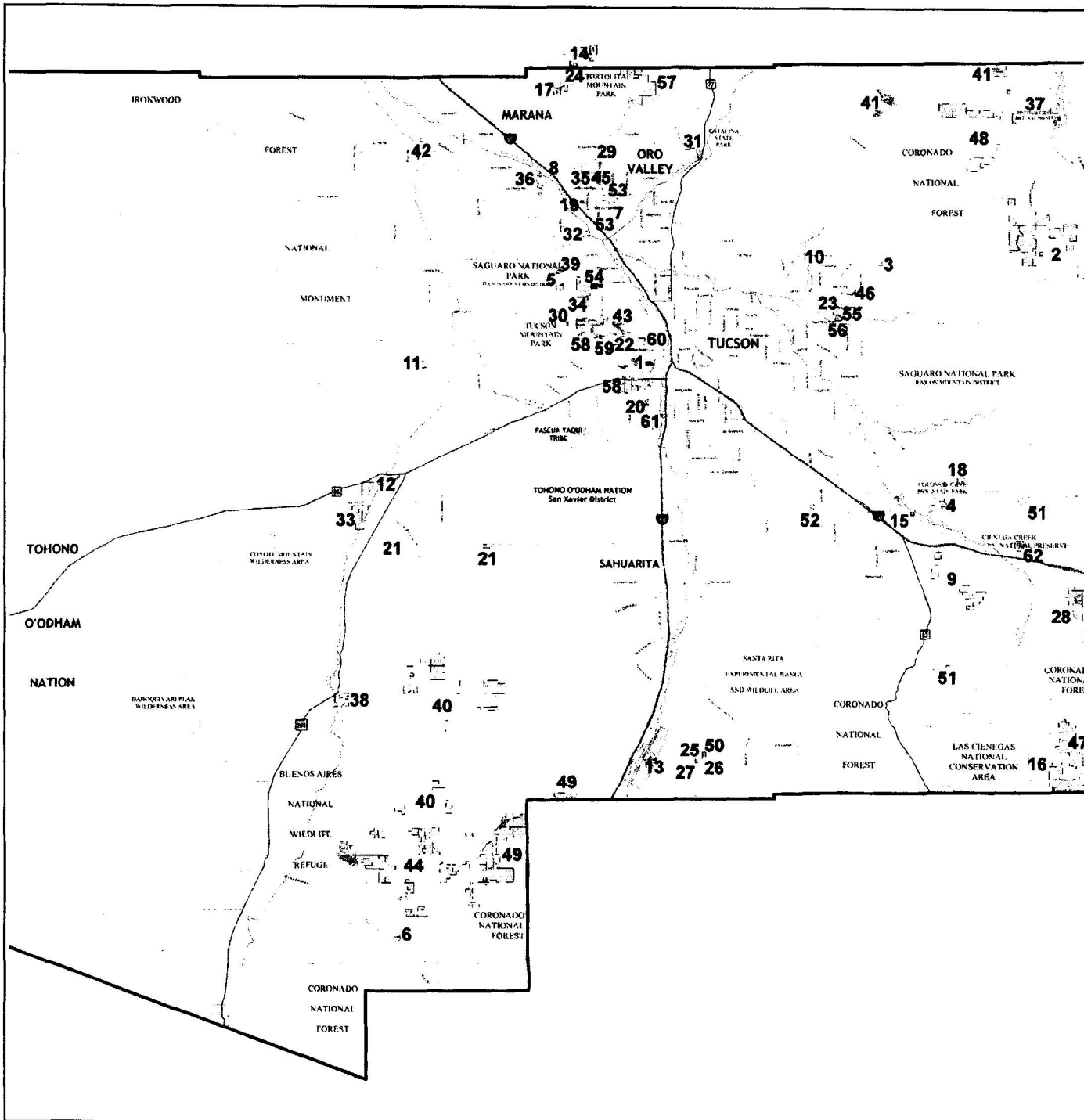


EXHIBIT B
MSCP
Restrictive Covenants:
Pima County Owner & Grantor;
FCD Receives Covenant

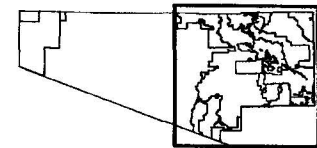


Subject Parcels
(56,812 acres)

See Exhibit A for key to property IDs.

See Exhibit C for parcel detail maps.

Pima County Index Map



Index Map Scale: 1:1,000,000 for April 2, 2016

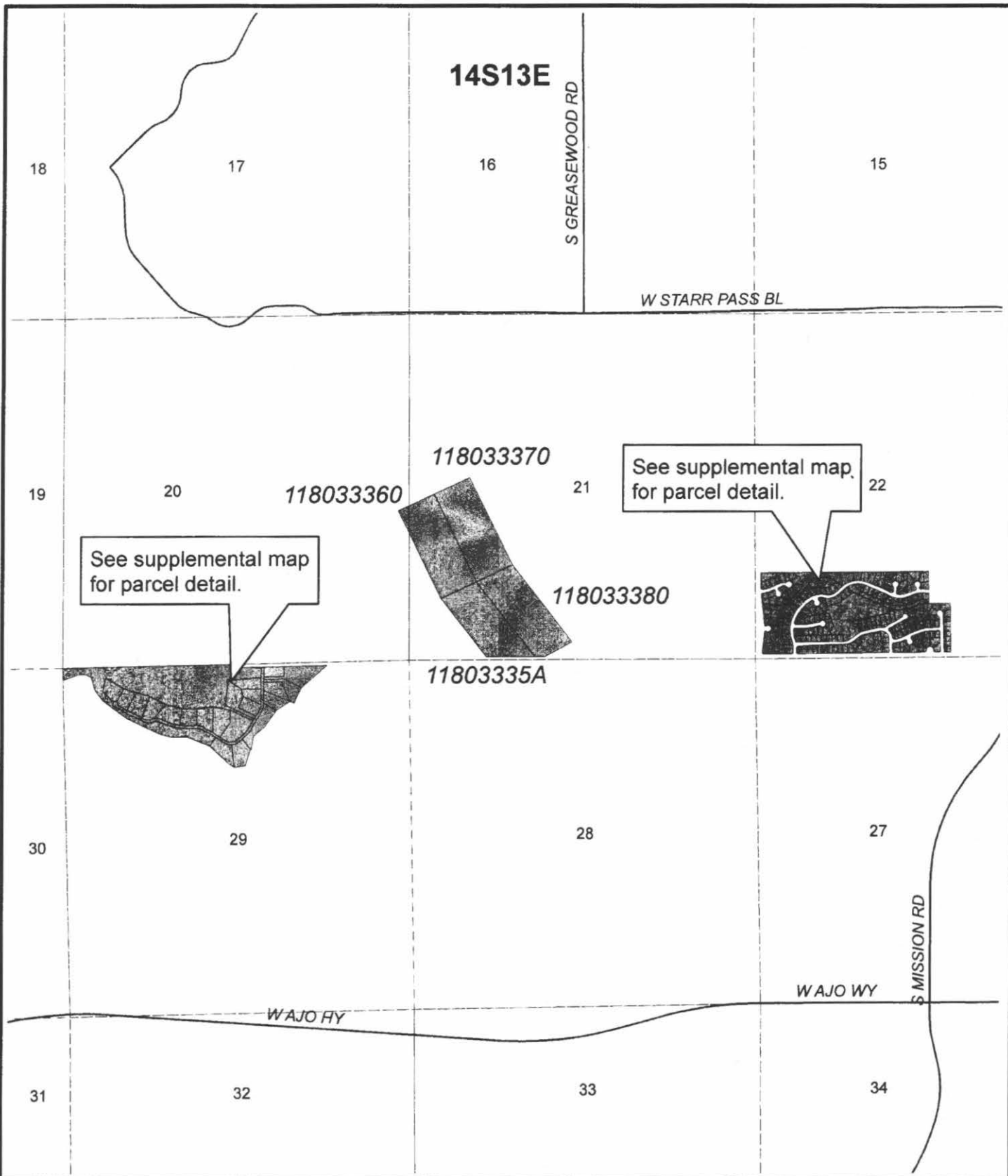
The information presented on this display is the result of digital mapping performed on a variety of sources gathered and maintained by several governmental agencies. The accuracy of the information presented is limited to the collective accuracy of these databases as of the date of this analysis. Pima County Information Technology Department Geographic Information Systems makes no claims regarding the accuracy of the information displayed herein. The product is subject to the full Copyright, Disclaimer and Use Restrictions.



PIMA COUNTY
GEOGRAPHIC INFORMATION SYSTEMS
 Pima County Information Technology Dept.
 301 North Stone Avenue - 3rd Floor
 Tucson, Arizona 85724-1227
 (520) 462-4800 - FAX (520) 796-3423



10/10/2016



MSCP
Restrictive Covenants:
Pima County Owner & Grantor;
FCD Receives Covenant

EXHIBIT C



36th Street Corridor (1)

ATTACHMENT 2D.

F. ANN RODRIGUEZ, RECORDER
Recorded By: LW
DEPUTY RECORDER
41

PCREA
PIMA CO REAL PROPERTY SERVICES
PICKUP



SEQUENCE: 20163130353
NO. PAGES: 31
COV 11/08/2016
14:53:01
PICK UP
AMOUNT PAID: \$0.00

WHEN RECORDED RETURN TO:
PIMA COUNTY REAL PROPERTY SERVICES
ATTN.: MICHAEL D. STOFKO
201 N. STONE, 6TH FLOOR
TUCSON, AZ 85701-1215

**DOCUMENT TITLE: MASTER RESTRICTIVE COVENANT FOR REGIONAL
FLOOD CONTROL DISTRICT MSCP MITIGATION LAND**

ARS Section 11-1134 is inapplicable.

Master Restrictive Covenant for

Regional Flood Control District MSCP Mitigation Land

This Master Restrictive Covenant (“**MSCP Master Covenant**”) is entered into by Pima County, a political subdivision of the State of Arizona (“**County**”), the Pima County Regional Flood Control District, a political taxing subdivision of the State of Arizona (“**District**”), and the Arizona Land and Water Trust, Inc., an Arizona nonprofit corporation, (“**Beneficiary**”) (County, District, and Beneficiary being collectively the “**Parties**”).

1. Background and Purpose

1.1. The United States Fish and Wildlife Service issued permit #TE84356A to District (the “**Permit**”) for the incidental take of threatened and endangered species caused by specific, lawful activities within Pima County. To direct the mitigation of these incidental takes and ensure compliance with the permit, the County has established its Multi-Species Conservation Plan (“**MSCP**”). The objectives of the MSCP (the “**Objectives**”) include managing mitigation lands to prioritize conservation of Covered Species and their habitats, prevent landscape fragmentation, and support species establishment or recovery.

1.2. The District owns the real property listed in Exhibit A (the “**Restricted Property**” or “**Restricted Properties**”). A map identifying the Restricted Property is attached hereto as Exhibit B. Individual maps of each of the Restricted Properties are attached hereto as Exhibit C. The Restricted Property contains significant undisturbed natural open space that the District wishes to preserve and protect for the mitigation of incidental take covered by the District’s incidental take permit.

1.3. The Parties intend this MSCP Master Covenant to prohibit uses of the Restricted Properties that would impair or interfere with the mitigation efforts of the District, except for any pre-existing uses as shown on imagery by Pictometry or Pima Association of Governments dated 2015 or 2016, whichever is more recent (the “**Pre-existing Uses**”).

1.4. The Parties intend that this MSCP Master Covenant assure that the Restricted Properties will be forever preserved as natural open space for the conservation of natural habitat for wildlife, the protection of rare and unique native plants and animals and the scenic enjoyment of the general public.

2. Recording of Site Specific Restrictive Covenants

2.1. The Parties intend that a site specific agreement (“**Site Specific Agreement**”) be recorded for each individual property listed on Exhibit A and depicted on Exhibits B and C. The Site Specific Agreement shall be in the form of Exhibit D attached hereto. The Parties intend that each Site Specific Agreement incorporate all of the terms and conditions contained in this MSCP Master Covenant. Each Site Specific Agreement will contain the legal description of the referenced property, and recordation of a Site

Specific Agreement will subject the real property described therein to the terms of this MSCP Master Covenant and cause such property to be a Restricted Property.

2.2. County hereby delegates to the County Administrator or his designee the authority to sign each of the Site Specific Agreements on behalf of County. District hereby delegates to the General Manager of the District or his designee the Authority to sign each of the Site Specific Agreements on behalf of District.

3. **Nature of MSCP Master Covenant**

3.1. This MSCP Master Covenant runs with each Restricted Property and binds the District and its successors and assigns.

3.2. This MSCP Master Covenant remains in perpetuity with respect to each Restricted Property, unless released by written consent of County, District, and Beneficiary, with the written concurrence of the U. S. Fish & Wildlife Service. Any release will specify if it relates to a specific Restricted Property or to this Master Agreement and, therefore, all the Restricted Properties.

3.3. The uses of the Restricted Properties prohibited by this MSCP Master Covenant remain in effect notwithstanding any future annexation of all, or any portion, of a specific Restricted Property by a municipality.

3.4. This MSCP Master Covenant may not be amended or modified except upon written agreement of County, District, and Beneficiary, and written concurrence from the U.S. Fish and Wildlife Service.

3.5. This MSCP Master Covenant may be enforced by County or Beneficiary as provided in Section 9 below.

4. **The Restrictions.** Except as provided in Section 5 of this MSCP Master Covenant, the following uses of the Restricted Properties are prohibited (collectively the “**Restrictions**”):

4.1. Development of the Restricted Properties, including subdividing or lot splitting of a Restricted Property;

4.2. Construction or placement of new or additional buildings or structures on a Restricted Property, unless the construction supports the purposes for which the Restricted Property was originally intended including any adopted master plan, and does not degrade the Restricted Property’s values as expressed in the purpose statement;

4.3. Alteration of the ground surface or natural vegetation, except as may be needed for ranch, range improvement, or trail-based recreational uses, and only if such alterations are consistent with other provisions of the Multi-species Conservation Plan;

4.4. Impoundment, diversion or alteration of any natural watercourse unless for watershed enhancements to improve species habitat or to maintain a Restricted Property's mitigation values;

4.5. Development of, or the granting of, access, rights-of-way or easements for new roads or new utilities, including telecommunications facilities, except where District has no discretion to prohibit the activity;

4.6. Filling, excavation, dredging, mining, drilling, exploration, or extraction of minerals, hydrocarbons, soils, sand, gravel, rock or other materials on or below the surface of the Restricted Property, except where District has no discretion to prohibit the activity;

4.7. Storage, accumulation or disposal of hazardous materials, trash, garbage, solid waste or other unsightly material on the Restricted Property;

4.8. Introduction of non-native fish or amphibians or other non-native animals to or from catchments, tanks, springs or creeks. Other non-native species that might adversely affect the mitigation of permitted activities are also prohibited except for the purposes of supporting existing ranching operations, if any, and limited to those areas identified that have historically been devoted to the growing of such species, as shown on 2015 or 2016 aerial photographs;

4.9. Storage and use of biocides and chemical fertilizers except for residential and agricultural purposes. Aerial application of biocide or other chemicals is prohibited except where County and District concur that it is an appropriate and necessary management technique to promote the recovery and re-establishment of native species, to reduce threats to ecosystem structure and function, or to protect public health, safety and welfare;

4.10. Pumping of water from existing diversions for purposes other than on-site residential, wildlife, recreational, habitat enhancement and agricultural uses associated with livestock grazing on the Restricted Property. Increases in the pumped amounts of surface or subsurface water as allowed by the Arizona Department of Water Resources are not permitted without joint approval from the County and District and concurrence from the U.S. Fish and Wildlife Service;

4.11. Installation of underground storage tanks for petroleum or other polluting substances, except for already existing or permitted septic tanks;

4.12. Confinement of livestock where animals are permanently located in enclosures and the majority of their feed supplied from outside sources. This includes feeder cattle, dairy, pig, poultry and exotic animal farm operations;

4.13. Commercial enterprises inconsistent with the Objectives, excluding farming and ranching. The County and District may jointly approve commercial enterprises, other

than farming or ranching, that provide for ecotourism or wildlife-related recreation provided that it is consistent with the Objectives and does not degrade the Restricted Property's mitigation value;

4.14. Residential use for mobile homes, travel trailers, tent trailers, self-propelled recreational vehicles and like structures or vehicles, except as permitted by County Park Rules or as needed to support the protection or enhancement of the Restricted Property's mitigation value;

4.15. Paving of roads using asphalt or concrete except where required by County ordinance;

4.16. Any modification of the topography of the Restricted Property through the placement of soil, dredging spoils, or other material, except for those uses permitted under this document, or to reduce soil erosion or to protect public health, safety and welfare;

4.17. Severance of water rights appurtenant to the Restricted Property including the transfer, encumbrance, lease and sale of water rights;

4.18. Off-road vehicular travel except to facilitate permitted activities on the Restricted Property; and

4.19. Removal of natural, mineral, or cultural resources that is not authorized by District.

5. Exceptions to Restrictions. Notwithstanding any other provision of this MSCP Master Covenant, the following uses of the Restricted Properties are not prohibited:

5.1. Any use of the Restricted Property which the District Board of Directors (the "District Board") in its reasonable discretion determines is necessary to retain, restore, or enhance the mitigation of incidental take covered by the Permit;

5.2. Any Pre-existing Use of the Restricted Property;

5.3. Any use of the Restricted Property expressly permitted by a contract in effect between the District and a third party as of the date this MSCP Master Covenant is recorded; and

5.4. Any use of the Restricted Property which the District Board determines, based on clear and convincing evidence presented to the District Board, is necessary to protect the public health, safety or welfare.

6. Obligations of District

6.1. District, through its employees, agents and contractors, retains all responsibilities and will bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Restricted Properties. District remains solely responsible for obtaining any applicable governmental permits and approvals for any activity or use undertaken on the Restricted Properties. All such activity shall comply with all applicable Federal, state, and local laws, regulations, and requirements. The parties acknowledge that Beneficiary has no legal ownership interest in the Restricted Properties. To the extent allowable by law, District will indemnify, defend and hold harmless Beneficiary from any claims, demands, and causes of action in law or equity arising out of or related to the use of the Restricted Properties by District or any third parties. This indemnity will not extend to any claim, demand or cause of action relating to any negligence on the part of Beneficiary in the performance of its obligations under this MSCP Master Covenant.

6.2. District, through its employees, agents and contractors, at District's expense, will conduct an inspection of the Restricted Properties at least biennially to determine if there are any violations of the Restrictions. The inspection will be completed by either examination of aerial photographs or by physical inspections with onsite photographs taken at the time of the inspections. The District will prepare and deliver copies of biennial reports ("Reports") of its inspections, which reports will describe the then current condition of the Restricted Properties inspected and note any violations of the Restrictions. Copies of the Reports will be provided to County and Beneficiary upon completion, and in no event later than October 15 of each biennial reporting year. District will maintain the Reports as District records in accordance with Arizona state law.

6.3. District shall report any violations of the terms of this MSCP Master Covenant to County and Beneficiary within 2 working days of District discovery and confirmation of any such violation. For purposes of this Section 6.3, the determination of what shall constitute a reportable violation of this MSCP Master Covenant shall be at District's reasonable discretion. However, District's determination of what is reportable pursuant to this Section 6.3 will not limit County or Beneficiary's right to enforce this MSCP Master Covenant as provided for in Sections 7, 8, and 9 of this MSCP Master Covenant.

6.4. The parties acknowledge that Beneficiary has no legal ownership interest in the Restricted Properties, and it is the parties' intent that the Beneficiary not undertake any responsibility or liability with respect to the Restricted Properties, other than liability related to Beneficiary's negligence ("Beneficiary's Negligence"), as more specifically limited below. Therefore, District agrees:

6.4.1. District (as indemnifying party) shall indemnify, defend and hold harmless, Beneficiary and its officers, directors, employees, agents, affiliates, successors and permitted assigns (collectively, "**Indemnified Party**") against any and all losses, damages, liabilities, deficiencies, claims, actions, judgments, settlements, interest,

awards, penalties, fines, costs, or expenses of whatever kind, including attorneys' fees, that are incurred by Indemnified Party (collectively, "**Losses**"), arising out of or related to any third-party claim alleging:

6.4.1.1. breach or non-fulfillment of any provision of this Agreement by County, District, or County or District's personnel;

6.4.1.2. any negligent or more culpable act or omission of County, District, or County or District's personnel (including any reckless or willful misconduct) in connection with the performance of County, District, or County or District's personnel under this Agreement;

6.4.1.3. any bodily injury, death of any person or damage to real or tangible personal property caused by the negligent or more culpable acts or omissions of County, District, or County or District's personnel (including any reckless or willful misconduct);

6.4.1.4. any failure by County, District, or County or District's personnel to comply with any applicable federal, state or local laws, regulations or codes, including any failure related to their performance under this Agreement; or

6.4.1.5. any claim by any third party asserting a failure of Beneficiary to enforce Beneficiary's rights, or perform Beneficiary's duties, under this Agreement. District's obligation to indemnify Beneficiary against third party claims related to any failure of Beneficiary perform Beneficiary's duties, under this Agreement will not preclude District from replacing Beneficiary as provided in Section 8.5. Replacement of Beneficiary will be District's sole remedy for Beneficiary's breach of its obligations under this Agreement.

6.4.2. Beneficiary must give notice to District (a "**Claim Notice**") of any claim filed which may give rise to a Losses. Indemnified Party's failure to provide a Claim Notice does not relieve District of any liability, but in no event shall District be liable for any Losses that result directly from a delay in providing a Claim Notice, which delay materially prejudices the defense of the claim. District's duty to defend applies immediately after receiving a Claim Notice.

6.4.3. District may select legal counsel to represent Beneficiary in any action for which District has an obligation to indemnify, defend and hold harmless Beneficiary, and District shall pay all costs, attorney fees, and Losses.

6.4.4. District shall give prompt written notice to Beneficiary of any proposed settlement of a claim that is indemnifiable under this Agreement. District may settle or compromise any claim without Beneficiary's consent, so long as Beneficiary is not responsible for paying any Losses.

7. Obligations of County

7.1. County shall review any and all reports on potential violations of the Restrictions provided by District to County as required by this MSCP Master Covenant, at County's expense.

7.2. If the event of any action that may constitute a violation of the terms of this MSCP Master Covenant, County shall determine, in its reasonable discretion, whether to take any action to enforce the terms of this MSCP Master Covenant.

7.3. In the event that District desires to take action with respect to the Restricted Properties that may constitute a violation of this MSCP Master Covenant, District will obtain County's prior approval of such action, and County shall respond to any such request from District in a timely manner.

7.4. District and County will advise Beneficiary in writing of any non-privileged communications between County and District with regard to the matters referred to in Sections 7.2 and 7.3. District and County will also provide Beneficiary with copies of any written communications, in whatever form, between District and County with regard to the matters referred to in Sections 7.2 and 7.3.

8. Obligations of Beneficiary

8.1. Beneficiary shall review any and all reports provided by District to Beneficiary as required by this MSCP Master Covenant, at District's expense. District shall compensate Beneficiary for performing its actions under this Section 8.1 on a time and materials basis, pursuant to the terms of professional services contract entered into between District and Beneficiary (the "Services Agreement"). In the event (i) District and Beneficiary cannot agree upon the Services Agreement; (ii) the Services Agreement is terminated, for any reason; (ii) District fails to timely pay Beneficiary under the Services Agreement; or (iii) District materially breaches any other term of the Services Agreement, then Beneficiary will have the right to terminate its obligations under this MSCP Master Covenant by providing County and District ten days prior written notice.

8.2. If the event of any action that may constitute a violation of the terms of this MSCP Master Covenant, Beneficiary shall determine, in its reasonable discretion, whether to take any action to enforce the terms of this MSCP Master Covenant. Beneficiary shall be reimbursed for any expenses incurred by Beneficiary to enforce this Master Agreement in accordance with the Services Agreement.

8.3. In the event that District desires to take action with respect to a Restricted Property that may constitute a violation of this MSCP Master Covenant, District will obtain Beneficiary's prior approval of such action, and Beneficiary shall respond to any such request from District in a timely manner. Beneficiary shall be compensated for any services performed in response to any such request in accordance with the Services Agreement.

8.4. In the event Beneficiary is no longer able to perform its obligations under this MSCP Master Covenant, or no longer desires to serve as Beneficiary, then Beneficiary shall provide not less than sixty (60) days' notice to District. Beneficiary may designate a replacement Beneficiary subject to District's approval. In the event Beneficiary does not designate a replacement Beneficiary within 45 days' after delivery of the notice, then District will be solely responsible to designate a replacement Beneficiary. Beneficiary's resignation shall be effective sixty (60) days after the delivery of the notice by Beneficiary to District.

9. County and Beneficiary's Right To Enforce.

9.1. County and/or Beneficiary (for purposes of this Section 9, collectively or individually the "**Enforcing Party**") may enforce this MSCP Master Covenant against the District and its successors and assigns.

9.2. If the Enforcing Party has reason to believe that a violation of the Restrictions may have occurred, the Enforcing Party has the right to enter upon the Restricted Properties. The Enforcing Party must provide at least two (2) business days' notice to District prior to entering upon a Restricted Property.

9.3. The Enforcing Party shall hold District harmless from liability for any injuries to its employees or agents occurring on a Restricted Property in the course of its duties pursuant to this MSCP Master Covenant which are not directly or indirectly the result of acts, omissions, or the negligence of District, or District's employees, agents, successors and assigns.

9.4. If the Enforcing Party determines that there is a breach of the terms of the Restrictions, the Enforcing Party may, but is not obligated to, enforce the terms of this MSCP Master Covenant as provided in this Section 9. When evaluating any possible breach or enforcement action, the Enforcing Party will have the right to consult experts (e.g., biologists, engineers, etc.) to assist it in determining both whether or not there is a violation and appropriate remedial action, provided that the cost of any such experts is subject to the maximum dollar limitation in the Services Agreement. Beneficiary will be reimbursed by District for any such expenses in accordance with the Services Agreement.

9.5. Prior to any enforcement action by the Enforcing Party, the Enforcing Party must give written notice to District of such breach (the "**Notice of Breach**") and demand corrective action sufficient to cure the breach and, where the breach involves injury to a Restricted Property resulting from any activity inconsistent with the purpose of this MSCP Master Covenant, to restore the portion of the Restricted Property so injured.

9.6. If (i) under circumstances where an alleged breach can be cured within a 30 day period, District fails to cure an alleged breach within 30 days after receipt of the Notice of Breach, or (ii) under circumstances where an alleged breach cannot reasonably be cured within a 30 day period, District fails to begin curing such breach within the 30 day period, or District fails to continue diligently to cure such breach until finally cured, the

Enforcing Party may in any such event bring an action at law or equity to enforce the terms of this MSCP Master Covenant or to enjoin the breach by temporary or permanent injunction, and to recover any damages caused by the breach of the terms of this MSCP Master Covenant or injury to any protected uses or mitigation, including damages for any loss, and to require the restoration of any Restricted Property to the condition that existed prior to the injury.

9.7. In the event any action, suit or proceeding at law or in equity is instituted with respect to this MSCP Master Covenant, the Enforcing Party shall be entitled to reasonable attorneys' fees, expenses and court costs incurred if it is the prevailing party.

9.8. Nothing contained in this MSCP Master Covenant can be construed to entitle the Enforcing Party to bring any action against the District for any injury to or change in the Restricted Property resulting from causes beyond the District's control including unforeseeable acts of trespassers, fire, flood, storm, drought, pests, natural earth movement, vegetative disease, or resulting from any action taken by the District under emergency conditions to prevent, abate or mitigate significant injury to any Restricted Property resulting from such causes.

10. General Provisions

10.1. The laws and regulations of the State of Arizona govern this MSCP Master Covenant. Any action relating to this MSCP Master Covenant must be brought in a court of the State of Arizona in Pima County.

10.2. Unless the context requires otherwise, the term "including" means "including but not limited to".

10.3. Each provision of this MSCP Master Covenant stands alone, and any provision of this MSCP Master Covenant found to be prohibited by law is ineffective only to the extent of such prohibition without invalidating the remainder of this MSCP Master Covenant.

10.4. This instrument sets forth the entire Agreement of the County, District and Beneficiary with respect to this MSCP Master Covenant.

10.5. Any notice given under this MSCP Master Covenant must be in writing and served by delivery or by certified mail upon the other Parties as follows:

If to County: Office of Sustainability and Conservation
Attn: Director
Pima County Public Works
201 N Stone Ave., 6th FL
Tucson, Arizona 85701

If to District: Regional Flood Control District
Attn: Director
Pima Works Building
201 N Stone Ave., 9th FL
Tucson, Arizona 85701

If to Beneficiary: The Arizona Land and Water Trust
Attn: Diana Freshwater, President
3127 N. Cherry Ave.
Tucson, Arizona 85719

The Parties have executed this MSCP Master Covenant by their duly authorized representatives.

COUNTY: PIMA COUNTY, a political subdivision of the State of Arizona:



Chair, Board of Supervisors

OCT 18 2016
Date

ATTEST: 


Robin Brigode, Clerk of Board of Supervisors

OCT 18 2016
Date

DISTRICT: Regional Flood Control District



Chair, Board of Directors

OCT 18 2016
Date

ATTEST: 

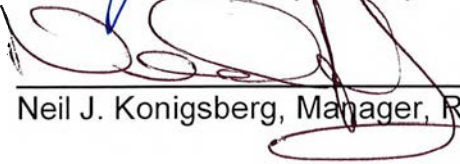

Robin Brigode, Clerk of Board of Directors

OCT 18 2016
Date

APPROVED AS TO CONTENT:

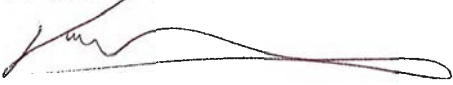


John Bernal, Deputy County Administrator, Public Works



Neil J. Konigsberg, Manager, Real Property Services

APPROVED AS TO FORM:



10/10/16

Tobin Rosen, Deputy County Attorney

BENEFICIARY: The Arizona Land and Water Trust



Diana Freshwater, President

10/11/16

Date

EXHIBIT A

MSCP Restrictive Covenants: FCD Owner & Grantor; Pima County Receives Covenant

Property	APN	Acres	Map ID
AVRA VALLEY I-10 WILDLIFE CORRIDOR	22601032C	6.1	1
AVRA VALLEY I-10 WILDLIFE CORRIDOR	22601032B	32.2	1
BINGHAM CIENEGA NATURAL PRESERVE	20521002D	267.8	2
BUEHMAN CANYON	20525003D	173.8	3
BUEHMAN CANYON	20524011F	198.9	3
BUEHMAN CANYON	20523003C	606.6	3
BUEHMAN CANYON	20523003D	77.8	3
CANOA RANCH	30469053A	475.1	4
CANOA RANCH	304690540	7.8	4
CANOA RANCH	304690550	110.5	4
CANOA RANCH	304690520	554.6	4
CIENEGA CREEK NATURAL PRESERVE	305122650	192.1	5
CIENEGA CREEK NATURAL PRESERVE	305122630	7.2	5
CIENEGA CREEK NATURAL PRESERVE	305110200	78.2	5
CIENEGA CREEK NATURAL PRESERVE	305122660	24.4	5
CIENEGA CREEK NATURAL PRESERVE	30511024D	214.1	5
CIENEGA CREEK NATURAL PRESERVE	30588014C	71.7	5
CIENEGA CREEK NATURAL PRESERVE	30511024D	47.6	5
CIENEGA CREEK NATURAL PRESERVE	30517006B	161.1	5
CIENEGA CREEK NATURAL PRESERVE	30517001A	25.3	5
CIENEGA CREEK NATURAL PRESERVE	30516001C	12.7	5
CIENEGA CREEK NATURAL PRESERVE	30516001D	3.5	5
CIENEGA CREEK NATURAL PRESERVE	30516001A	18.5	5
CIENEGA CREEK NATURAL PRESERVE	30517001B	68.4	5
CIENEGA CREEK NATURAL PRESERVE	305170020	147.6	5
CIENEGA CREEK NATURAL PRESERVE	30517001C	0.9	5
CIENEGA CREEK NATURAL PRESERVE	30604001A	51.5	5
CIENEGA CREEK NATURAL PRESERVE	30604001A	0.5	5
CIENEGA CREEK NATURAL PRESERVE	30604001A	49.6	5
CIENEGA CREEK NATURAL PRESERVE	30517003A	16.2	5
CIENEGA CREEK NATURAL PRESERVE	30517003B	6.2	5
CIENEGA CREEK NATURAL PRESERVE	30604001B	32.5	5
CIENEGA CREEK NATURAL PRESERVE	30604001A	0.1	5
CIENEGA CREEK NATURAL PRESERVE	30604001B	0.1	5
CIENEGA CREEK NATURAL PRESERVE	306050010	83.7	5
CIENEGA CREEK NATURAL PRESERVE	30601021H	0.4	5
CIENEGA CREEK NATURAL PRESERVE	30601021H	1.4	5
CIENEGA CREEK NATURAL PRESERVE	305170020	0.7	5
CIENEGA CREEK NATURAL PRESERVE	30601026E	15.2	5
CIENEGA CREEK NATURAL PRESERVE	30601026E	10.2	5
CIENEGA CREEK NATURAL PRESERVE	30601026E	14.1	5
CIENEGA CREEK NATURAL PRESERVE	30518005B	1.7	5

Property	APN	Acres	Map ID
CIENEGA CREEK NATURAL PRESERVE	30601026E	0.2	5
CIENEGA CREEK NATURAL PRESERVE	30601021G	26.4	5
CIENEGA CREEK NATURAL PRESERVE	306050020	3.2	5
CIENEGA CREEK NATURAL PRESERVE	306050040	27.1	5
CIENEGA CREEK NATURAL PRESERVE	306080010	48.3	5
CIENEGA CREEK NATURAL PRESERVE	306080040	303.8	5
CIENEGA CREEK NATURAL PRESERVE	306090020	1.1	5
CIENEGA CREEK NATURAL PRESERVE	306090020	24.6	5
CIENEGA CREEK NATURAL PRESERVE	306090040	12.4	5
CIENEGA CREEK NATURAL PRESERVE	306080030	26.7	5
CIENEGA CREEK NATURAL PRESERVE	306080020	2.7	5
CIENEGA CREEK NATURAL PRESERVE	306090030	0.9	5
CIENEGA CREEK NATURAL PRESERVE	30609005A	285.9	5
CIENEGA CREEK NATURAL PRESERVE	306090020	5.5	5
CIENEGA CREEK NATURAL PRESERVE	306090080	4.7	5
CIENEGA CREEK NATURAL PRESERVE	306090090	1.0	5
CIENEGA CREEK NATURAL PRESERVE	30609005A	0.5	5
CIENEGA CREEK NATURAL PRESERVE	30616001B	12.5	5
CIENEGA CREEK NATURAL PRESERVE	30616001A	254.0	5
CIENEGA CREEK NATURAL PRESERVE	30618004A	166.6	5
CIENEGA CREEK NATURAL PRESERVE	30615002A	76.0	5
CIENEGA CREEK NATURAL PRESERVE	30618006E	294.8	5
CIENEGA CREEK NATURAL PRESERVE	30618006E	6.1	5
CIENEGA CREEK NATURAL PRESERVE	30618006F	59.9	5
CIENEGA CREEK NATURAL PRESERVE	30601021J	899.7	5
CIENEGA CREEK NATURAL PRESERVE	306060010	93.4	5
FLAP 1020	11408004A	31.3	6
FLAP 1021	11419010N	3.4	7
FLAP 1023	20533046A	8.5	8
FLAP 1026	133010490	4.2	9
FLAP 1078	301641550	1.4	11
FLAP 1079	301640980	1.1	12
FLAP 1080	301640970	1.0	13
FLAP 1081	301641560	1.2	14
FLAP 1227	305122680	8.2	15
FLAP 1238	133010540	5.2	16
FLAP 1253	205520320	1.8	17
FLAP 1255	205362250	69.3	18
FLAP 1777	30256003N	30.8	20
FLAP 1812	20529008D	4.8	21
FLAP 1812	20529008E	7.7	21
FLAP 2080	30119005C	41.3	22
FLAP 265	133032860	45.0	23
FLAP 266	13303285B	24.5	24
FLAP 268	13301055A	4.0	25
FLAP 269	13301055B	4.2	26

Property	APN	Acres	Map ID
FLAP 271	205450710	7.0	27
FLAP 272	13303282L	3.8	28
LOS MORTEROS	22604015B	45.6	29
LOS MORTEROS	22604037B	10.1	29
LOWER SANTA CRUZ REPLENISHMENT	21503011C	43.5	30
LOWER SANTA CRUZ REPLENISHMENT	21504001V	63.9	30
M DIAMOND RANCH	20520004D	23.2	31
M DIAMOND RANCH	20517002D	2.2	31
M DIAMOND RANCH	20517005L	17.2	31
M DIAMOND RANCH	20521002F	17.8	31
M DIAMOND RANCH	20521002E	0.2	31
M DIAMOND RANCH	205170080	40.4	31
M DIAMOND RANCH	20517007B	20.4	31
M DIAMOND RANCH	20517010K	2.1	31
M DIAMOND RANCH	20517010J	2.0	31
RB PARCELS	21519002J	49.8	32
RB PARCELS	21519002D	80.0	32
RB PARCELS	21519005C	197.6	32
SEGURSON DONATION	11408003E	125.3	33
SEGURSON DONATION	11408006A	25.5	33
SNEED PARCEL	11408008C	14.0	34
TRICO-MARANA BRIDGE	208140140	21.3	35
TRICO-MARANA BRIDGE	208140270	56.9	35
		7,675.8	

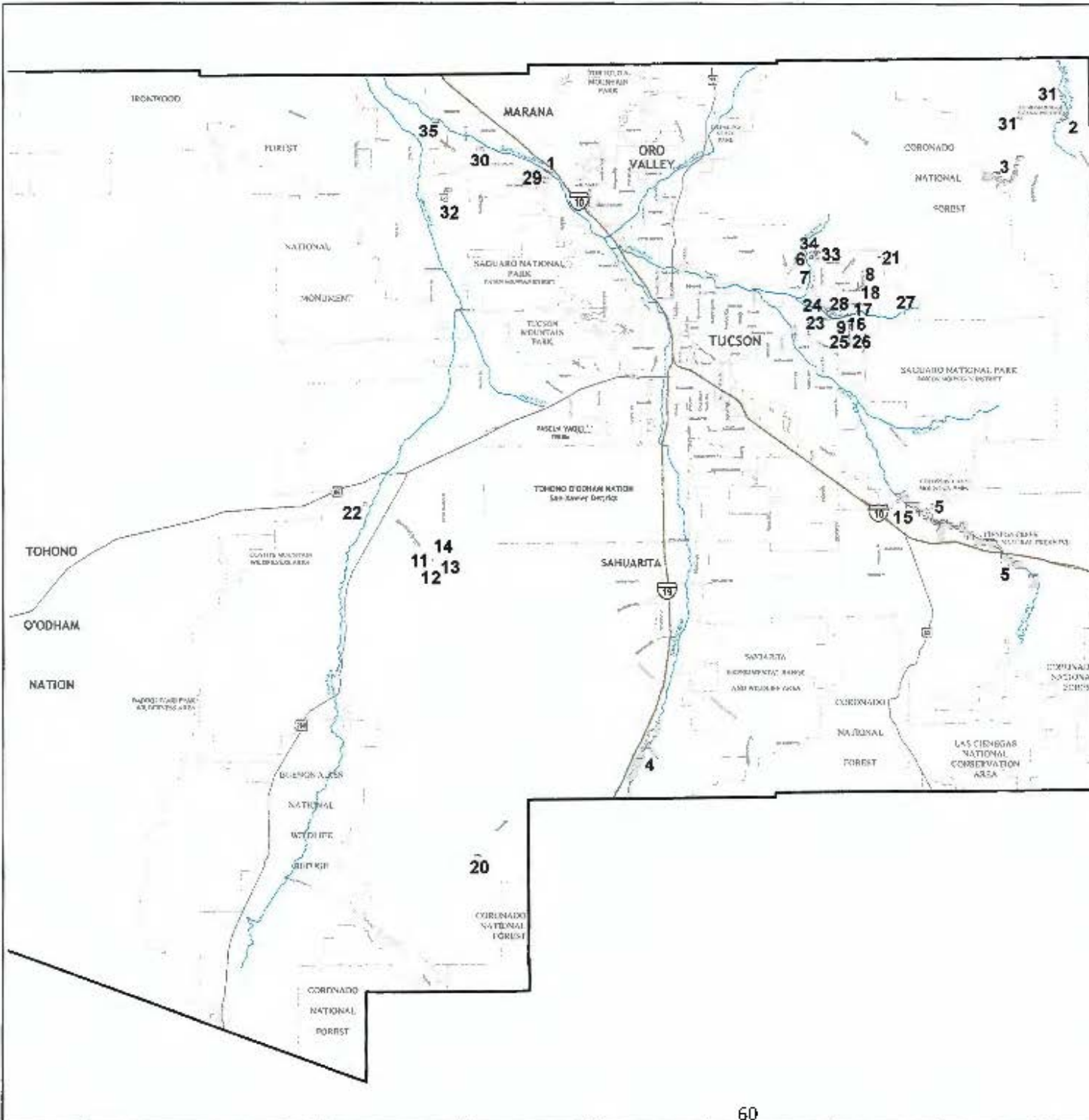



EXHIBIT B

**MSCP
Restrictive Covenants:
FCD Owner & Grantor;
Pima County Receives Covenant**

 Subject Parcels
(7676 acres)

See Exhibit A for key to property IDs.

See Exhibit C for parcel detail maps.

Pima County Index Map



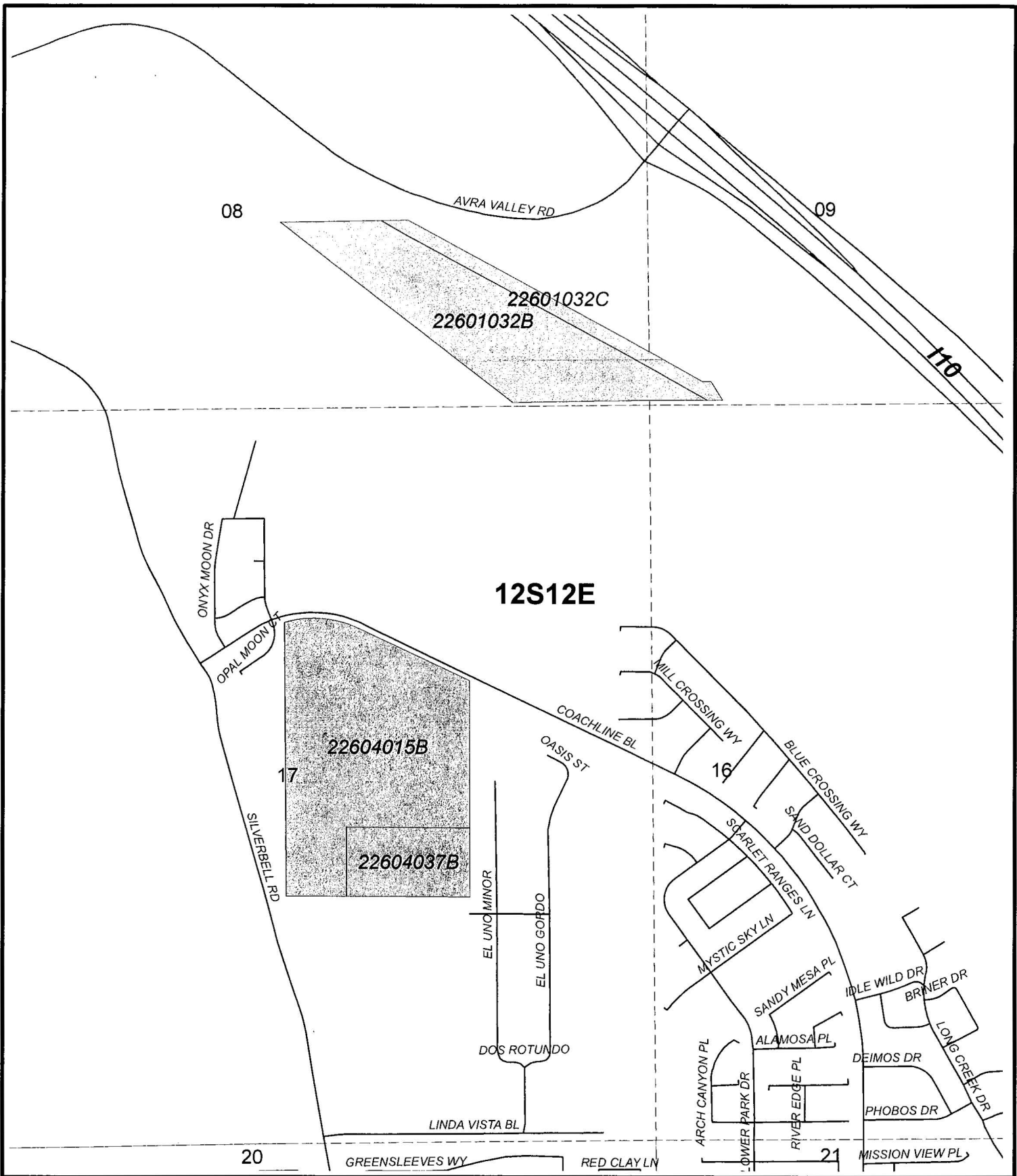
Scale: 1" = 200,000 feet

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PIMA COUNTY
GEOGRAPHIC INFORMATION SYSTEMS
PIMA COUNTY INFORMATION SYSTEMS
201 North Center Avenue, 3rd Floor
Tucson, Arizona 85724-3801
4101 North Oracle Road, Suite 100
Tucson, Arizona 85718-1000

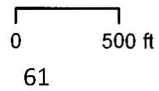


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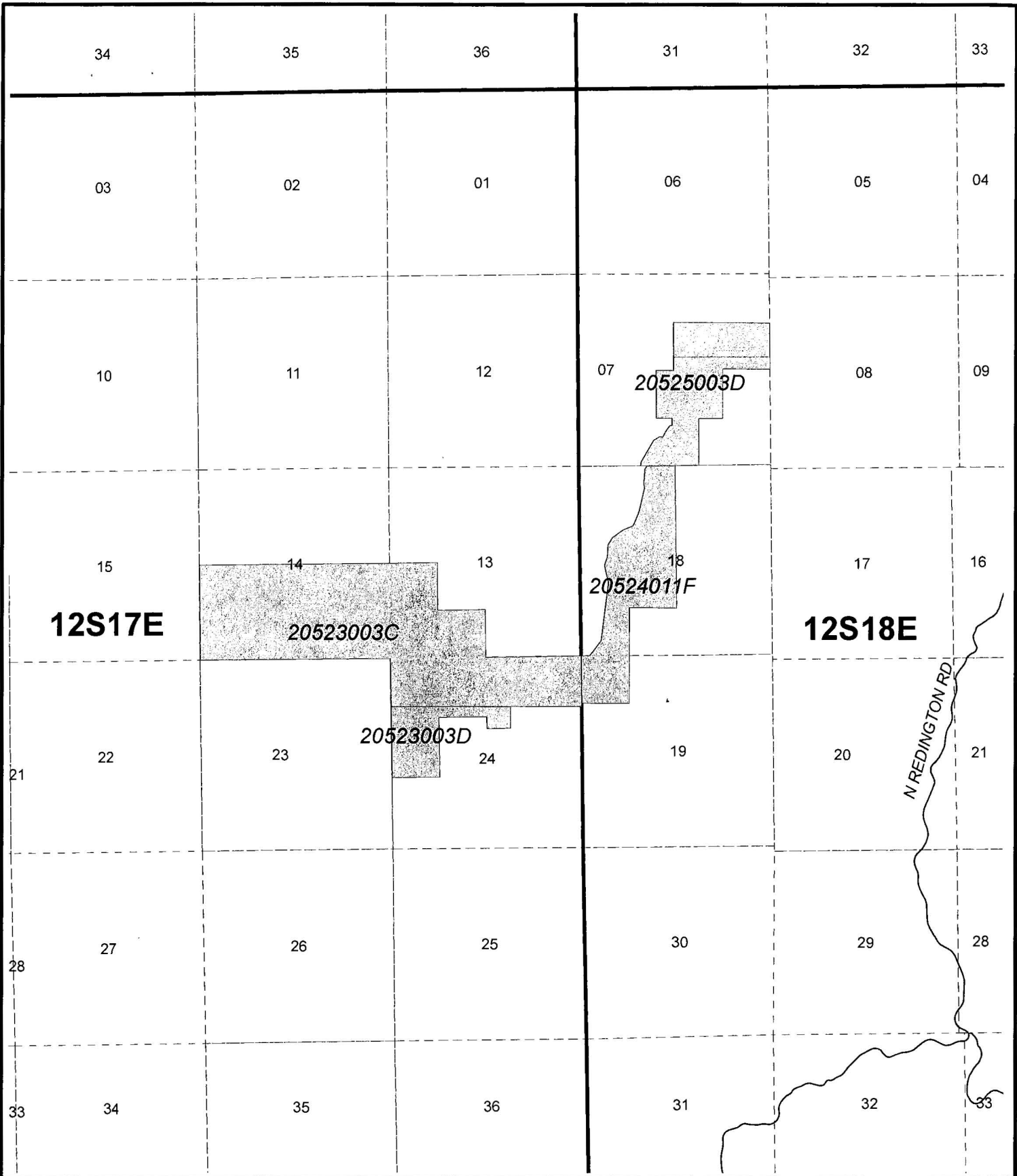


MSCP
Restrictive Covenants:
FCD Owner & Grantor;
Pima County Receives Covenant

EXHIBIT C

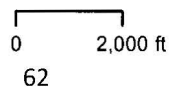


Avra Valley I-10 Wildlife Corridor (1)
 Los Morteros (29)

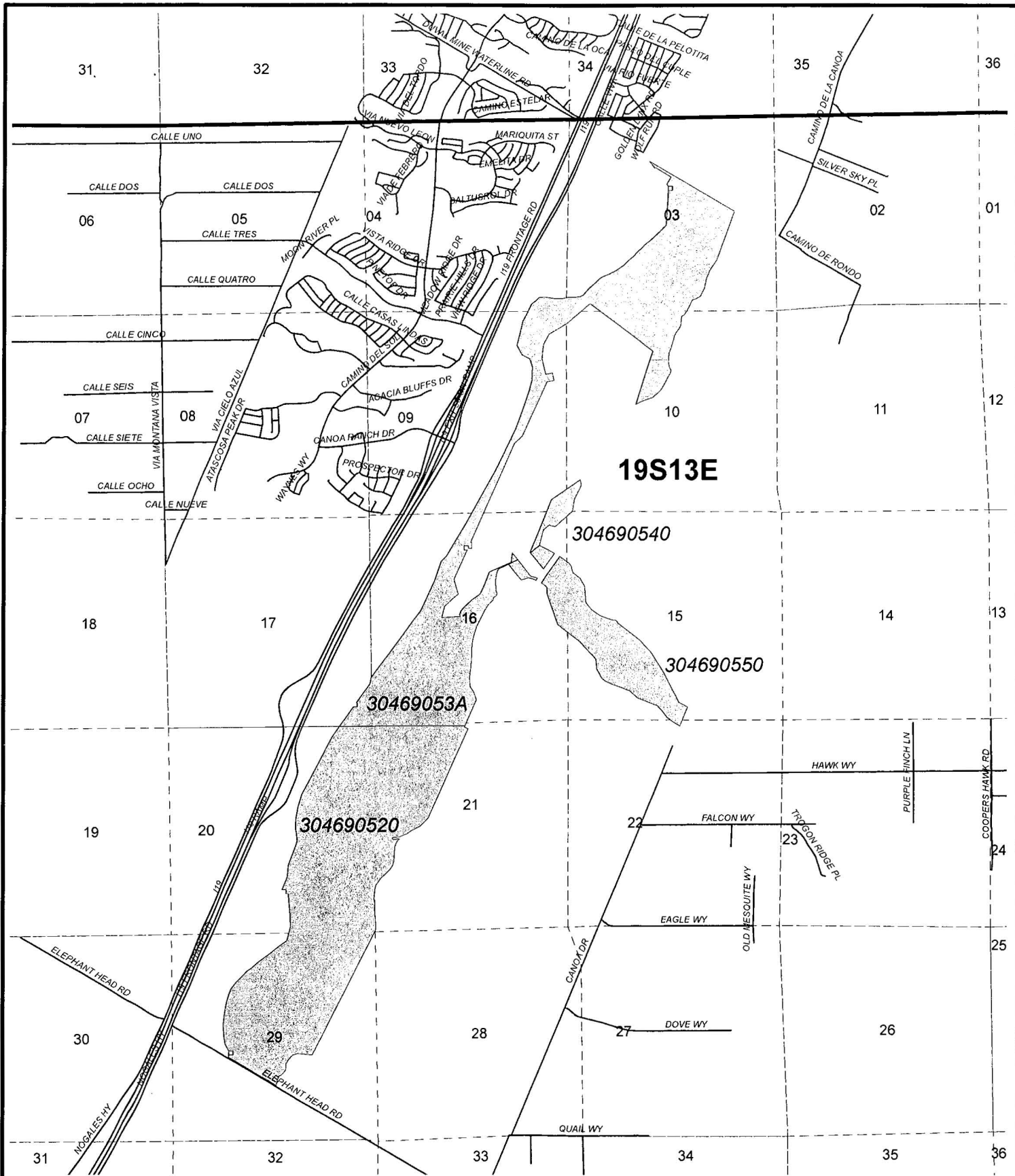


MSCP
Restrictive Covenants:
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Pima County Receives Covenant

EXHIBIT C



Buehman Canyon (3)



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Restrictive Covenants:
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Pima County Receives Covenant

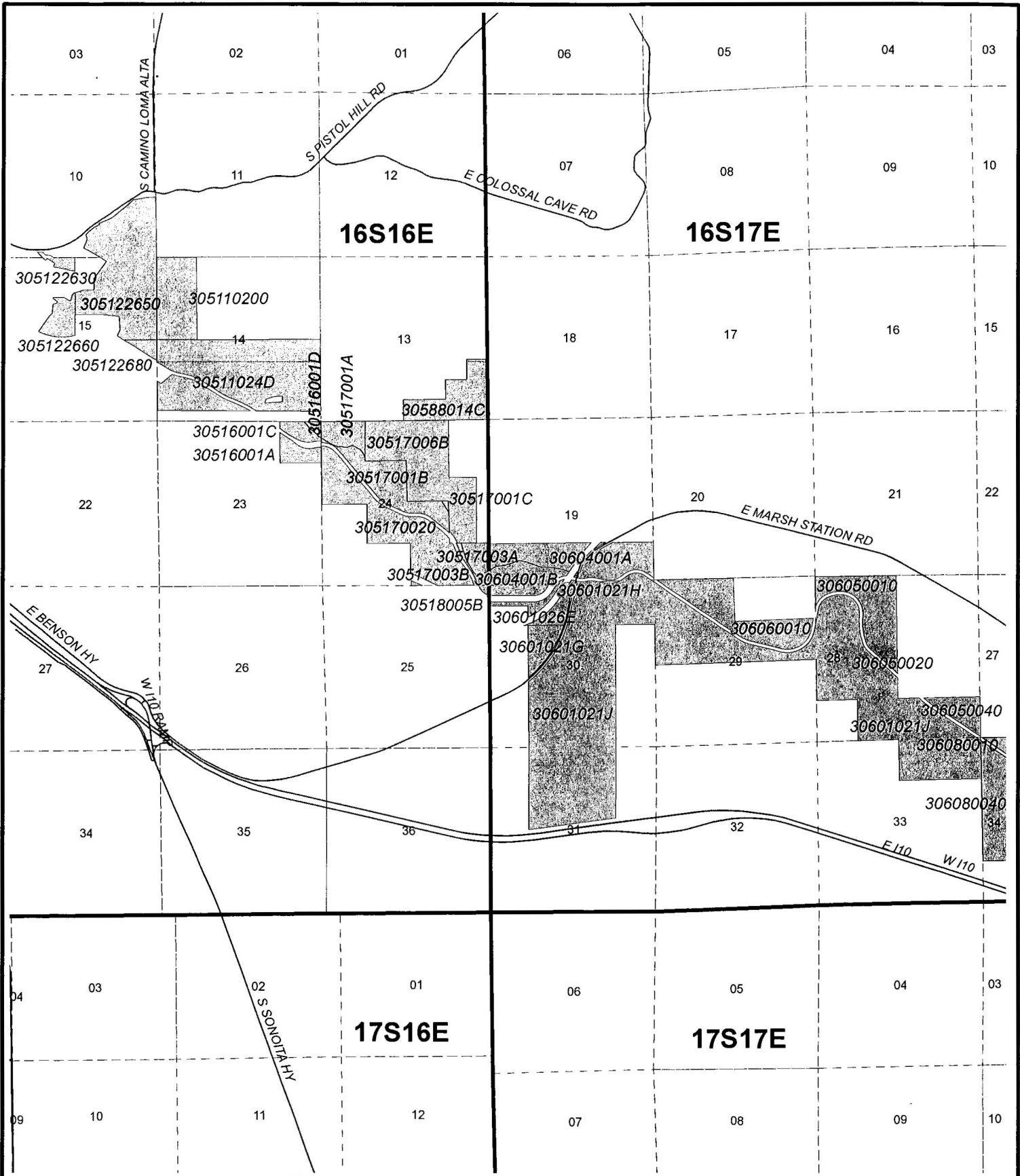
EXHIBIT C



0 2,000 ft
 63

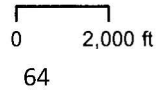


CANOA RANCH (4)

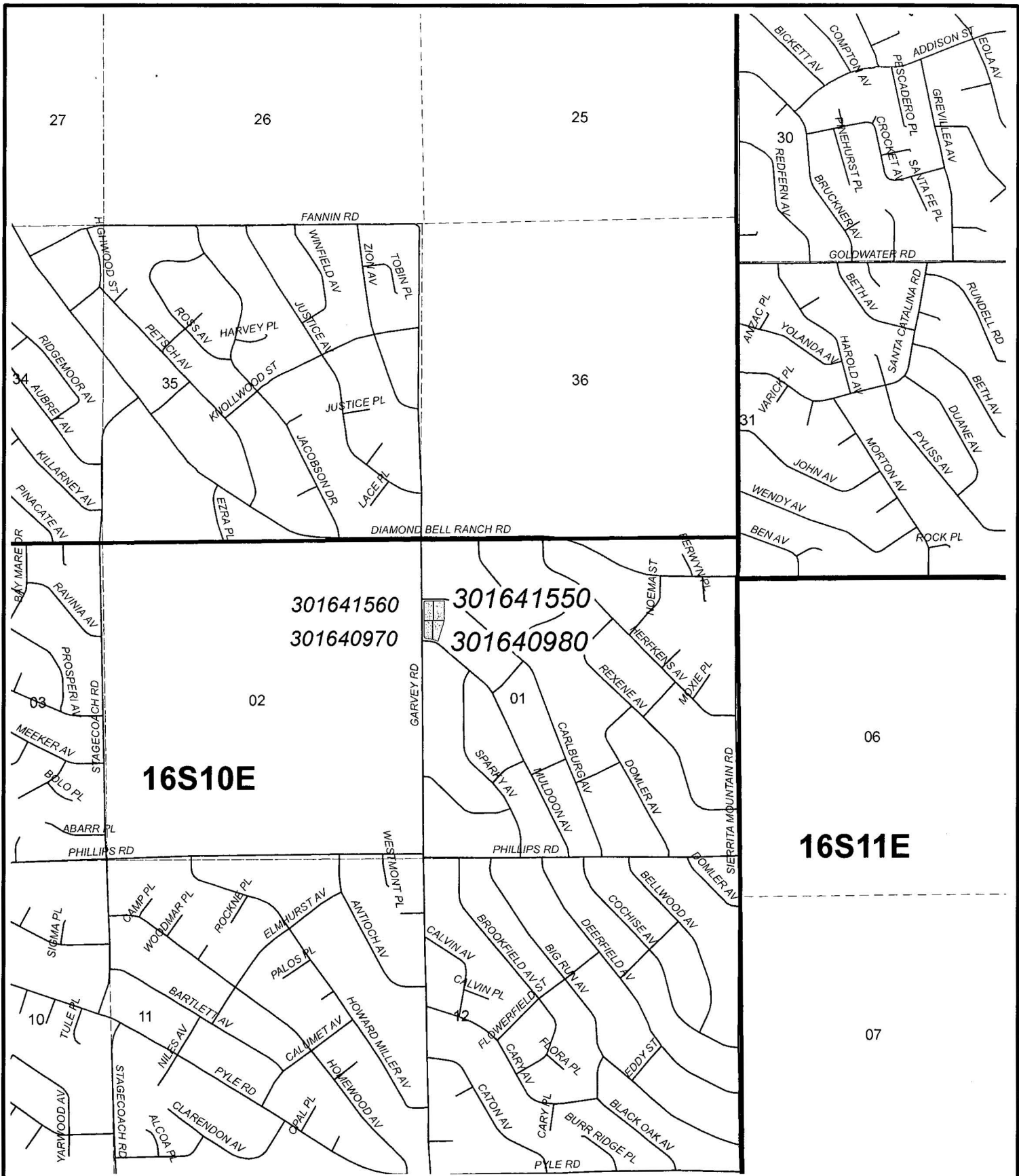


MSCP
Restrictive Covenants:
FCD Owner & Grantor;
Pima County Receives Covenant

EXHIBIT C



Cienega Creek Natural Preserve (5)
FLAP 1227 (15)



16S10E

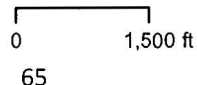
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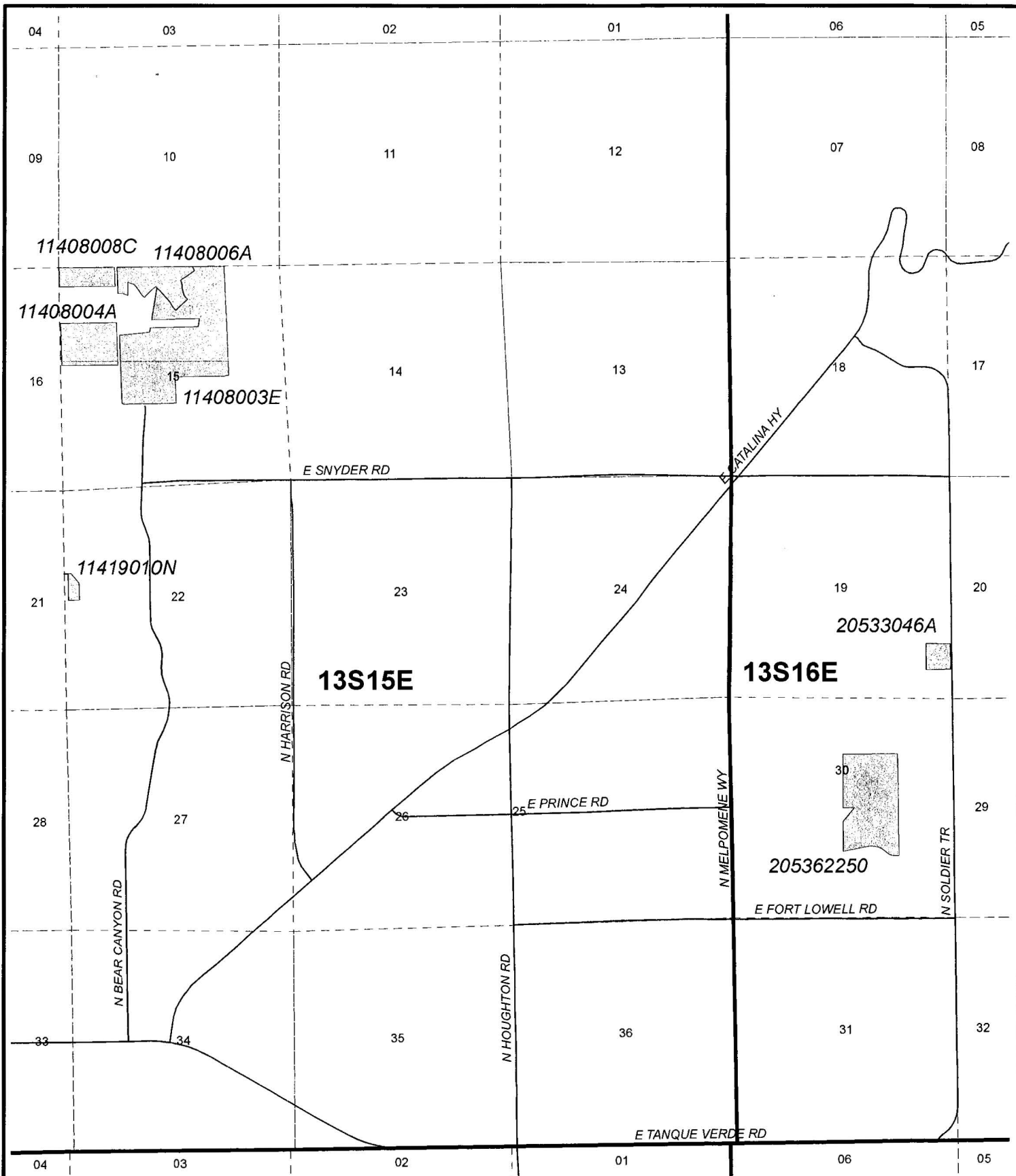
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MSCP
Restrictive Covenants:
FCD Owner & Grantor;
Pima County Receives Covenant

EXHIBIT C

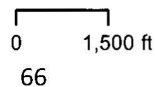


FLAP 1081 (14), FLAP 1078 (11)
FLAP 1079 (12), FLAP 1080 (13)

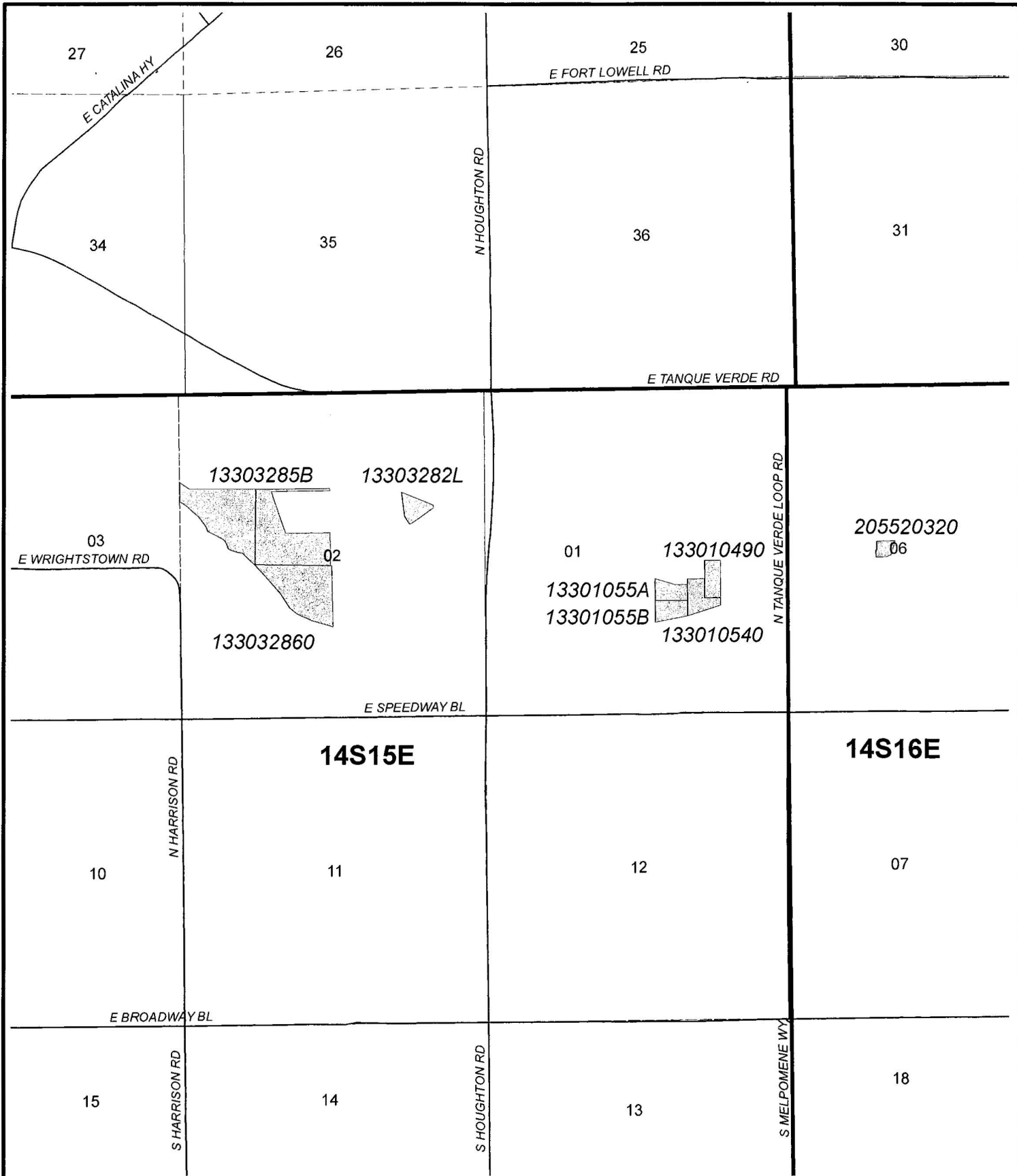


MSCP
Restrictive Covenants:
FCD Owner & Grantor;
Pima County Receives Covenant

EXHIBIT C

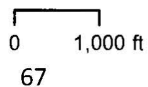


FLAP 1020 (6), FLAP 1021 (7)
 FLAP 1023 (8), FLAP 1255 (18)
 SERGUSON DONATION (33)
 SNEED PARCEL (34)

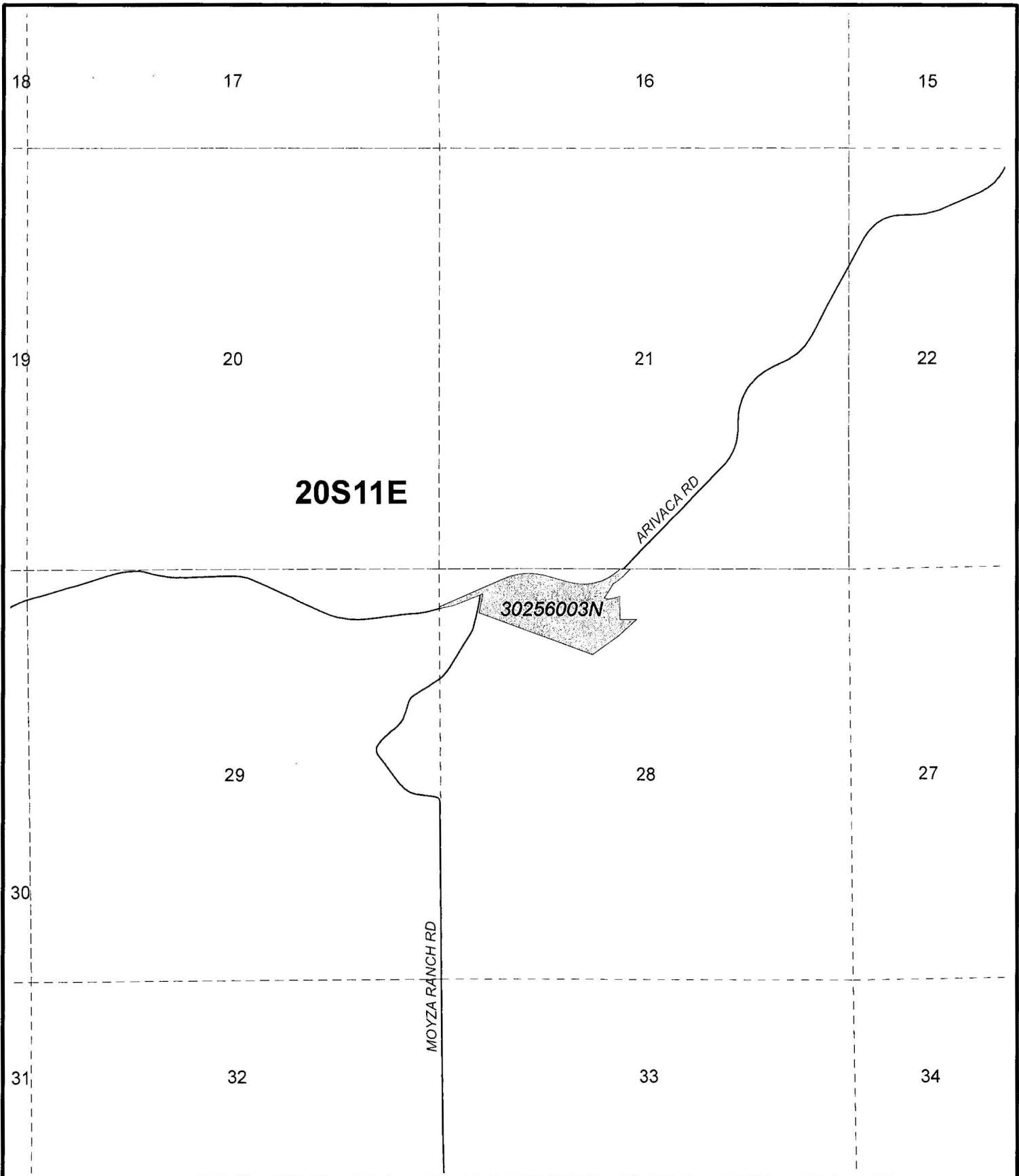


MSCP
Restrictive Covenants:
FCD Owner & Grantor;
Pima County Receives Covenant

EXHIBIT C

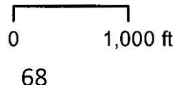


FLAP 1026 (9), FLAP 1238 (16)
 FLAP 1053 (17), FLAP 265 (23)
 FLAP 266 (24), FLAP 268 (25)
 FLAP 269 (26), FLAP 272 (28)

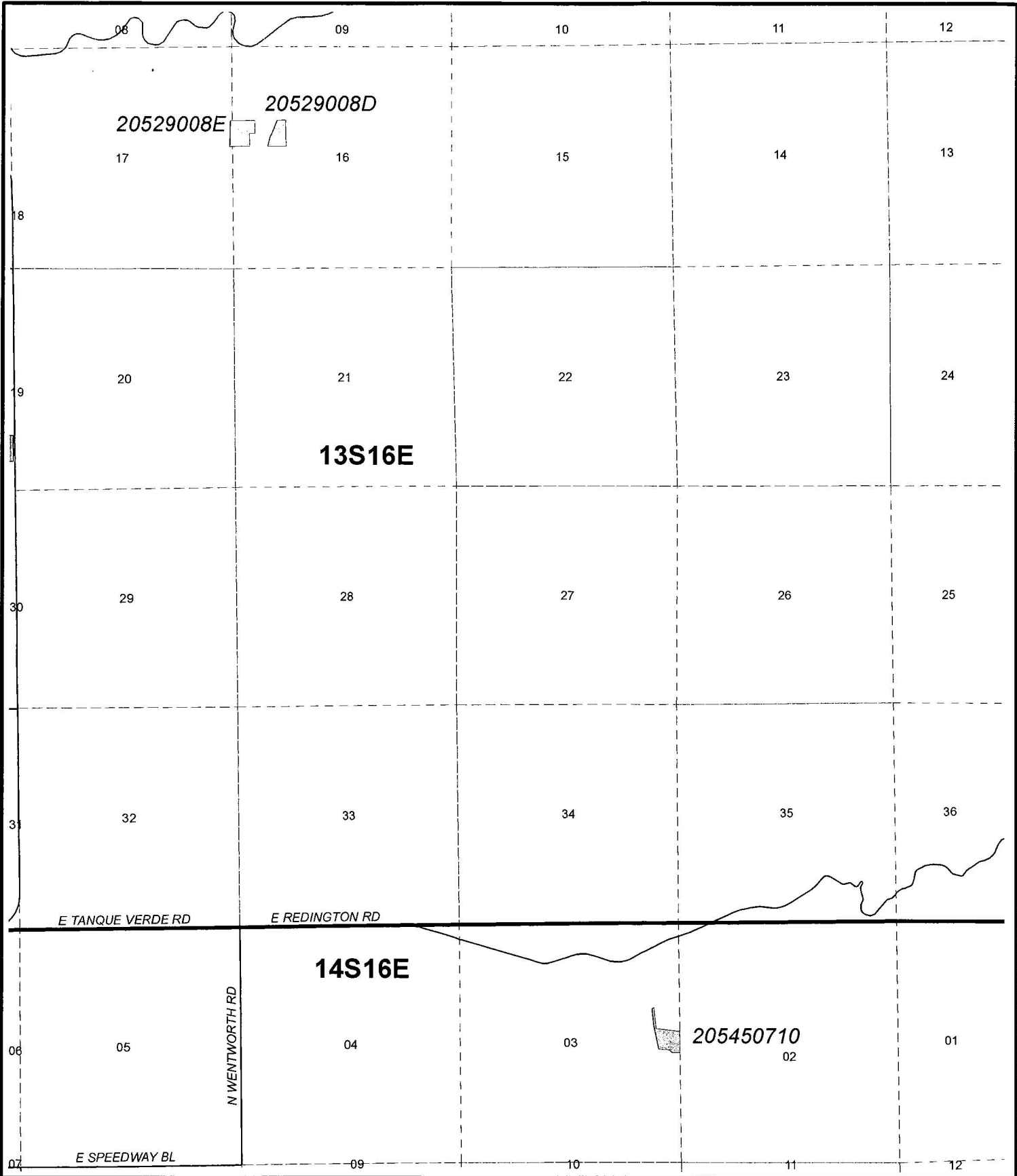


MSCP
Restrictive Covenants:
FCD Owner & Grantor;
Pima County Receives Covenant

EXHIBIT C

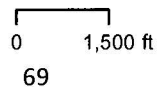


FLAP 1777 (20)

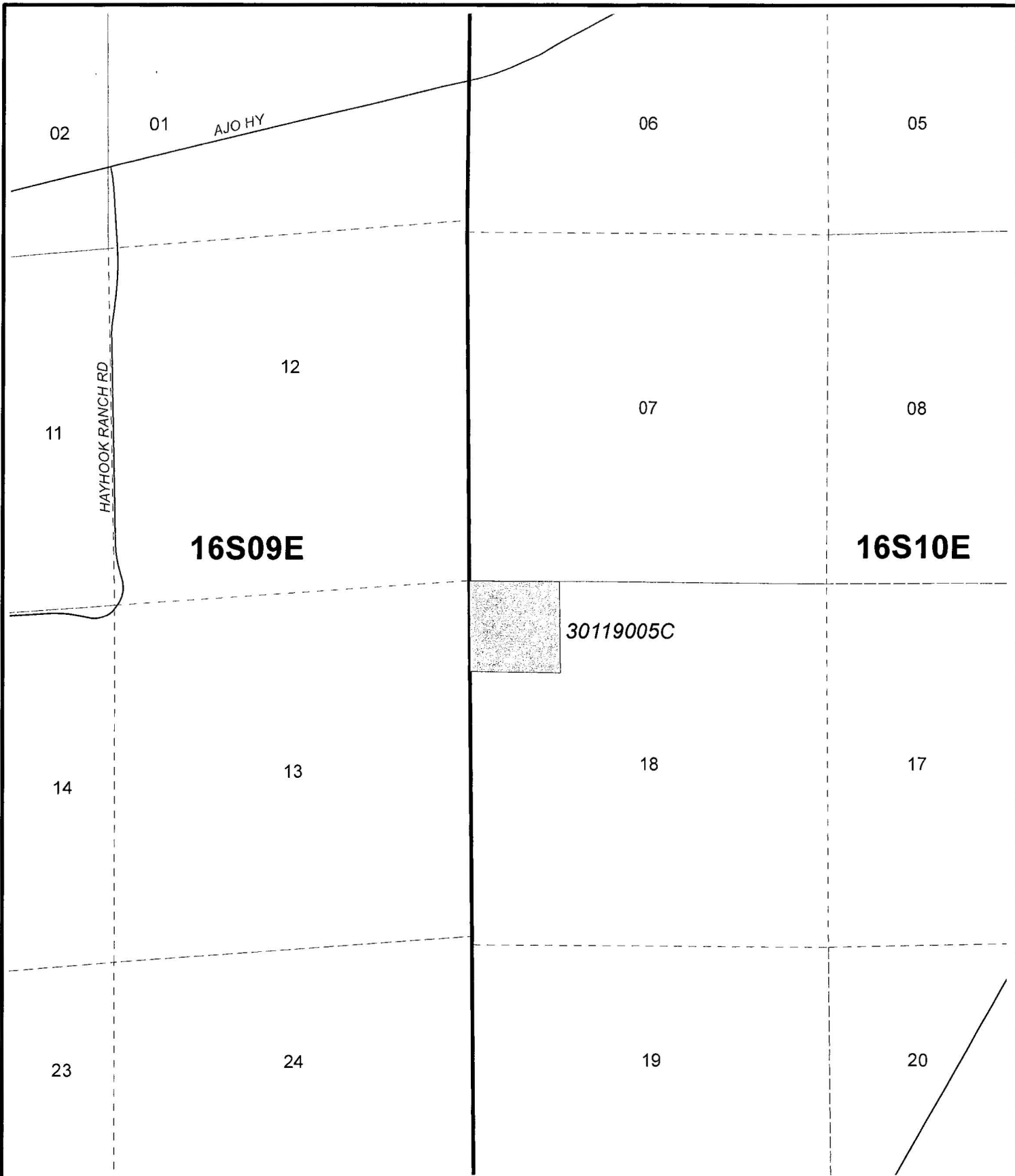


MSCP
Restrictive Covenants:
FCD Owner & Grantor;
Pima County Receives Covenant

EXHIBIT C

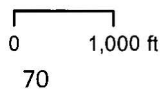


FLAP 1812 (21)
FLAP 271 (27)

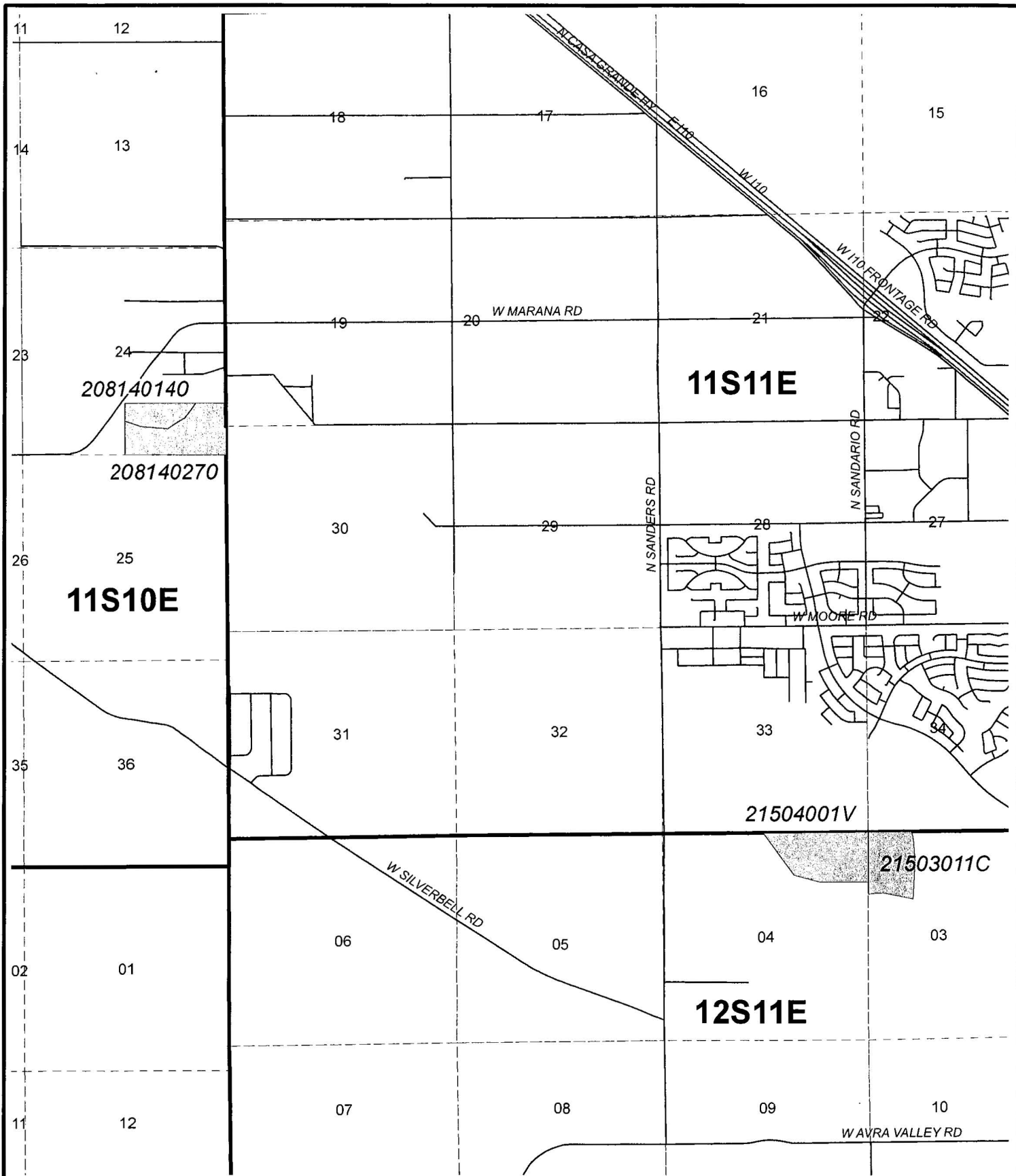


MSCP
Restrictive Covenants:
FCD Owner & Grantor;
Pima County Receives Covenant

EXHIBIT C

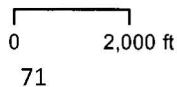



FLAP 2080 (22)

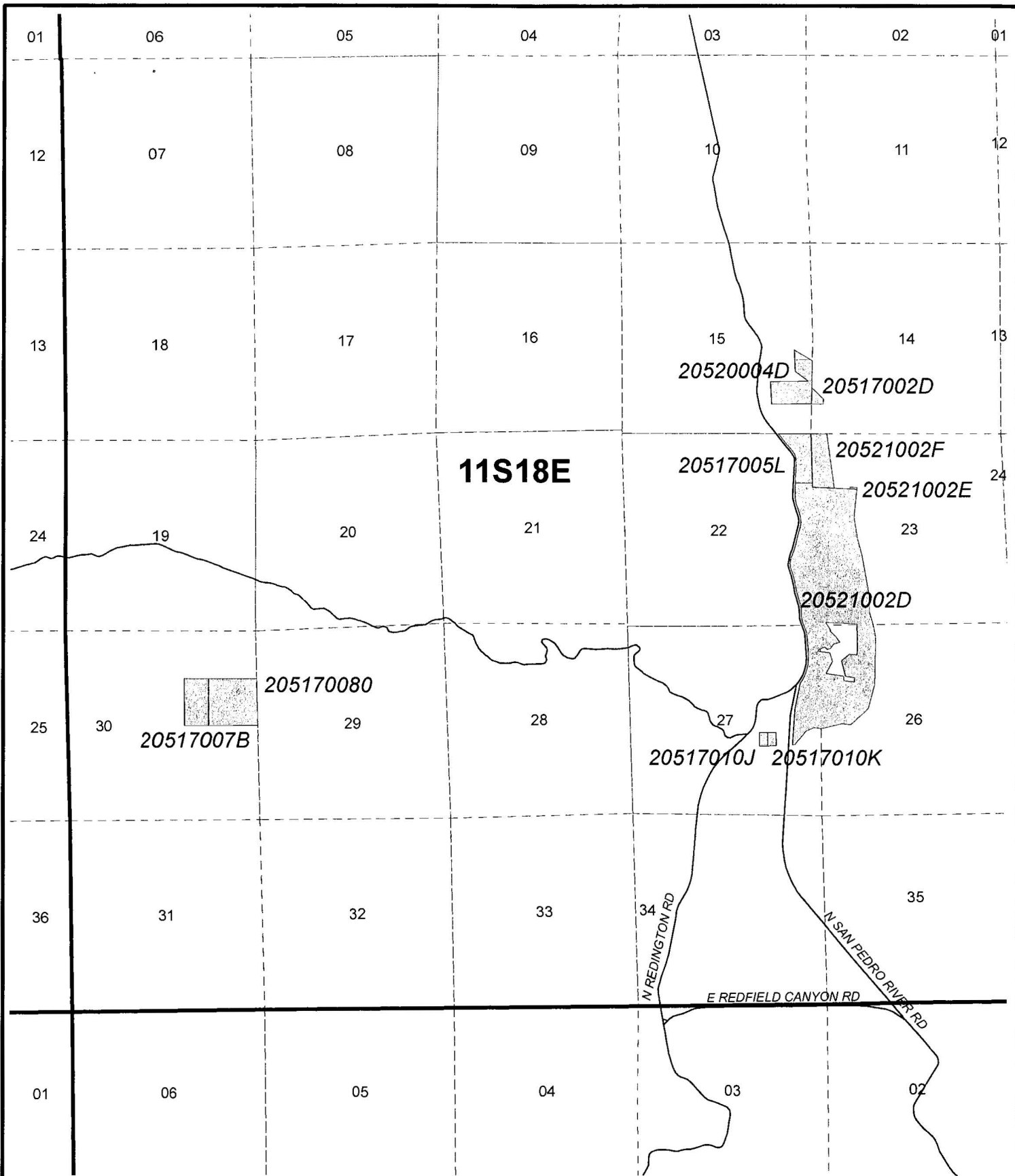


MSCP
Restrictive Covenants:
FCD Owner & Grantor;
Pima County Receives Covenant

EXHIBIT C



 Lower Santa Cruz Replenishment (30)
 Trico-Marana Bridge (35)



MSCP
Restrictive Covenants:
FCD Owner & Grantor;
Pima County Receives Covenant

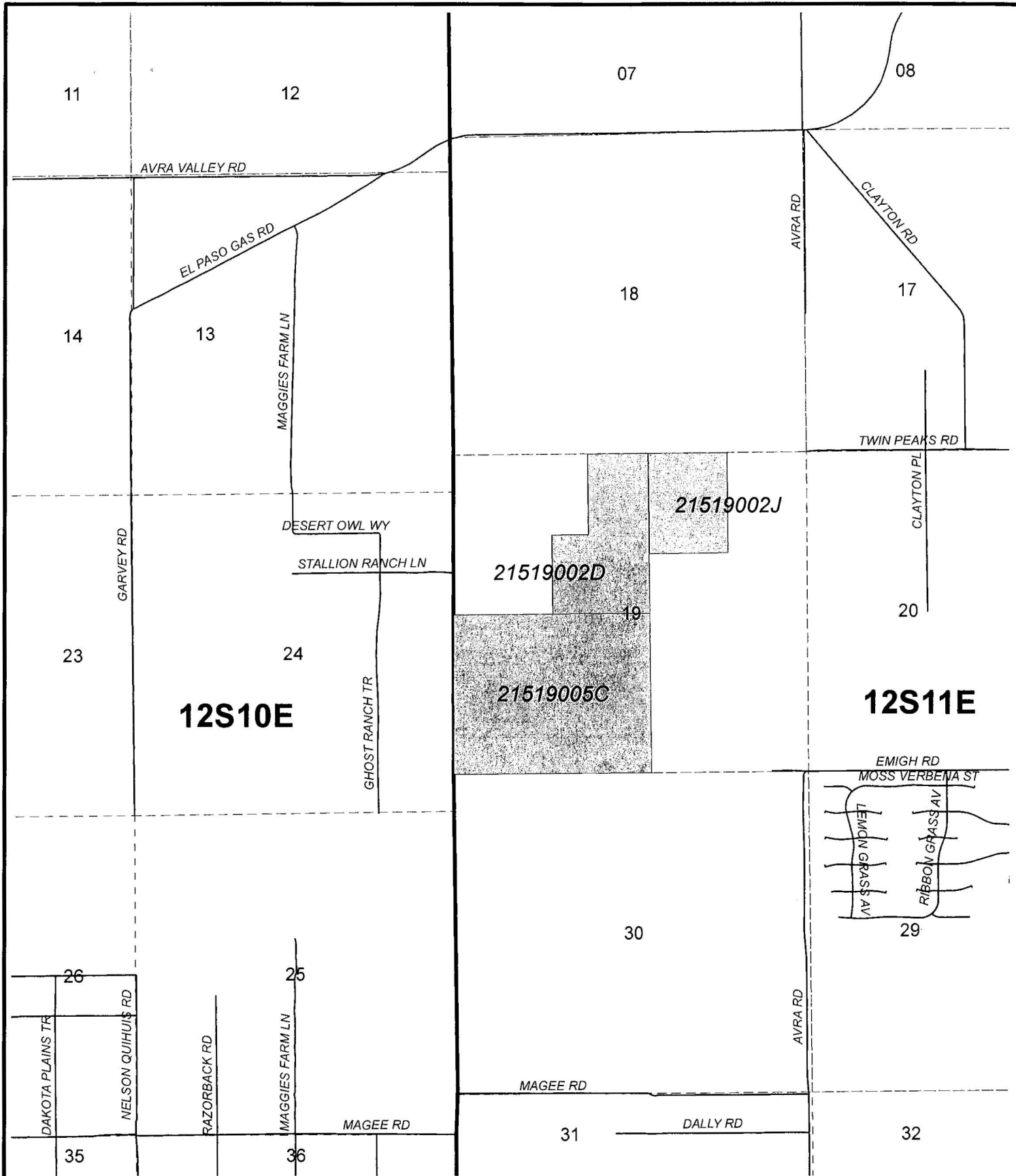
EXHIBIT C



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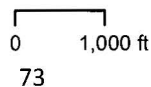


Bingham Cienega Natural Preserve (2)
 M Diamond Ranch (31)

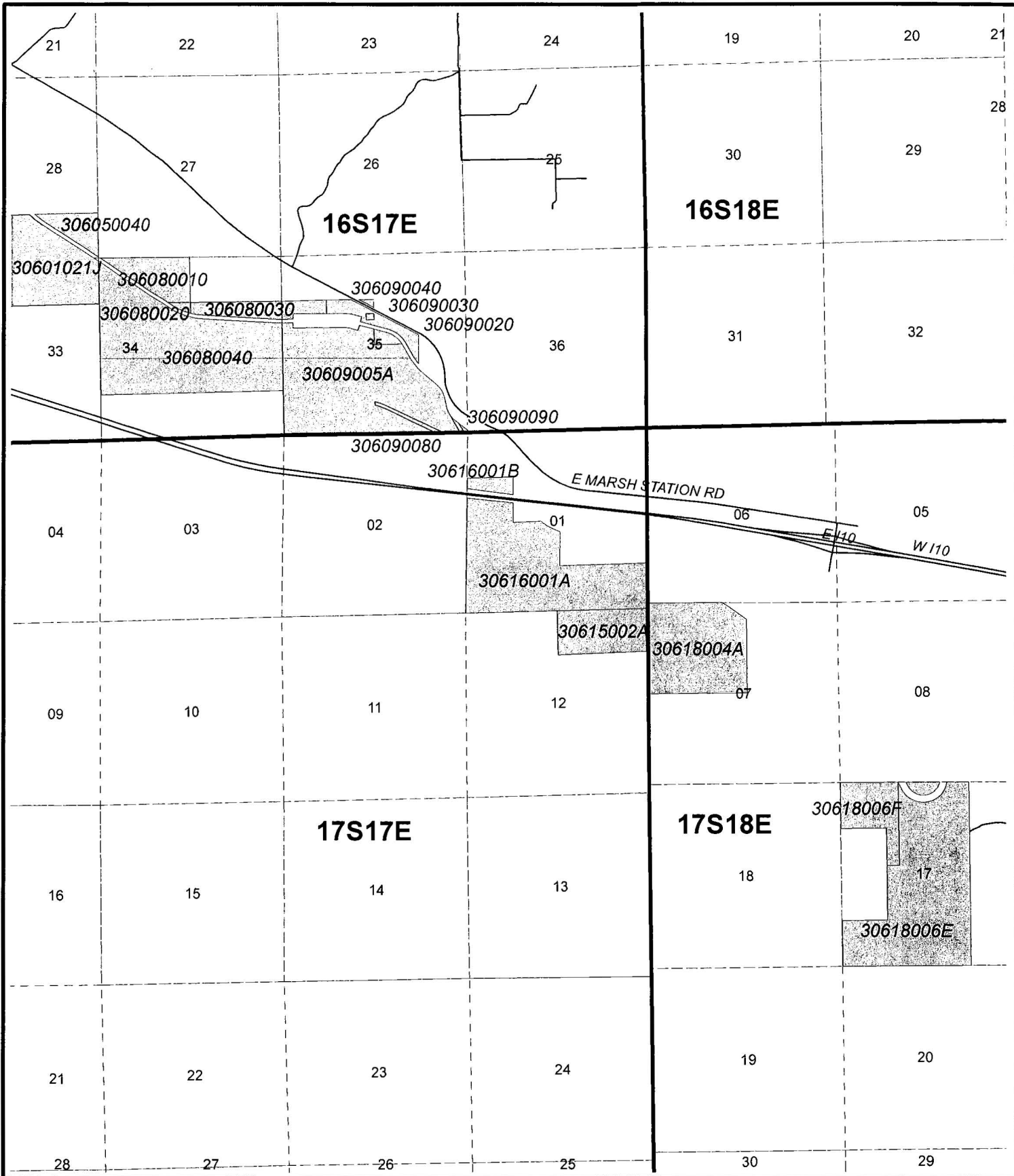


MSCP
Restrictive Covenants:
FCD Owner & Grantor;
Pima County Receives Covenant

EXHIBIT C

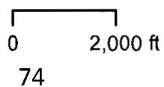


RB Parcels (32)



MSCP
Restrictive Covenants:
FCD Owner & Grantor;
Pima County Receives Covenant

EXHIBIT C



Cienega Creek Natural Preserve (5)

When Recorded, Please Return to:

Pima County Real Property Services
 201 N Stone Ave, 6th Floor
 Tucson, AZ 85701-1215

SITE-SPECIFIC AGREEMENT TO MASTER RESTRICTIVE COVENANT

1. Parties; Effective Date. This Site-Specific Agreement ("SSA") is entered into by and between PIMA COUNTY, a body politic and corporate of the State of Arizona ("County"), the PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT, a political taxing subdivision of the State of Arizona ("District"), and the Arizona Land and Water Trust, Inc. an Arizona nonprofit corporation ("Beneficiary") (County, District, and Beneficiary being collectively the "Parties"). This SSA shall be effective on day it is signed by the Parties (the "Effective Date").

2. Incorporation of Master Agreement This SSA incorporates all definitions, terms and conditions of that certain Master Restrictive Covenant for District MSCP Mitigation Land between the Parties, dated _____, and recorded _____, 2016, in in the records of the Pima County Recorder in Sequence No. _____ (the "Master Covenant").

3. Site-Specific Property.

3.1. The property subject to this SSA is legally described on Exhibit A to this SSA (the "Site-Specific Property").

3.2. The Site-Specific Property is subject to all of the terms and conditions of the Master Covenant.

COUNTY: PIMA COUNTY

By: _____ Date _____
 Its: _____

DISTRICT: Regional Flood Control District

By: _____ Date _____
 Its: _____

BENEFICIARY: The Arizona Land and Water Trust, Inc.

By: _____ Date _____
 Its: _____

EXEMPTION: A.R.S. § 11-1134.A.3.		PCGPR Mitigation: Sec 10 [] ; ILF [] ; Sec 7 [] ; CLS [] ; Other []	
Agent: MDS	File: E-0019	Activity:	P [] De [] Do [] E []

ATTACHMENT 2E.

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F. ANN RODRIGUEZ, RECORDER
RECORDED BY: HEM
DEPUTY RECORDER
2057 ES4



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SEQUENCE: 20100490359
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PIMA COUNTY PUBLIS WORKS
REAL PROPERTY SERVICES DEBBIE KNUTSON
201 N STONE AVE FL 6
TUCSON AZ 85701

WHEN RECORDED RETURN TO:

**DEBBIE KNUTSON
REAL PROPERTY SERVICES
PIMA COUNTY PUBLIC WORKS
201 N. STONE AVE., 6TH FLOOR
TUCSON, AZ 85701**

ACCOMMODATION RECORDING
WITHOUT TITLE LIABILITY

DOCUMENT TITLE: DEED OF CONSERVATION EASEMENT

Exempt A-2

14

DEED OF CONSERVATION EASEMENT

THIS GRANT DEED OF CONSERVATION EASEMENT is made this 16th day of December, 2009 by **Pima County**, having an address at **130 West Congress, 10th Floor, Tucson, Arizona** (“Grantor”), in favor of Arizona State Parks Board, having an address at 1300 W. Washington, Phoenix, Arizona, 85007 (“Grantee”).

WITNESSETH:

WHEREAS, Grantor is the sole owner in fee simple of certain real property in Pima County, Arizona, more particularly described in Exhibit A attached hereto and incorporated by this reference (the “Property”); and

WHEREAS, the Property possesses archeological, cultural, and biological values (collectively, “conservation values”) of great importance to Grantor and the people of the State of Arizona; and

WHEREAS, in particular, the Property contains the Valencia Archaeological Site; and

WHEREAS, the specific conservation values of the Property are further documented in an inventory of relevant features of the Property, submitted by Grantor as part of an application for matching funds from the Land Conservation Fund through the Growing Smarter Trust Land Acquisition Grant Program which is incorporated by this reference (“Baseline Documentation”), which consists of reports, maps, photographs, and other documentation that provide, collectively, an accurate representation of the Property at the time of this grant and which is intended to serve as an objective, though nonexclusive, information baseline for monitoring compliance with the terms of this grant; and

WHEREAS, Grantor intends that the conservation values of the Property be preserved and maintained by permitting only those land uses on the Property that do not significantly impair or interfere with them, including, without limitation, those land uses existing at the time of the grant; and

WHEREAS, Grantor further intends, as owner of the Property, to convey to Grantee the right to preserve and protect the conservation values of the Property in perpetuity; and

WHEREAS, Grantee is an Arizona state agency whose primary purpose is to manage and conserve Arizona’s natural, cultural and recreational resources for the benefit of the people;

NOW, THEREFORE, in consideration of a Grant Award in the amount not to exceed \$517,000, and in consideration of the above and the mutual covenants, terms, conditions and restrictions contained herein, and pursuant to the laws of Arizona and in particular A.R.S. § 33-271 through § A.R.S. 33-276 and A.R.S. §41-511.23, Grantor hereby voluntarily grants and conveys to Grantee a conservation easement in perpetuity over the Property of the nature and character and to the extent hereinafter set forth (“Easement”).

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1. **Purpose.** It is the purpose of this easement to assure that the Property will be retained forever in predominantly the condition reflected in the Baseline Documentation referenced in this document and to prevent any use of the Property that will significantly impair or interfere with the conservation values of the Property. Grantor intends that this Easement will confine the use of the Property to such activities, including, without limitation, those involving passive recreational uses compatible with the maintenance of the Property's Conservation Values, such as hiking and horseback riding, educational gatherings, periodic planting of native plant species, release of rehabilitated or displaced wildlife and other activities, as are not inconsistent with the purpose of this Easement. This Easement is intended to assure that the goals of the Growing Smarter Act, as amended, to conserve open spaces in or near urban areas and other areas experiencing high growth pressures, will be met. This Easement seeks to conserve open space, defined as land that is generally free of uses that would jeopardize the conservation values of the land or development that would obstruct the scenic beauty of the land. Conserved land remains open space if the stewards of the parcel maintain protection of both the natural and cultural assets for the long-term benefit of the land and the public and the unique resources that the area contains, such as scenic beauty, protected plants, wildlife, archaeology, passive recreation values and the absence of extensive development.

2. **Rights of Grantee.** To accomplish the purpose of this Easement the following rights are conveyed to Grantee by this easement:

2.1. To preserve and protect the conservation values of the Property;

2.2. To enter upon the Property at reasonable times in order to monitor Grantor's compliance with and otherwise enforce the terms of this Easement in accordance with paragraph 8; provided that, except in cases where Grantee determines that immediate entry is required to prevent, terminate, or mitigate a violation of this Easement, such entry shall be upon prior reasonable notice to Grantor; unless entry is open to the public, in which case notice to enter upon Property is assumed if it complies with the Grantor's enforced rules of public access, and Grantee shall not in any case unreasonably interfere with Grantor's use and quiet enjoyment of the Property; and

2.3. To prevent any activity on or use of the Property that is inconsistent with the purpose of this Easement and to require the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use, pursuant to the remedies set forth in paragraph 8.

3. **Restricted Uses.** Any activity on or use of the Property inconsistent with the purpose of this Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are allowed only upon prior approval of the Grantee:

3.1. **Construction of Buildings and Other Structures.** The construction or reconstruction of any building or other structure or improvement, except those existing on the date of this Easement, is prohibited, except those alterations which are approved in advance by the Grantee and listed in sub-paragraphs (b) and (c). Regardless, no more than 10% of the acquired land, up to a limit of 20 acres total, may be eligible for alteration or development, and all such proposed

work must be approved by the Grantee in advance, subject to Paragraph 6 below. No changes may be made to the parcel that would seriously or negatively affect its conservation and open space values.

3.2. Trail and Parking Lot Construction. No trail, road, parking lot, ramada, staging area or other man made structure shall be constructed without the advance written permission of Grantee. Such permission shall not be unreasonably withheld unless Grantee determines that the proposed location of any trail, road, parking lot, ramada or staging area will substantially diminish or impair the Conservation Values of the Property or is otherwise inconsistent with this Deed. And no amount of construction for trails or roads or armadas or parking lots or staging areas or any other alteration of the land shall be approved if the total amount of construction would affect more than 20 acres of the Property.

3.3. Signage or Billboards. No signs, billboards, awnings or advertisements shall be displayed or placed on the Property, except for appropriate and customary signs for interpretive and recreational purposes, such as “no trespassing” signs and trail markers, and then only with advance written permission from Grantee. Under no circumstances shall any sign or marker be erected that materially adversely affects the Conservation Values of the Property.

3.4. Temporary Fundraising Activity. Grantor may request the right to perform periodic and temporary fundraising activities on the Property if the revenues earned from those activities will be used for stewardship of the Property. Such fundraising activities shall be allowed only upon written approval of Grantee if Grantee determines that the proposed activity will not substantially diminish or impair the Conservation Values of the Property or is otherwise inconsistent with this Deed.

Where Grantee’s approval is required, as set forth above, Grantee shall grant or withhold its approval in writing within a reasonable period of time. Grantor’s written request shall include a description of the nature, scope, design, location, timetable, and any other material aspect of the proposed activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with purpose of this Easement. Grantee’s approval may be withheld only upon a reasonable determination by Grantee that the action as proposed would be inconsistent with the purpose of this Easement. If Grantee does not respond to the request within 60 days, the request shall be deemed denied. In the event of approval, any deviation from the nature, scope, design, location, timetable or any other material aspect of the proposed activity requires that Grantor submit an additional request for approval.

4. Prohibited Uses. Any activity on or use of the Property inconsistent with the purpose of this Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited:

4.1. Subdivision. Any division or subdivision of title to the Property, whether by physical or legal process, is prohibited.

4.2. Commercial or Industrial Activity. No commercial or industrial uses shall be allowed on the Property.

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4.3. **Mining.** The mining or extraction of soil, sand, gravel, rock, oil, natural gas, fuel, or any other mineral substance is prohibited.

4.4. **Water Rights.** Grantor shall retain and reserve the right to use water rights sufficient to maintain and improve the Conservation Values of the Property, and shall not transfer, encumber, lease, sell, or otherwise separate water rights necessary and sufficient to maintain and improve the Conservation Values of the Property from title to the Property itself.

4.5. **Trash and Dumping.** The dumping or uncontained accumulation of any kind of trash or refuse on the Property is prohibited.

5. **Reserved Rights.** Grantor reserve to itself, and to its personal representatives, heirs, successors, assigns, all rights accruing from their ownership of the Property, including the right to engage in, or permit or invite others to engage in, all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Easement. Without limiting the generality of the foregoing, and subject to the terms of paragraph 3, the following rights are expressly reserved:

5.1. To engage in and permit others to engage in recreational uses of the Property, including, without limitation, hiking, horseback riding, and other forms of passive recreation that require no surface alteration or other development of the Property.

5.2. To engage in and permit others to engage in educational and scientific study activities, without limitation, provided that no unauthorized alteration of the Property or of objects or sites addressed in paragraph 7 will occur as a result of these activities.

5.3. To remove invasive plant species and to re-vegetate portions of the Property with indigenous plants if needed after flood, fire, or other disturbance.

Grantor is required to notify Grantee prior to undertaking or permitting new activities on the Property, if not specifically listed above, in order to afford Grantee an adequate opportunity to monitor the activities in question to ensure that they are not inconsistent with the purpose of the Easement. Grantor shall provide notice to Grantee in writing not less than 60 days prior to the date Grantor intends to undertake or permit the new activity in question.

6. **Historic Properties and Preservation of Resources.**

6.1 **Definition.** Historic Properties are defined as sites, buildings, structures and objects significant in this state's history, architecture, archaeology, engineering and culture which meet eligibility criteria which the Arizona Parks Board establishes for listing on the Arizona Register of Historic Places or which are listed on the National Register of Historic Places.

6.2 **General Preservation.** Grantor agrees to consider the use of and impact upon historic properties located on the Property and to undertake any reasonable preservation that is necessary to carry out the terms of this Easement. In addition, the Grantor agrees to avoid any demolition, substantial alteration or significant deterioration of historic properties and objects on the Property.

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6.3 Land Uses and Historic Preservation. Grantor agrees that only those uses that are compatible with preservation of the cultural resources located on the Property shall be allowed on the Property and ensure that the pre-historical, historical, architectural or culturally significant values will be preserved or enhanced.

6.4 Unintentional Disturbance. The Grantor agrees to monitor the Property for the unintentional disturbance of human remains or funerary objects and historic properties on the Property and shall report any such disturbance to the Director of the Arizona State Museum, the State Historic Preservation Officer and the Grantee. The Grantor agrees to exercise any and all measures recommended by either the Director of the Arizona State Museum, or other permitting authority as established by state law, or the Grantee, to see that on further disturbance of the remains or objects occurs.

6.5 Prohibition on Excavation. The Grantor agrees that it will not disturb or excavate or grant any other person permission to disturb or excavate in or upon any historic property, or any historic or prehistoric ruin, burial ground, archaeological or vertebrate pale ontological specimen. For the purpose of this provision, archaeological specimen means any item resulting from past human life or activities which is at least 50 years old including petroglyphs, pictographs, paintings, pottery, tools, ornaments, jewelry, textiles, ceremonial objects, weapons, armaments, vessels, vehicles and human skeletal remains. Archaeological specimen does not include arrowheads, coins or bottles. Notwithstanding the applicability of these prohibitions, the Grantee, in consultation with the State Historic Preservation Officer, may consider and allow for the excavation in or upon a historic property, provided that the Conservation Values of the Property are not adversely affected. In addition, any excavation of disturbance that is allowed by the Grantee is still subject to approval by and the permitting requirements of the Director of the Arizona State Museum, or other permitting authority established in law.

6.6 Prohibition on Defacing Property. The Grantor agrees not to deface or otherwise alter any site or object on the Property and embraced within the terms stated in provisions 7.1 through 7.5. The Grantor further agrees to make reasonable efforts to avoid the potential that persons and entities entering upon the site for approved purposes may deface or otherwise alter any site or object embraced within the terms stated in provisions 7.1 through 7.5.

6.7 Reporting Discoveries. The Grantor agrees that during the course of acting as steward of the Property and especially during any work to prepare the Property for public access, such as a survey, excavation, construction or other like activity, that it shall report promptly to the Director the Arizona State Museum, or other permitting authority as established by state law, the State Historic Preservation Officer and the Grantee, the existence of any archaeological, pale ontological or historical site or object that is at least 50 years old and that is discovered in the course of such survey, excavation, construction, other like activity, or other activities undertaken as the steward of the Property. All such discoveries are subject to the provisions of the Arizona Antiquities Act. Any discoveries may require treatment such as remediation or restoration if the site or object was adversely impacted as a result of the survey, excavation, construction or other like activity, which the cost of any such remediation or restoration shall be borne by Grantor.

UNRECORDED

7. Grantee's Remedies.

7.1 Notice of Violation; Corrective Action. If Grantee determines that a violation of the terms of this Easement has occurred or is threatened, Grantee shall give written notice to Grantors of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use or activity inconsistent with the purpose of this Easement, to restore the portion of the Property so injured to its prior condition in accordance with a plan approved by Grantee at Grantor's expense.

7.2 Injunctive Relief. If Grantor fails to cure the violation within 20 days after receipt of notice thereof from Grantee, or under circumstances where the violation cannot reasonably be cured within a **20** day period, fail to begin curing the violation within the 20 day period, or fail to continue diligently to cure such violation until finally cured, Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Easement, to enjoin the violation, ex parte as necessary, by temporary or permanent injunction, and to require the restoration of the Property to the condition that existed prior to any such injury.

7.3 Damages. Grantee shall be entitled to recover damages up to, but not in excess of the grant amount, directly resulting from violation of the terms of this Easement or injury to any conservation values protected by this Easement, including, without limitation, damages for the loss of scenic, aesthetic, or environmental values. Without limiting the Grantors' liability therefore, Grantee, in its sole discretion, may apply any damages recovered to the cost of undertaking any corrective action on the Property.

7.4 Emergency Enforcement. If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the Conservation Values of the Property, Grantee may pursue its remedies under this paragraph 8 without prior notice to Grantor or without waiting for the period provided for cure to expire.

7.5 Scope of Relief. Grantee's rights under this section 8 apply equally in the event of either actual or threatened violations of the terms of this Easement. Grantor agrees that Grantee's remedies at law for any violation of the terms of this Easement are inadequate and that Grantee shall be entitled to the injunctive relief described in paragraph 8.2, both prohibitive and mandatory, in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this Paragraph 8 shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

7.6 Costs of Enforcement. All reasonable costs incurred by Grantee in enforcing the terms of this Easement against Grantors, including, without limitation, costs and expenses of suit and reasonable attorneys' fees, and any costs of restoration necessitated by Grantors' violation of the terms of this Easement shall be borne by Grantor.

7.7 Forbearance. Forbearance by Grantee to exercise its rights under this Easement in the event of any breach of any term of this Easement by Grantor shall not be deemed or construed to

be a waiver by Grantee of such term or of any subsequent breach of the same or any other term of this Easement or of any of Grantee's rights under this Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver.

7.8 Waiver of Certain Defenses. Grantors hereby waive any defense of laches, estoppel, or prescription.

7.9 Acts Beyond Grantor's Control. Nothing contained in this Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from causes beyond Grantor's control, including, without limitation, fire, flood, storm, earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, mitigate significant injury to the Property resulting from such causes. Notwithstanding the foregoing, nothing herein shall preclude Grantor's and Grantee's rights to pursue any third party for damages to the Property from vandalism, trespass or any other violation of the terms of this Easement.

8. Arbitration. Notwithstanding the remedies available to the parties pursuant to Paragraph 8 above, the parties agree to resolve all disputes arising out of or relating to this Easement through arbitration, after exhausting applicable administrative review, to the extent required by A.R.S. §12-1518 except as may be required by other applicable statutes.

9. Access. Grantor agrees to provide reasonable public access to the Property and agrees to impose no restrictions that would limit reasonable public access.

10. Records Retention. Grantor agrees to retain all data, books and other records ("Records") relating to the grant for a period of five years. All records shall be open to inspection and audit by the grantee at reasonable times. Upon request, the Grantor will provide a legible copy of any or all such records within a reasonable time.

11. Annual Reports and Certification. Grantor agrees to report annually on the condition of the Property and to report any change in the Property from the Baseline Documentation to the Grantee in a format of the Grantee's choosing. The Grantor shall certify compliance with the obligations of the Deed of Conservation Easement every year in perpetuity, on a form to be provided by the BOARD. In addition, on-site inspections shall be conducted periodically at the discretion of the BOARD. The following point shall be taken into consideration during the inspection of properties that have been acquired or developed with grant assistance: retention and use appearance, maintenance, management, availability, environment, signing, and interim use.

12. Costs, Liabilities, Taxes, and Environmental Compliance.

12.1. Costs, Legal Requirements, and Liabilities. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property, including the maintenance of adequate liability self-insurance coverage. Grantor remains solely responsible for obtaining any applicable governmental permits and approvals for any construction or other activity or use shall be undertaken in accordance

WILSON BROWN

with all applicable federal, state, and local laws, regulations, and requirements. Grantor shall keep the Property free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by the Grantors.

12.2 Taxes. Grantor shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Property by competent authority (collectively "taxes"), including any taxes imposed upon, or incurred as a result of, this Easement, and shall furnish Grantee with satisfactory evidence of payment upon request.

12.3 Representations and Warranties. Grantors represent and warrant that, after reasonable investigation and to the best of their knowledge:

- (a) No substance defined, listed or otherwise classified pursuant to any federal, state, or local law, regulation, or requirement as hazardous, toxic, polluting, or otherwise contaminating to the air, water, soil, or in any way harmful or threatening to human health or the environment exists or has been released, generated, treated, stored, used disposed of, deposited, abandoned, or transported in, on, from or across the Property;
- (b) There are not now any underground storage tanks located on the Property, whether presently in service or closed, abandoned, or decommissioned, and no underground storage tanks have been removed from the Property in a manner not in compliance with applicable federal, state, and local laws, regulations, and requirements;
- (c) Grantor and the Property are in compliance with all federal, state, and local laws, regulations, and requirements applicable to the Property and its use;
- (d) There is no pending or threatened litigation in any way affecting, involving, or relating to the Property; and
- (e) No civil or criminal proceedings or investigations have been instigated at any time or are now pending, and no notices, claims, demands, or orders have been received, arising out of any violation or alleged violation of, or failure to comply with, any federal, state, local law, regulation, or requirement applicable to the Property and its use, nor do there exist any facts or circumstances that the Grantor might reasonably expect to form the basis for any such proceedings, investigations, notices, claims, demands, or orders.

12.4 Remediation. If, during Grantor's ownership of the Property, there occurs, a release in, on, or about the Property of any substance now or hereafter defined, listed, or otherwise classified pursuant to any federal, state, or local law, regulation, or requirement as hazardous, toxic, polluting, or otherwise contaminating to the air, water, or soil, or in any way harmful or threatening to human health or the environment, Grantor agree to take all steps reasonably necessary to assure its containment and remediation, including any cleanup that may be legally required, unless the releases were caused by the Grantee, in which case Grantee shall be responsible therefore.

2025 RELEASE UNDER E.O. 14176

12.5 **Control.** Nothing in this Easement shall be construed as giving rise, in the absence of a judicial decree, to any right or ability in Grantee to exercise physical or managerial control over the day-to-day operations of the Property, or any of Grantor's activities on the Property, or otherwise to become an operator with respect to the Property within the meaning of The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA").

13. **Extinguishment and Condemnation.**

13.1 **Extinguishment.** If circumstances arise in the future that render the purpose of this Easement impossible to accomplish, this Easement may be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction or by mutual written agreement of the parties. Unless otherwise required by applicable law at the time, in the event of any sale of all or a portion of the Property (or any other property received in connection with an exchange or involuntary conversion of the Property) after such termination or extinguishment, and after the satisfaction of prior claims and net of any costs or expenses association with such sale, Grantor and Grantee shall divide the proceeds from such sale (minus any amount attributable to the value of improvements made by Grantor after the effective date of this Easement, which amount is reserved to Grantor) in accordance with their respective percentage interests in the fair market value of the Property, adjusted, if necessary, to reflect a partial termination or extinguishment of this Easement. Grantor shall use all such proceeds received by Grantor in a manner consistent with Grantor's conservation purposes.

13.2 **Condemnation.** If all or any part of the Property is taken by exercise of the power of eminent domain or acquired by purchase in lieu of condemnation, whether by public, corporate, or other authority, so as to terminate this Easement, in whole or in part, Grantor and Grantee shall act jointly to recover the full value of their interests in the Property, including Grantee's interest in the amount of the Grant Award, subject to the taking or in lieu of purchase and all direct or incidental damages resulting there from. All expenses reasonable incurred shall be paid out of the amount recovered.

14. **Amendment.** Notwithstanding the provisions related to extinguishment of this Easement, if circumstances arise under which an amendment to or modification of this Easement would be appropriate, the Grantor and Grantee are free to jointly amend this Easement, provided that no amendment shall be allowed that will affect the qualifications of this document as an Easement under the laws of Arizona, and any amendment shall be consistent with the purpose of this Easement and shall not have a material negative affect on the Conservation Values. Such amendments shall be in writing and executed by both Grantor and Grantee.

15. **Subsequent Transfers.** Grantor agrees to incorporate the terms of this Easement by reference in any deed or other legal instrument by which they divest themselves of any interest in all or a portion of the Property, including, without limitation, a leasehold interest. Grantors further agree to give written notice to Grantee of the transfer of any interest at least 30 days prior to the date of such transfer. The failure of Grantors to perform any act required by this paragraph shall not impair the validity of this Easement or limit its enforceability in any way.

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16. **Estoppel Certificates.** Upon request by Grantor, Grantee shall within 30 days of receiving the request, execute and deliver to Grantor, or to any party designated by Grantors, any document, including an estoppel certificate, which certifies, to the best of Grantee's knowledge, Grantor's compliance with any obligation of Grantor contained in this Easement or otherwise evidences the status of this Easement. Such certification shall be limited to the condition of the Property as of Grantee's most recent inspection. If Grantor requests more current documentation, Grantee shall conduct an inspection, at Grantor's expense, within 30 days of receipt of Grantor's written request therefore.

17. **Notices.** Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantors:
Pima County
130 West Congress, 10th Floor
Tucson, Arizona 85701

To Grantee:
Arizona State Parks
1300 West Washington Street
Phoenix, Arizona 85007

or to such other address as either party from time to time shall designate by written notice to the other.

18. **Recordation.** Grantee shall record this instrument in timely fashion in the official records of Maricopa County, Arizona, and may re-record it at any time as may be required to preserve its rights in this Easement.

19. **General Provisions.**

19.1 **Controlling Law.** The laws of the State of Arizona shall govern the interpretation and performance of this Easement. Proper venue for any dispute relating to the Easement shall be the Superior Court of Pima County.

19.2 **Liberal Construction.** Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the purpose of this Easement and the policy and purpose of A.R.S. §33-271 through §33-276 and A.R.S. §41-511.23. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

19.3 **Severability.** If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement,

11/10/2023 10:00:00 AM

or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

19.4 **Entire Agreement.** This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Easement, all of which are merged herein.

19.5 **No Forfeiture.** Nothing contained herein will result in a forfeiture or reversion of Grantors' title in any respect.

19.6 **Successors.** The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the parties, hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property. The terms "Grantor" and "Grantee," wherever used herein, and any pronouns used in place thereof, shall include, respectively, the above-named Grantor and its successors, and assigns, and the above-named Grantee and its successors and assigns.

19.7 **Termination of Rights and Obligations.** A party's rights and obligations under this Easement terminate upon transfer of the party's interest in the Easement or Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

19.8 **Captions.** The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

19.9 **Non-discrimination.** The Parties hereby acknowledge that they are bound by Executive Order 99-4 concerning non-discrimination in employment.

19.10 **Non-Availability of Funds.** Every payment obligation of the Grantee and Grantor under this Easement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Easement, this Easement may be terminated by the Grantee at the end of the period for which funds are available. No liability shall accrue to the Grantee in the event this provision is exercised, and the Grantee shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

19.11 **Counterparts.** The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

TO HAVE AND TO HOLD unto Grantee, its successors, and assigns forever.

142018 010114

IN WITNESS WHEREOF, the Grantor and the Grantee have executed this Deed of Conservation Easement which shall become effective immediately upon signature by both parties.

GRANTOR: PIMA COUNTY

C. Huckelberry
Signature

C. H. Huckelberry
Print Name

County Administrator
Title

12/15/09
Date

ACKNOWLEDGMENT BY GRANTOR

State of Arizona)
County of Pima)

The foregoing instrument was acknowledged before me this 15 day of December, 2009

By Pima County
GRANTOR

Ames
Notary Public
(Seal)



VICTORIA AMES
Notary Public - Arizona
Pima County
Expires 02/15/2011

GRANTEE:
ARIZONA STATE PARKS BOARD

Jay C. Ziemann
Signature

Jay C. Ziemann
Print Name

Asst. Director
Title

12-16-09
Date

ACKNOWLEDGMENT BY GRANTEE

State of Arizona)
County of Maricopa)

The foregoing instrument was acknowledged before me this 16th day of December, 2009

By JAY C. ZIEMANN
GRANTEE

Vivia Strang
Notary Public
(Seal)



APPROVED AS TO FORM:

[Signature] for Regina Nasson
Deputy County Attorney

ARIZONA BOARD OF NOTARIES

EXHIBIT "A"
LEGAL DESCRIPTION
53-113558-01

THAT PORTION OF LOT 1, OF SANTA CRUZ INDUSTRIAL PARK LOTS 1, 2 AND 3 AS RECORDED IN BOOK 24 OF MAPS AND PLATS, PAGE 15, RECORDS OF PIMA COUNTY RECORDERS OFFICE, LOCATED IN SECTION 11, TOWNSHIP 15 SOUTH, RANGE 13 EAST, OF THE GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LOT 1 OF SAID SANTA CRUZ INDUSTRIAL PARK LOTS 1, 2 AND 3 AS DESCRIBED IN BOOK 5167 AT PAGE 773, RECORDS OF PIMA COUNTY, ARIZONA.

EXCEPT THAT PARCEL AS DESCRIBED IN BOOK 9898 AT PAGE 641, RECORDS OF PIMA COUNTY, ARIZONA

SAID PORTION OF LOT 1 IS NOW RECORDED IN BOOK 32 OF MAPS AND PLATS, PAGE 98, RECORDS OF PIMA COUNTY RECORDERS OFFICE.

CONTAINING 67.17 ACRES MORE OR LESS.

44-113558-01

ATTACHMENT 2F.

The Pima County Board of Supervisors adopted Pima Prospers on May 19, 2015. This document is intended to provide an easily accessible overview and navigation aide to those sections within Pima Prospers that relate to the Maeveen Marie Behan Conservation Lands System.

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## **Background: Excerpts from Chapter 3 - Use of Land Distribution, Analysis, & Current Conditions**

### **3.4 Environmental – Maeveen Marie Behan Conservation Lands System**

The Maveen Marie Behan Conservation Lands System (CLS) was adopted as part of the Environmental Element of the Pima County Comprehensive Plan 2001 Update in December 2001 and was updated June 21, 2005. In 2009, it was renamed as the Maeveen Marie Behan Conservation Lands System to commemorate Dr. Behan’s extra-ordinary contribution in bringing the CLS to fruition.

The CLS identifies and maps those areas where priority biological resources occur within Pima County. It also establishes policy guidelines for the conservation of these resources; guidelines are to be applied to certain types of land use changes that require approval by the Board of Supervisors. Other elements include definitions of seven priority biological resource categories, conservation guidelines, implementation strategies, and a map.

The Board has applied the CLS to well over 80 requests for land use changes since 2002. The Board and County Administrator’s Office also negotiate with mining corporations and others not regulated by the County but doing business here to mitigate voluntarily for their project-related impacts to lands and resources within the CLS. A tribute to the soundness of the CLS is that the policy has been in place for 13 years with only one update to allow for the incorporation of new scientific information. The CLS was constructed according to the most current tenets of conservation biology and biological reserve design. The CLS:

- perpetuates the comprehensive conservation of vulnerable species;
- retains those areas that contain large populations of focal vulnerable species;
- provides for the adjacency and proximity of habitat blocks;
- preserves the contiguity of habitat at the landscape level; and
- retains the connectivity of reserves with functional corridors.

The collective application of these individual tenets produces a CLS that retains the diverse representation of physical and environmental conditions, preserves an intact functional ecosystem, minimizes the expansion of exotic or invasive species, maximizes the extent of roadless areas, and minimizes fragmentation. Implementation of the CLS not only conserves those biological resources that exist today but, because of its landscape focus, preserves the future ebb and flow of resources essential



to a healthy functioning ecosystem. The seven CLS conservation land categories reflect relative values of biodiversity for various lands across the landscape.

Adherence to Conservation Lands System Guidelines will accomplish the following:

- Protect against the loss of conservation values and landscape integrity through in-place preservation and restoration or enhancement of degraded or otherwise compromised natural resources.
- Create development that retains conservation values at both the micro and macro landscape scale by minimizing impacts to site-specific sensitive conservation values, maximizing landscape continuity, facilitating the movement of native fauna and pollination of native flora across and through the landscape, promoting the long-term diversity of native flora and fauna, and preserving the viability of the CLS.

Based on the science of the SDCP with participation and oversight by the SDCP Science Technical Advisory Team (STAT), seven CLS conservation land categories (CLS categories) were created, defined, and mapped. Each category has an associated conservation guideline policy (conservation guidelines can be found in Chapter 3 – Land Use Policies; *{See Plan Policy Chapter 3 excerpts herein}*). The seven categories are: (See Glossary for definitions *{or Glossary Excerpts herein}*).

**Important Riparian Areas** are critical elements of the Sonoran Desert where biological diversity is at its highest. These areas are valued for their higher water availability, vegetation density, and biological productivity. They are also the backbone to preserving landscape connectivity.

**Biological Core Management Areas** have high biological values. They support large populations of vulnerable species, connect large blocks of contiguous habitat and biological reserves, and support high value potential habitat for five or more priority vulnerable species.

**Special Species Management Areas** are crucial to the conservation of three species of special concern to Pima County: the cactus ferruginous pygmy-owl, Mexican spotted owl, and southwest willow flycatcher.

**Multiple Use Management Areas** support significant biological values, but these values do not attain the level associated with Biological Core Management Areas. They support populations of vulnerable species, connect large blocks of contiguous habitat and biological reserves, and support high value potential habitat for three or more priority vulnerable species.

**Scientific Research Areas** are lands within the Tucson Basin that are managed for scientific research: the Santa Rita Experimental Range and the University of Arizona’s Desert Laboratory at Tumamoc Hill.

**Agricultural In-Holdings within the CLS** are areas where active, or abandoned, agriculture lands exist within the Conservation Lands System.

**Critical Landscape Connections** are six broadly-defined areas where biological connectivity is significantly compromised, but where opportunity to preserve or otherwise improve the movement of wildlife between major conservation areas and/or mountain ranges still persists. Roads, other infrastructure services, and residential and commercial land uses within these areas, depending on configuration, can result in habitat loss and fragmentation that inhibits the movement of native fauna and interrupt the pollination processes of native flora. These six areas generally focus attention on maintaining connectivity with the Santa Cruz River in northwest Tucson and southern Pima County, between the Catalina and Tortolita Mountains, between the Tohono O’odham Nation and Tucson Mountains, along the Cienega Creek corridor, and through Avra Valley.

As the CLS created a new paradigm for development of privately-owned property in unincorporated Pima County, a great deal of initial effort was devoted to developing and implementing procedures and requirements that promote implementation of the CLS. Significant accomplishments include:

- Modification of Site Analysis inventory requirements for rezoning applications to better identify the presence of conservation values and identify areas most suitable for development;
- Modification of comprehensive plan amendment submittal requirements to include information on conservation values;
- Modification of Biological Impact Report requirements for rezoning and conditional use permit applications to standardize information necessary to assess potential impacts to conservation resources and the integrity of the CLS;
- Standardized the review process for comprehensive plan amendment and rezoning applications to determine the application’s conformance with CLS, consistency with existing or logical expansion of infrastructure, and long-term conservation of highly valued natural resources; and
- Promulgated a new zoning ordinance to allow for the transfer of development rights.

## **Pima Prospers: Excerpts from Chapter 3 – Use of Land**

### **3.4 – Environmental Element**

The Environmental Planning Element calls for analysis, policies and strategies to address anticipated effects of implementation of plan elements on natural resources. Policies and strategies under this plan element are designed to have countywide applicability. Conservation actions are to be encouraged, and protection of biological resources is considered an essential component of land-use planning. The Maeveen Marie Behan Conservation Lands System (CLS) is designed to protect biodiversity and provide land use guidelines consistent with the conservation goal of the Sonoran Desert Conservation Plan (SDCP). The CLS identifies areas important to the conservation of our natural resources heritage and

embodies the biological goal of the SDCP which is 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 ecosystem functions necessary for their survival.”

**Goal 1: Conserve and protect natural resources**

*Policy 1:* CLS category designations and CLS conservation guidelines apply to land uses and activities undertaken by or under the jurisdiction of Pima County or Pima County Regional Flood Control District (Flood Control District) as follows:

- a. Pima County and the Flood Control District will seek consistency with the CLS through federal and state land-use decision plans and processes;
- b. Application of CLS designations or guidelines shall not alter, modify, decrease or limit existing and legal land uses, zoning, permitted activities, or management of lands;
- c. When applied to development of land subject to county or Flood Control District authority, CLS designations and guidelines will be applied to:
  - 1. New rezoning and specific plan requests;
  - 2. Time extension requests for rezoning cases;
  - 3. Requests for substantial change modifications or waivers of rezoning or specific plan conditions, including substantial changes;
  - 4. Requests for Comprehensive Plan amendments;
  - 5. Type II and Type III conditional use permit requests; and
  - 6. Requests for waivers of subdivision platting requirement of a zoning plan.
- d. Implementation of these policies shall achieve the level of conservation necessary to protect a site’s conservation values, preserve landscape integrity, and provide for the movement of native fauna and pollination of native flora across and through the landscape; and
- e. Projects subject to these designations and guidelines will be evaluated against the Conservation Guidelines for the CLS categories provided in conservation guideline policies, where applicable, to determine their appropriateness.

**Conservation Guidelines**

*Policy 2:* The Conservation Guidelines for the associated CLS designation apply to the total acreage of the site that lies within the boundaries of that designation:

- a. If a CLS designation applies to a portion of a site, Conservation Guidelines for that designation will apply only to that portion of the site affected by that category;

- b. For purposes of this policy, site is defined as a single lot or combination of contiguous lots; and
- c. Where more than one CLS categories overlap, the more protective Conservation Guideline will apply to the affected portion.

*Policy 3:* The following Conservation Guidelines apply to Important Riparian Areas (IRA):

- a. Across the entirety of the CLS landscape, at least 95 percent of the total acreage of lands within this designation shall be conserved in a natural or undisturbed condition;
- b. Every effort should be made to protect, restore and enhance the structure and functions of IRA, including their hydrological, geomorphological and biological functions;
- c. Areas within an IRA that have been previously degraded or otherwise compromised may be restored and/or enhanced; and
- d. Such restored and/or enhanced areas may contribute to achieving the 95 percent conservation guideline for IRA;
- e. Restoration and/or enhancement of degraded IRA may become a condition or requirement of approval of a comprehensive plan amendment and/or rezoning; and
- f. On-site mitigation is preferable, however mitigation may be provided on-site, off-site, or in combination.

*Policy 4:* The following CLS Conservation Guidelines apply to Biological Core Management Areas:

- a. Across the entirety of the CLS landscape, at least 80 percent of the total acreage of lands within this designation shall be conserved as undisturbed natural open space;
- b. Land use and management focus on the preservation, restoration, and enhancement of native biological communities including but not limited to preserving the movement of native fauna and flora across and through the landscape and promoting landscape integrity; and
- c. Projects subject to this policy and within this designation will yield four conserved acres (mitigation) for each acre to be developed:
  - 1. Mitigation acres may be provided on-site, off-site, or in combination;
  - 2. The preference is for the mitigation acres to be within Biological Core Management Area or Habitat Protection Priority Areas;
  - 3. For purposes of this policy, Habitat Protection Priority Areas are those areas referenced and mapped as part of the 2004 Conservation Bond Program or subsequent conservation bond programs;

4. The 4:1 mitigation ratio will be calculated according to the extent of impacts to the total surface area of that portion of any parcel designated as Biological Core Management Areas;
5. Development shall be configured in the least sensitive portion(s) of the property;
6. On-site mitigation area(s) of undisturbed natural open space will be configured to maximize conservation values and preserve the movement of native fauna and pollination of native flora across and through the landscape; and
7. A Transfer of Development Rights (TDR) may be used in order to secure mitigation lands.

*Policy 5:* The following Conservation Guidelines apply to Scientific Research Areas:

- a. Scientific Research Areas should continue to be managed for the purpose of scientific research on the environment and natural resources;
- b. Scientific research activities should minimize any long-lasting impacts that may affect adjacent or nearby CLS lands; and
- c. Any land-use changes subject to Pima County jurisdiction should achieve the conservation goals of the underlying CLS category.

*Policy 6:* The following Conservation Guidelines apply to Multiple Use Management Areas:

- a. Across the entirety of the CLS landscape at least 66  $\frac{2}{3}$  percent of the total acreage of lands within this designation shall be conserved as undisturbed natural open space;
- b. Land use and management goals within these areas focus on balancing land uses with conservation, restoration, and enhancement of native biological communities and must:
  1. Facilitate the movement of native fauna and pollination of native flora across and through the landscape;
  2. Maximize retention of on-site conservation values; and
  3. Promote landscape integrity.
- c. Projects subject to this policy within this designation will yield two conserved (mitigation) acres for each acre developed:
  1. Mitigation acres may be provided on-site, off-site, or in combination;
  2. The preference is for mitigation acres to be within Multiple Use Management Areas, any more protective category of the CLS, or Habitat Protection Priority Areas;

3. For purposes of this policy, Habitat Protection Priority Areas are those areas referenced and mapped as part of the 2004 Conservation Bond Program or any subsequent conservation bond program;
4. The 2:1 mitigation ratio will be calculated according to the extent of impacts to the total surface area of that portion of any parcel designated as Multiple Use Management Areas;
5. Development shall be configured in the least sensitive portion(s) of the property;
6. On-site mitigation area(s) of undisturbed natural open space will maximize conservation values and facilitate the movement of native fauna and pollination of native flora across and through the landscape;
7. Additional conservation exceeding 66% percent will be encouraged through the use of development-related incentives and may utilize undisturbed natural open space on individual lots; and
8. A Transfer of Development Rights (TDR) may be used in order to secure lands utilized for mitigation, restoration, and/or enhancement purposes.

*Policy 7:* The following Conservation Guidelines apply to Agriculture In-Holdings within the Conservation Lands Systems:

- a. Intensifying land uses of these areas will emphasize the use of native flora, facilitate the movement of native fauna and pollination of native flora across and through the landscape, and conserve on-site conservation values when they are present; and
- b. Development within these areas will be configured in a manner that does not compromise the conservation values of adjacent and nearby CLS lands.

*Policy 8:* The following Conservation Guidelines apply to Special Species Management Areas:

- a. Across the entirety of the CLS landscape, at least 80 percent of the total acreage of lands within this designation shall be conserved as undisturbed natural open space and will provide for the conservation, restoration, or enhancement of habitat for the affected Special Species;
- b. Projects subject to this policy and within this designation will yield 4 conserved (mitigation) acres for each acre to be developed:
  1. Mitigation acres may be provided on-site, off-site, or in combination;
  2. The preference is for the mitigation acres to be within a designated Special Species Management Area;

3. The 4:1 mitigation ratio will be calculated according to the extent of impacts to the total surface area of that portion of any parcel designated as Special Species Management Area;
  4. Development shall be configured in the least sensitive portion(s) of the property;
  5. On-site area(s) of undisturbed natural open space will be configured to facilitate the movement of the relevant Special Species through the landscape and will include conservation values essential to survival of the relevant Special Species; and
  6. A TDR may be used in order to secure mitigation lands.
- c. Special Species and associated Conservation Guidelines may be added or deleted in the future based on the best available regional scientific information as developed by the Science Technical Advisory Team and added to or deleted from the Special Species Management Areas as shown on the CLS map; and
  - d. Additions and/or deletions to the list of Special Species or Conservation Guidelines for Special Species Management Areas will be processed as a comprehensive plan amendment.

*Policy 9:* The following Conservation Guidelines apply to Critical Landscape Connections:

- a. Land-use changes in these broadly defined areas should protect existing biological linkages;
- b. Where they occur, barriers to the movement of native fauna and pollination of native flora across and through the landscape should be removed and fragmented corridors of native biological communities should be restored;
- c. Opportunities to remove barriers and restore corridor connectivity may arise as part of other, non-land use related activities (e.g., new construction for or upgrade of infrastructure services). Such opportunities should be pursued; and
- d. High priority shall be given to identifying, preserving, and re-establishing the connection between native biological communities especially where natural connectivity is most constrained.

*Policy 10:* The Board of Supervisors has the sole authority to modify mitigation specified in any Conservation Guideline or otherwise determined the appropriate amount of mitigation necessary for a comprehensive plan amendment or rezoning to comply with the CLS, including increases, reductions and exemptions:

- a. Requests to modify or be exempt from providing mitigation will be deliberated on a case-by-case basis; and

- b. Staff may review proposals and make recommendations for the modification of mitigation rations, including exemption.

**Conservation Lands System Off-site Mitigation:**

*Policy 11:* The following guidelines apply to properties being considered for off-site mitigation:

- a. The location of off-site mitigation properties should be within the same general geographic region of the original project site;
- b. Off-site mitigation property should provide the same or better resource values as the original project site including, but not limited to:
  - 1. CLS designations inclusive of 2004 Conservation Bond Habitat Protection Priority designations or subsequent conservation bond programs;
  - 2. Vegetation community type (s);
  - 3. Habitat values for applicable CLS Special Species (e.g., breeding, dispersal);
  - 4. Surface water or unique landforms such as rock outcrops;
  - 5. Contribution to landscape connectivity; and
  - 6. Demonstration that the resource and conservation values of the off-site mitigation property will be protected in perpetuity.
- c. Off-site mitigation of IRA may include the purchase and transfer of water rights that directly impact and/or support groundwater dependent ecosystems.

*Policy 12:* Lands that are to be reserved from development and which will provide CLS mitigation shall be conserved and managed, in perpetuity, for the benefit of the natural resources:

- a. Various means may be utilized to protect conservation or mitigation lands including, but not limited to, the transfer of deeded property to Pima County, pending approval by the Board of Supervisors, or other conservation entities and the granting of conservation easements;
- b. CLS mitigation lands shall be established as separate, natural open space parcel(s) from the development area; and
- c. Residents, or associations of residents, of a development may not serve as the sole administrator or enforcement entity for the management and protection of those conservation or mitigation lands.



## **Amendments to the Conservation Lands System Map and Policies**

*Policy 13:* Amendments to the CLS map and policies are appropriate only at such time as new, comprehensive, region-wide information is available.

### **Goal 1 Implementation Measures:**

- a. Applications for Comprehensive Plan amendment will:
  1. Inventory and assess the site's conservation values and context within an area-wide landscape;
  2. Analyze the biological impacts of the requested amendment;
  3. Demonstrate that intensifying the land use designation will preserve the integrity of the CLS;
  4. Promote development that is consistent with the existing infrastructure service area or land use planning and infrastructure studies that address the logical expansion of infrastructure services;
  5. When requesting modification of or exemption from CLS Conservation Guidelines demonstrate that:
    - i. SDCP goals are upheld;
    - ii. Landscape integrity of the CLS remains intact;
    - iii. On-site conservation values are protected, restored, or enhanced; and
    - iv. Native fauna retain the ability to:
      1. Move across the landscape; and
      2. Pollinate native flora.
- b. Staff will review Comprehensive Plan Amendment applications, at a minimum, for the following:
  1. The site's landscape context as it relates to the biological, hydrological and built environments;
  2. Potential biological impact of the requested amendment;
  3. Preservation of the integrity of the CLS; and
  4. Consistency with the existing infrastructure service area or land use planning and infrastructure studies that address the logical expansion of infrastructure services.

- c. Approvals of Comprehensive Plan Amendments:
  - 1. May include special area policies in order to govern or otherwise direct subsequent rezoning to specifically address conservation of certain landscape attributes; and
  - 2. Will apply any modification of or exemption from Conservation Guidelines through any subsequent rezoning.
  
- d. Applications for rezoning will:
  - 1. Inventory and assess the site's conservation values and context within an area-wide landscape;
  - 2. Analyze the biological impacts of the requested application;
  - 3. Demonstrate that intensifying the land use will preserve the integrity of the CLS;
  - 4. Demonstrate that highly valued native flora and fauna species are conserved;
  - 5. Provide for development that achieves at the least as much conservation as development under the existing zoning; and
  - 6. When requesting modification of or exemption from Conservation Guidelines demonstrate that:
    - i. SDCP goals are upheld;
    - ii. Landscape integrity of the CLS remains intact;
    - iii. On-site conservation values are protected, restored, or enhanced; and
    - iv. Native fauna retain the ability to:
      - 1. Move across the landscape; and
      - 2. Pollinate native flora.
  
- e. Staff will review rezoning requests from the following, at a minimum:
  - 1. Potential biological impact of the requested rezoning;
  - 2. The site's landscape context as it relates to the biological and built environments;
  - 3. The on-site presence of or potential to support highly valued native flora and fauna species and conservation of these species;
  - 4. The occurrence of physical characteristics that contribute to biodiversity; and
  - 5. Preservation of the integrity of the CLS.

- f. Approvals of rezoning requests:
  - 1. May include special conditions in order to govern or otherwise direct conservation of certain landscape attributes; and
  - 2. Will apply any modification of or exemption from Conservation Guidelines.
- g. Continue to implement the CLS of the SDCP.
- h. Develop and implement development-related incentives appropriate for use in Multiple Use Management Areas. Incentives may, if appropriate, be established through revision of allowable zoning districts, overlays, comprehensive plan land use designations.
- i. Continue to develop and refine guidance criteria for restoration, enhancement, and mitigation proposals.
- j. Continue to develop and refine site design guidance and other site planning recommendations for environmentally-sensitive development.
- k. Assess existing environmentally-related zoning code ordinances for opportunities to align implementation and create incentives accessible to existing and legal land uses, zoning, and permitted activities to promote broader support of CLS and goals of the Sonoran Desert Conservation Plan. Ordinances appropriate for review and revision may include:
  - 1. Native Plant Preservation Ordinance (18.72);
  - 2. Buffer Overlay Zone Ordinance (18.67);
  - 3. Cluster Development Option (18.09.040);
  - 4. Conservation Subdivision Requirements (18.09.100);
  - 5. Hillside Development Zone Ordinance (18.61);
  - 6. Modification of Development Standards in Riparian Areas (18.07.080);
  - 7. Landscape Buffering and Screening Standards (18.73); and
  - 8. Off-Street Parking and Loading Standards (18.75).

## **Pima Prospers: Excerpts from Chapter 10 - Comprehensive Plan Administration**

### **10.13 – Conservation Lands System Definitions**

Any proposed change in Appendix E to a definition related to any part of the Conservation Land System that would have the effect of changing a policy in Goal 1 of Section 3.4 of this plan (including Exhibits 3.4.1 and 3.4.2) shall be considered a substantial change requiring public hearings by the Planning and Zoning Commission and the Board of Supervisors.

## **Pima Prospers Glossary (Appendix E): Selected Terms & Definitions**

**Agriculture In-Holdings within the Conservation Lands System:** Those designated lands utilized for agricultural purposes and lands where agricultural uses have been abandoned. Agricultural land uses, in general, are more conducive to the movement of native fauna and functional pollination processes than other lands supporting higher intensity uses. Intensifying the land uses on these areas could compromise landscape integrity, promote the spread of exotic species, and otherwise compromise the biodiversity of adjacent or nearby Conservation Lands System lands.

**Biological Core Management Areas:** Those lands that fulfill the five tenets used to construct the Conservation Lands System (CLS), but which provide greater biological diversity than Multiple Use Management Areas. They are primarily distinguished from other lands within the CLS by their potential to support high value habitat for five or more priority vulnerable species as identified by the Sonoran Desert Conservation Plan.

**Conservation:** The controlled use and systematic protection of a resource including, but not limited to, environmental or cultural resources, with the purpose of keeping such resources from harm.

**Conservation Lands System:** The Conservation Lands System (CLS) is the ultimate expression of those lands where conservation is fundamental and necessary to achieve the Plan's biological goals, while delineating areas suitable for development. The CLS was renamed the Maeveen Marie Behan Conservation Lands System in November 2009 in memory of Dr. Behan's work on the Sonoran Desert Conservation Plan (SDCP) and the development of the CLS.

**Critical Landscape Connections:** Six broadly-defined areas that provide connectivity for movement of native biological resources but which also contain potential or existing barriers that tend to isolate major conservation areas. These regional-scale connections are:

- (1) Across the I-10 / Santa Cruz River corridors in the northwest;
- (2) Between the Catalina and Tortolita Mountains;
- (3) Across the I-10 corridor along Cienega Creek in the east;
- (4) Across the I-19 and Santa Cruz River corridors in southern Pima County;
- (5) Across the Garcia strip extension of the Tohono O'odham Nation; and
- (6) Across the Central Arizona Project canal in Avra Valley.

**Development:** The physical extension and/or construction of the built environment. Development-related activities include: subdivision of land; construction or alteration of structures, roads, utilities, and other facilities; grading; and clearing of natural vegetative cover (with the exception of agricultural activities); as well as, the creation of parks and recreation facilities.

**Important Riparian Areas:** Areas characterized by hydro-riparian, meso-riparian, and xero-riparian biological communities. Hydro-riparian communities generally exist where vegetation is supported by perennial watercourses or springs. Meso-riparian communities generally exist where vegetation is supported by perennial or intermittent watercourses or shallow groundwater. Xero-riparian communities generally exist where vegetation is supported by an ephemeral watercourse. Important

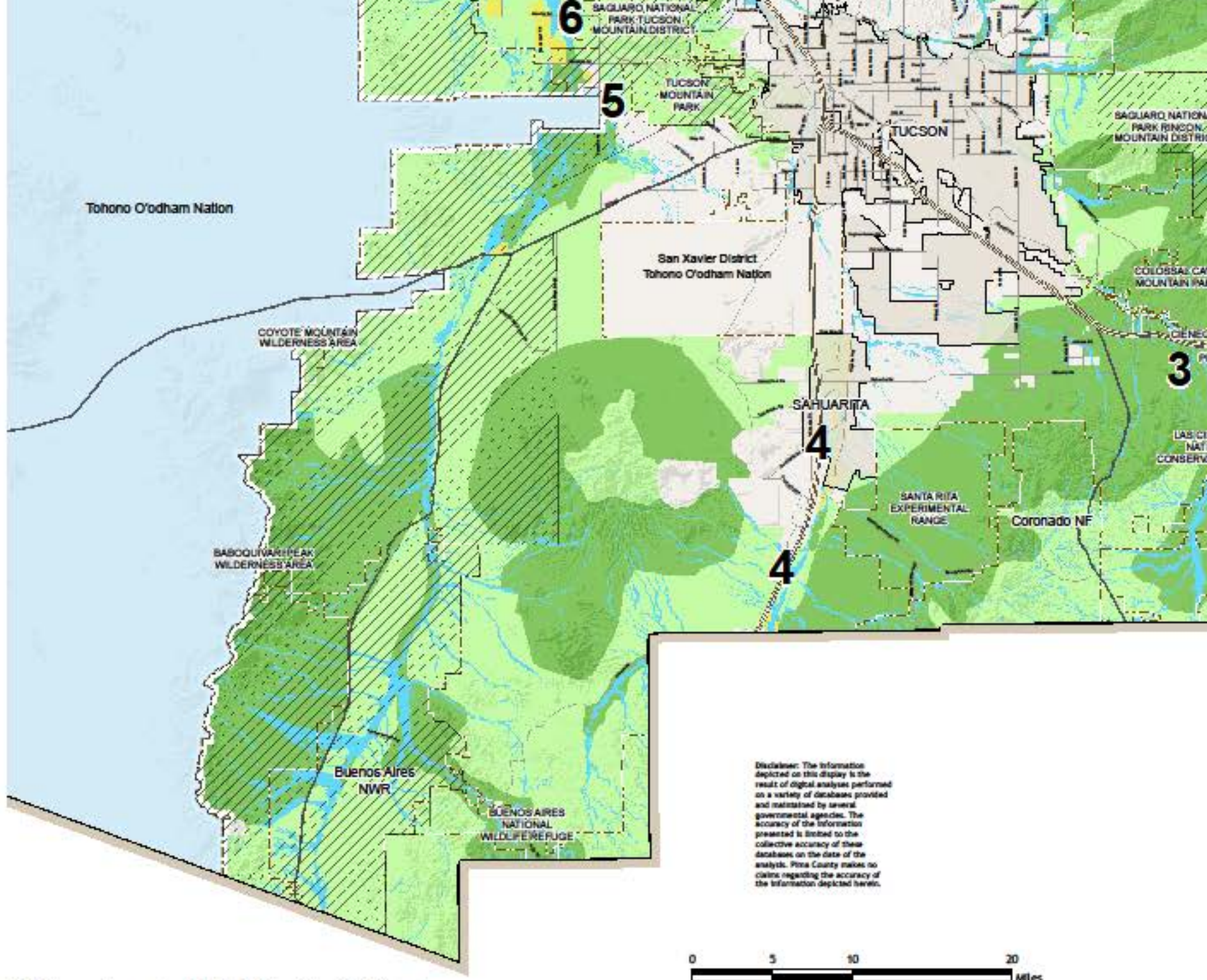
riparian areas are valued for their higher water availability, vegetation density, and biological productivity. In addition to the inherent biological values, important riparian areas including their associated upland areas provide a framework for linkages and landscape connections. They are essential elements in the Conservation Lands System.

**Multiple Use Management Areas:** Those lands that fulfill the five tenets used to construct the Conservation Lands System (CLS), but which are not as biologically rich as those lands designated as Biological Core Management Areas. They are primarily distinguished from other lands within the CLS by their potential to support high value habitat for three or more priority vulnerable species as identified by the Sonoran Desert Conservation Plan.




**Scientific Research Areas:** These areas are currently managed for scientific research: the Santa Rita Experimental Range and the University of Arizona Desert Laboratory at Tumamoc Hill. Land uses and management within these areas focus on balancing conservation, restoration, and enhancement of natural communities in support scientific research on the environment and natural resources (e.g., monitoring ecological change, measuring effects of experimental grazing methods).

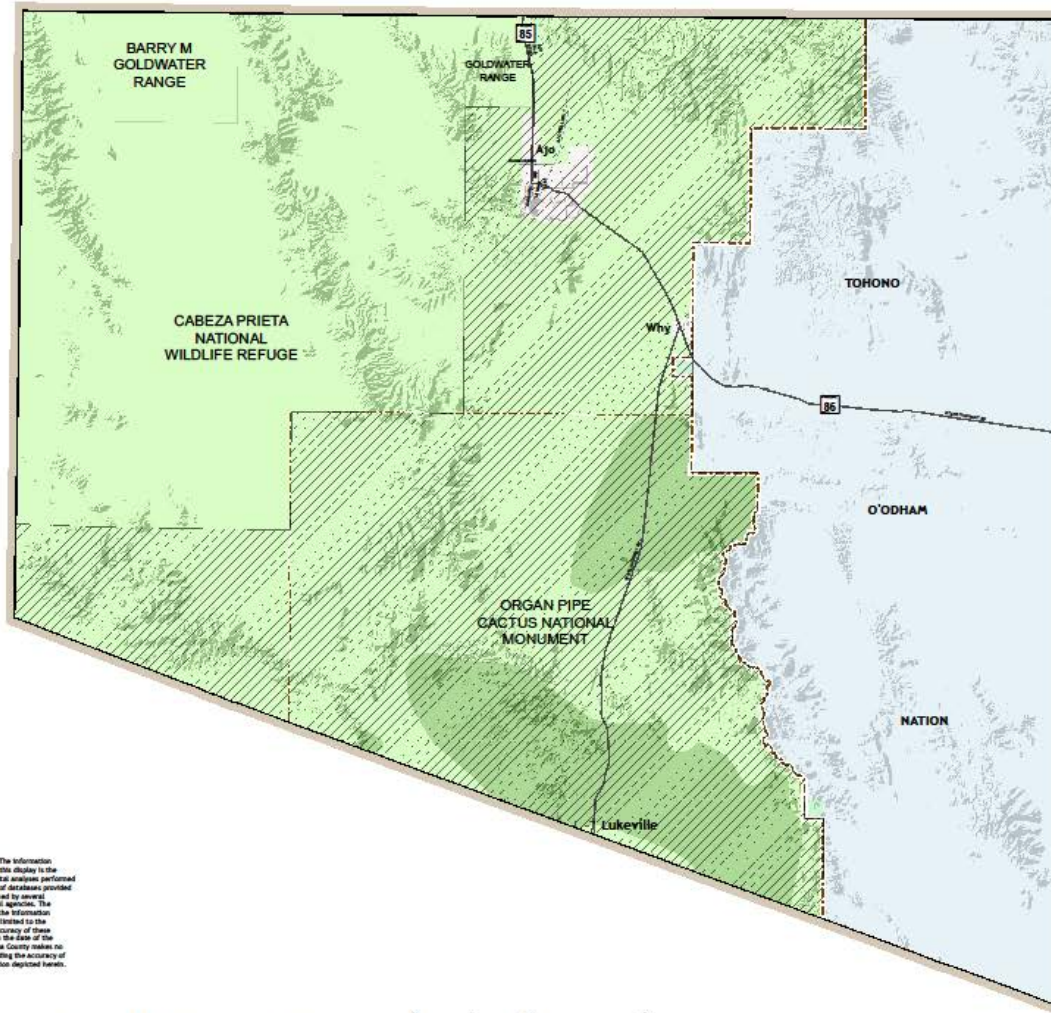
**Special Species Management Areas:** Areas defined as crucial to the conservation of specific native floral and faunal species of special concern to Pima County. Currently, three species are designated as Special Species: Cactus ferruginous pygmy-owl, Mexican spotted owl, and Southwest willow flycatcher.

**Transfer of Development Rights (TDR):** Transfers of development rights are used to transfer ownership of development potential from lands where development is less desirable to lands where it is more desirable. The land from which development is transferred is generally called the “Sending Property” and the property to which it is transferred is called the “Receiving Property”.



## Conservation Lands System Western Pima County

-  Biological Core Management Areas
-  Multiple Use Management Areas
-  Special Species Management Areas



Disclaimer: The information depicted on this display is the result of digital analysis performed on a variety of databases provided and maintained by several governmental agencies. The accuracy of the information presented is limited to the collective accuracy of these databases on the date of the analysis. Pima County makes no claims regarding the accuracy of the information depicted herein.

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ORDINANCE 2016- 64

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA RELATING TO ZONING; REZONING APPROXIMATELY 77.9 ACRES OF PROPERTY FROM THE SR (SUBURBAN RANCH) ZONE, SR (BZ) (SUBURBAN RANCH – BUFFER OVERLAY) ZONE, AND SR (PR-2) SUBURBAN RANCH – HILLSIDE DEVELOPMENT OVERLAY (LEVEL 2 PEAKS & RIDGES)) ZONE TO THE SR-2 (SUBURBAN RANCH ESTATE) ZONE, SR-2 (BZ) (SUBURBAN RANCH ESTATE – BUFFER OVERLAY) ZONE, AND SR-2 (PR-2) (SUBURBAN RANCH ESTATE – HILLSIDE DEVELOPMENT OVERLAY (LEVEL 2 PEAKS & RIDGES)) ZONE IN CASE CO9-15-04 LANDMARK TITLE TR 18109 – WEST SUNSET ROAD REZONING, ON PROPERTY LOCATED ON THE SOUTH SIDE OF W. SUNSET ROAD, APPROXIMATELY 1,300 FEET WEST OF N. CAMINO DE OESTE, AMENDING PIMA COUNTY ZONING MAPS NO. 43 AND 44.

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. The 77.9 acres of land located on the south side of W. Sunset Road, approximately 1,300 feet west of N. Camino de Oeste and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Maps No. 43 and 44, is rezoned from the SR (Suburban Ranch) zone, SR (BZ) (Suburban Ranch – Buffer Overlay) zone, and SR (PR-2) (Suburban Ranch – Hillside Development Overlay (Level 2 Peaks & Ridges)) zone to the SR-2 (Suburban Ranch Estate) zone, SR-2 (BZ) Suburban Ranch Estate – Buffer Overlay) zone, and SR-2 (PR-2) Suburban Ranch Estate – Hillside Development Overlay (Level 2 Peaks & Ridges)) zone subject to the conditions in this ordinance.

Section 2. Rezoning Conditions.

1. The owner shall:
  - A. Submit a development plan if determined necessary by the appropriate County agencies.
  - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
  - C. Provide development related assurances as required by the appropriate agencies.
  - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.



2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. The owner shall adhere to the preliminary development plan as approved at public hearing (Exhibit B), with the exception of changes in number, size, or configuration of lots due to a required provision of common area for detention basins if an alternative is not accepted by the Floodplain Administrator.
4. Transportation conditions:
  - A. The property shall be limited to two access points as indicated on the preliminary development plan (Exhibit B).
  - B. The eastern access point shall align with the access point on the north side of Sunset Road.
5. Flood Control conditions:
  - A. Native riparian vegetation shall be used to enhance drainage improvements.
  - B. First flush retention (retention of the first ½ inch of rainfall from impervious and disturbed surfaces) shall be provided.
  - C. Regulatory floodplains and riparian habitat shall be within permanently identified open space through easement or dedication.
  - D. Development shall meet Critical Basin detention requirements.
  - E. Maintenance responsibility for stormwater infrastructure, including detention basins, shall be assigned to the homeowners association or other designated representative by Conditions, Covenants and Restrictions.
  - F. Detention basins shall be located in common area unless an alternative is proposed and accepted by the Floodplain Administrator. Placement of basins in common area may result in fewer lots or changes in size and/or configuration of lots than shown on the conceptual layout on the preliminary development plan.
  - G. Building envelopes shall be identified during the platting process and shall be oriented to avoid or minimize impacts to local, unregulated drainageways.

**6. Environmental Planning conditions:**

- A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing 52 acres as on-site natural open space (NOS) and 19 acres as off-site NOS. On-site NOS will conform to the approximate location and configuration as shown on the approved Preliminary Development Plan. Off-site NOS must conform to the CLS

Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11) Conservation Lands System Mitigation Lands) and comply with all of the following:

- Off-site NOS is acceptable to the Pima County Planning Official or designee; and
  - Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee.
- B. The maximum amount of grading per lot shall not exceed 15,000 square feet and will occur entirely within the buildable part of the lot as demarcated on the Preliminary Development Plan by the 'No Build Line'.
- C. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Invasive Non-Native Plant Species Subject to Control

|                               |                                                               |
|-------------------------------|---------------------------------------------------------------|
| <i>Ailanthus altissima</i>    | Tree of Heaven                                                |
| <i>Alhagi pseudalhagi</i>     | Camelthorn                                                    |
| <i>Arundo donax</i>           | Giant reed                                                    |
| <i>Brassica tournefortii</i>  | Sahara mustard                                                |
| <i>Bromus rubens</i>          | Red brome                                                     |
| <i>Bromus tectorum</i>        | Cheatgrass                                                    |
| <i>Centaurea melitensis</i>   | Malta starthistle                                             |
| <i>Centaurea solstitialis</i> | Yellow starthistle                                            |
| <i>Cortaderia</i> spp.        | Pampas grass                                                  |
| <i>Cynodon dactylon</i>       | Bermuda grass (excluding sod hybrid)                          |
| <i>Digitaria</i> spp.         | Crabgrass                                                     |
| <i>Elaeagnus angustifolia</i> | Russian olive                                                 |
| <i>Eragrostis</i> spp.        | Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass) |
| <i>Melinis repens</i>         | Natal grass                                                   |
| <i>Mesembryanthemum</i> spp.  | Iceplant                                                      |
| <i>Peganum harmala</i>        | African rue                                                   |
| <i>Pennisetum ciliare</i>     | Buffelgrass                                                   |
| <i>Pennisetum setaceum</i>    | Fountain grass                                                |
| <i>Rhus lancea</i>            | African sumac                                                 |
| <i>Salsola</i> spp.           | Russian thistle                                               |
| <i>Schinus</i> spp.           | Pepper tree                                                   |
| <i>Schismus arabicus</i>      | Arabian grass                                                 |
| <i>Schismus barbatus</i>      | Mediterranean grass                                           |

*Sorghum halepense* Johnson grass  
*Tamarix* spp. Tamarisk

7. The owner/developer must secure approval from the Pima County Department of Environmental Quality (PDEQ) to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
8. The property owner shall execute and record the following disclaimer regarding Prop 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. §12-1134(I)."
9. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
10. During the development plan stage, the applicant shall contact Tucson Unified School District (TUSD) concerning the provision of adequate space for safe bus stops, bus turn- arounds and pedestrian access to the appropriate schools.
11. Structures shall be limited to a maximum height of 24 feet and shall be sited and landscaped to minimize negative visual impacts. The color of structures shall be in context with the surrounding environment.
12. In addition to the requirements of the Native Plant Preservation Ordinance, all transplantable saguaros 6 ft or less in height inside the disturbance area envelopes shall either be preserved in place or transplanted within the site.
13. The developer shall consult with the Coalition for Sonoran Desert Protection and Pima County prior to submittal of a subdivision plat to explore ways to reduce the need for large basins located along the downstream edge of the property while still meeting detention requirements. Any basins to be constructed throughout the site shall be designed using permaculture concepts and incorporate gradual slopes of natural materials in order to facilitate wildlife movement.
14. The developer shall consult with the Coalition for Sonoran Desert Protection and Pima County prior to submittal of a subdivision plat on lot configuration and placement of building envelopes, particularly those that are impacted by "flows under the regulatory threshold per the submittal, but are significant," (reference Commission staff report pg. 8) and on lots 19 and 22 where buildable area incurs into the Erosion Hazard Setback.


15. Signage indicating the prohibition of motorized vehicles shall be posted on trail easements.
16. The "Proposed Pedestrian Access Easement to TUSD School Property" shall be removed from the Preliminary Development Plan.
17. Perimeter lot fencing within the designated natural open space is prohibited.

Section 3. Time limits of conditions. Conditions 1 through 17 of Section 2 shall be completed no later than July 5, 2021.

Section 4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Section 5. The effective date of this Ordinance is the date the Chair of the Board of Supervisors signs this Ordinance.

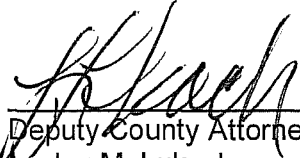
Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this 13<sup>th</sup> day of December, 2016.

  
 \_\_\_\_\_  
 Chair, Pima County Board of Supervisors


ATTEST:

  
 \_\_\_\_\_  
 Clerk, Board of Supervisors

Approved As To Form:

 11/4/16  
 \_\_\_\_\_  
 Deputy County Attorney  
 Lesley M. Lukach

Approved:

 11-23-16  
 \_\_\_\_\_  
 Executive Secretary,  
 Planning and Zoning Commission

**EXHIBIT A**

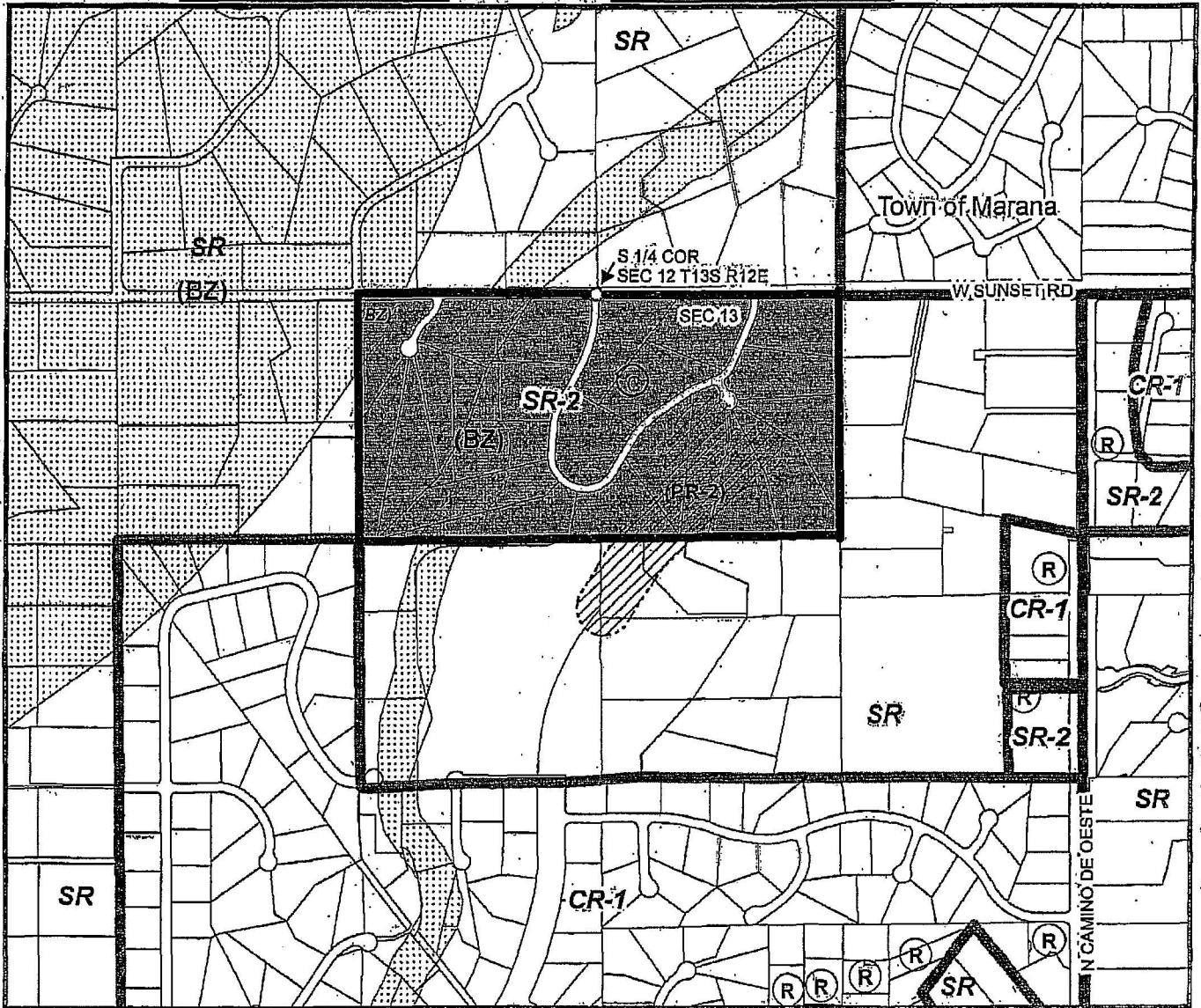
AMENDMENT NO. 9, 66 BY ORDINANCE NO. 2016-064  
TO PIMA COUNTY ZONING MAP NO. 43-44 TUCSON AZ.  
LOTS 1 THRU 22 OF DESERT SENNA ESTATES BEING A PART OF THE  
N 1/2 OF SEC 13, T13S R12E.



0 205 410 820 Feet



ADOPTED: December 13, 2016 EFFECTIVE: December 13, 2016



*cc*

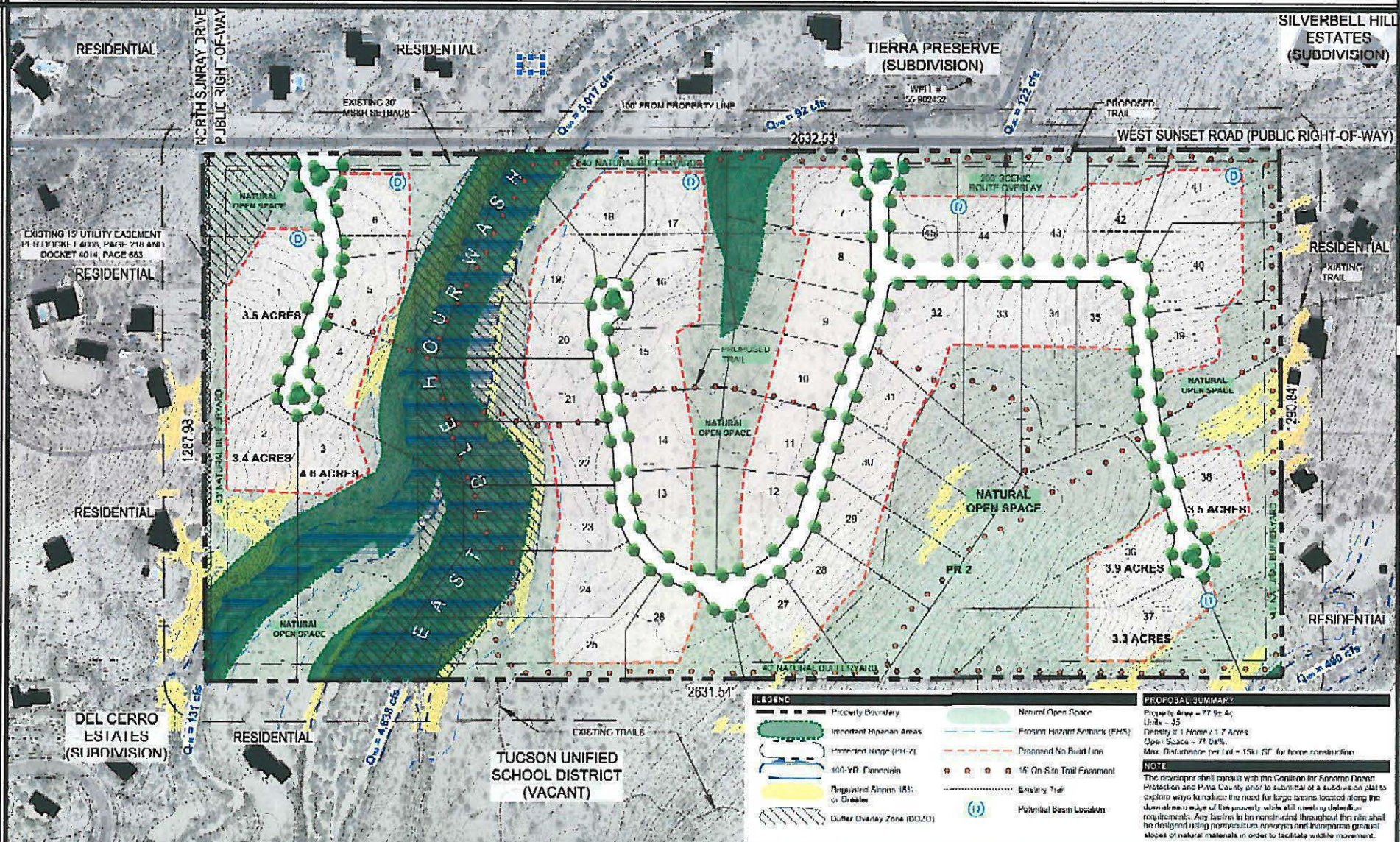
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM SR, SR (BZ), and SR (PR-2) 77.9 ac  
ds-October 20, 2016

GO9-15-04  
C67-13-10  
214-23-2950 thru 3160



EXHIBIT B



| LEGEND |                                 |
|--------|---------------------------------|
|        | Property Boundary               |
|        | Natural Open Space              |
|        | Perennial Riparian Areas        |
|        | Proposed Hazard Setback (PHS)   |
|        | Hatched Slope (15%+)            |
|        | Proposed No Build Line          |
|        | 100-YD. Easement                |
|        | Regulated Slopes 15% or Greater |
|        | 15' On-Site Trail Easement      |
|        | Existing Trail                  |
|        | Buffer Overlay Zone (B020)      |
|        | Potential Basin Location        |

**PROPOSAL SUMMARY**  
 Property Area = 77.9± Ac.  
 Units = 45  
 Density = 1 Home / 1.7 Acres  
 Site Scale = 75.04%  
 Max. Disturbance per Lot = 15% (50' for home construction)

**NOTE**  
 The developer shall comply with the Conditions for General Development Protection and Permitting by the County prior to the submission of a subdivision plat to capture ways to reduce the need for large basins located along the downstream edge of the property while still meeting detention requirements. Any basins to be constructed throughout the site shall be designed using permeable materials and incorporate gradual slopes of natural materials in order to facilitate wildlife movement.

When Recorded Return to:  
Pima County Real Property Services  
201 N. Stone Avenue, 6<sup>th</sup> Floor  
Tucson, AZ 85701-1215

---

Exempt from Affidavit of Value per A.R.S. Section 11-1134(A)(3)

**Special Warranty Deed  
With Restrictions**

Fidelity National Title Agency, in its capacity as Trustee under Trust Numbers 60,104; 30,199; and 60,461, the “Grantor” herein, does hereby convey to PIMA COUNTY FLOOD CONTROL DISTRICT, a political taxing subdivision of the State of Arizona, the “Grantee” herein, the following real property (the “Property”) situated in Pima County, Arizona, together with all rights and privileges appurtenant thereto:

**As described in Exhibit “A” and depicted in “Exhibit A-1” attached hereto.**

Subject to all taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record and all matters a survey or inspection of the Property would reveal.

Subject, further, to an express restriction prohibiting any development of the Property, or any subdivision or splitting of the Property into smaller parcels (the “Deed Restriction”), except as set forth below. The Deed Restriction may only be amended in a writing signed by Grantor and Grantee, or their respective successors and assigns. The Deed Restriction shall run with the land in perpetuity and be binding upon the Grantee, its successors and assigns.

The Deed Restriction is intended for the express benefit of the citizens of Pima County, Arizona and shall be enforceable by Grantor and any third party expressly designated by Grantor in writing to enforce the Deed Restriction contained herein. Any party who may enforce the Deed Restriction may maintain an action in equity to enforce said restriction, including the granting of injunctive relief, and if successful will be entitled to an award of attorney fees and costs incurred in such enforcement action.

The following activities are not in violation of the Deed Restriction and shall be considered permitted activities for purposes of the Deed Restriction:

Vegetation removal and/or alteration as reasonable and necessary for habitat improvements, to promote the recovery or reestablishment of native species, and/or for fencing and maintaining utility easements;

Use of surface or subsurface water from water developments or natural sources for habitat improvements, wildlife waters, fire-fighting, or dust control;

Flood control maintenance activities such as vegetation removal or alteration, sediment removal, and the placement of drainage structures;

Prescribed fire for areas of 10 acres or less;

Construction of new roads, permanent or temporary, but only where reasonable and necessary to provide access to adjacent public lands;

Construction and maintenance of trails for non-motorized recreation including hiking, wildlife-watching, mountain biking, and horseback riding; and/or

Wildlife management activities carried out in cooperation with the Arizona Game and Fish Department.

The Grantor hereby binds itself and its successors to warrant and defend the title as against all acts of the Grantor herein and no other, subject to matters above set forth.

**Grantor: Fidelity National Title Agency, Inc., an Arizona corporation as Trustee under Trust 60,104 and not in its corporate capacity:**

By: Martha L Hill Date: 7.26.17  
Martha L. Hill

Its: Trust Officer

**Grantor: Fidelity National Title Agency, Inc., an Arizona corporation as Trustee under Trust 30,199 and not in its corporate capacity:**

By: Martha L Hill Date: 7.26.17  
Martha L. Hill

Its: Trust Officer

**Grantor: Fidelity National Title Agency, Inc., an Arizona corporation as Trustee under Trust 60,461 and not in its corporate capacity:**

By: Martha L Hill Date: 7.26.17  
Martha L. Hill

Its: Trust Officer

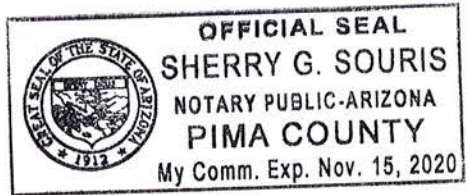


STATE OF ARIZONA     )  
                                          ) ss.  
COUNTY OF PIMA     )

The foregoing instrument was acknowledged before me this 26th day of July, 2017, by Martha L. Hill, as Trust Officer of Fidelity National Title Agency, Inc., an Arizona corporation as Trustee under Trust Numbers 60,104; 30,199; and 60,461.

  
\_\_\_\_\_  
Notary Public

My commission Expires:  
11-15-2020



ACCEPTED AND AGREED:

GRANTEE: PIMA COUNTY, a Political  
Subdivision of the State of Arizona

By \_\_\_\_\_ Date \_\_\_\_\_  
Neil J. Konigsberg, Manager  
Pima County Real Property Services

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Eric Shepp for Suzanne Shields, Director,  
Pima County Flood Control District Date \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Andrew Flagg, Deputy Pima County  
Attorney, Civil Division Date \_\_\_\_\_


STATE OF ARIZONA     )  
                                          ) ss.  
COUNTY OF PIMA     )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by \_\_\_\_\_, as \_\_\_\_\_ of Fidelity National Title Agency, Trust Numbers 60,104; 30,199; and 60,461.

\_\_\_\_\_  
Notary Public


My commission Expires:  
  
\_\_\_\_\_

ACCEPTED AND AGREED:  
  
GRANTEE: PIMA COUNTY, a Political  
Subdivision of the State of Arizona

By  \_\_\_\_\_  
Neil J. Konigsberg, Manager  
Pima County Real Property Services


  
\_\_\_\_\_  
Date

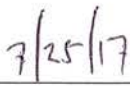
APPROVED AS TO CONTENT:

 \_\_\_\_\_  
Eric Shepp for Suzanne Shields, Director,  
Pima County Flood Control District

  
\_\_\_\_\_  
Date

APPROVED AS TO FORM:

 \_\_\_\_\_  
Andrew Flagg, Deputy Pima County  
Attorney, Civil Division

  
\_\_\_\_\_  
Date



July 21, 2017  
Red Point Development  
ASI No. 11029

**LEGAL DESCRIPTION  
FOR OPEN SPACE AT DeANZA**

All the portion of Common Areas "A" and "E" as shown on DeAnza, Lots 1 thru 265 and Common Areas "A", "B", "C", "D", "E" and "F" recorded in Sequence No. 20170060460, Records of Pima County, Arizona, more particularly described as follows:

COMMENCING at the northeast corner of Section 26, Township 12 South, Range 12 East, Gila and Salt River Meridian, Pima County, Arizona;

THENCE S 89°49'41" W along the north line of said Section 26, a distance of 80.00 feet to the west right-of-way of Hartman Lane and the POINT OF BEGINNING;

THENCE S 00°03'50" W along said line common with the east line of said Common Area "A", 264.98 feet;

THENCE leaving said line along the southerly boundary of said Common Area "A", the following courses and distances:

N 89°56'10" W, 79.49 feet to a point of curvature;

Northwesterly along a curve concave to the northeast, having a radius of 5.00 feet and a central angle of 54°53'20", an arc length of 4.79 feet to a point of tangency;

N 35°02'50" W, 109.79 feet to a point of curvature;

Westerly along a curve concave to the south having a radius of 320.00 feet and a central angle of 81°46'08", an arc length of 456.68 feet to a point of reverse curvature;

Westerly along a curve concave to the north having a radius of 562.00 feet and a central angle of 48°33'22", an arc length of 476.27 feet to a point of compound curvature;

Northwesterly along a curve concave to the northeast having a radius of 50.00 feet and a central angle of 14°18'17", an arc length of 12.48 feet to a point of reverse curvature;

Southwesterly along a curve concave to the south having a radius of 320.00 feet and a central angle of 74°55'13", an arc length of 418.43 feet to a point of tangency;

S 51°07'28" W, 120.66 feet to a point of curvature;



July 21, 2017  
Red Point Development  
ASI No. 11029

Southwesterly along a curve concave to the northwest having a radius of 800.00 feet and a central angle of  $12^{\circ}24'18''$ , an arc length of 173.20 feet to a point of tangency;

S  $63^{\circ}31'46''$  W, 19.00 feet to a point of curvature;

Westerly along a curve concave to the north having a radius of 150.00 feet and a central angle of  $33^{\circ}19'41''$ , an arc length of 87.25 feet to a point of tangency;

N  $83^{\circ}08'33''$  W, 379.34 feet to a point of curvature;

Southwesterly along a curve concave to the southeast having a radius of 600.00 feet and a central angle of  $25^{\circ}19'54''$ , an arc length of 265.27 feet to a point of tangency;

S  $71^{\circ}31'33''$  W, 298.67 feet to a point of curvature;

Westerly along a curve concave to the north having a radius of 710.00 feet and a central angle of  $32^{\circ}20'58''$ , an arc length of 400.87 feet to a point of tangency;

N  $76^{\circ}07'29''$  W, 643.59 feet;

S  $71^{\circ}13'47''$  W, 363.04 feet to the east line of Joplin Lane;

THENCE N  $42^{\circ}03'27''$  W along said east line, 382.56 feet to a found  $\frac{1}{2}$  inch iron rebar tagged LS 36715;

THENCE leaving said line N  $89^{\circ}50'21''$  E, 1751.43 feet to a found  $\frac{1}{2}$  inch iron rebar tagged LS 36715;

THENCE N  $00^{\circ}08'54''$  W, 45.00 feet to the Quarter corner common to Sections 23 and 26, marked by a found  $1\frac{1}{2}$  inch aluminum capped pin marked LS 7599;

THENCE N  $89^{\circ}49'41''$  E along the common line between said Sections 23 and 26, a distance of 1313.33 feet to a found  $\frac{1}{2}$  inch rebar tagged LS 36715;

THENCE leaving said line N  $00^{\circ}08'15''$  E, 817.68 feet;

THENCE N  $90^{\circ}00'00''$  E, 365.20 feet;

THENCE S  $78^{\circ}41'24''$  E, 464.01 feet;

THENCE N  $83^{\circ}39'36''$  E, 416.56 feet to the west right-of-way of Hartman Lane;

Page 2 of 5 Pages



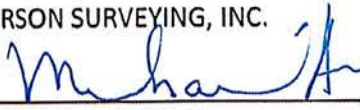
July 21, 2017  
Red Point Development  
ASI No. 11029

THENCE S 00°12'45" W, 768.98 feet to the POINT OF BEGINNING.

CONTAINING 41.421 acres of land, more or less.

The Basis of Bearing for this survey or LEGAL DESCRIPTION? is the east line of the southeast Quarter of the northeast Quarter of Section 26, Township 12 South, Range 12 East, recorded in Book 51 of Map and Plats at Page 6, Records of Pima County, Arizona, and as shown on said DeAnza recorded Plat, bearing being N 00°04'06" E.

Prepared by:  
AMERSON SURVEYING, INC.

  
MICHAEL K. AMERSON



EXPIRES 03/31/ 20

SCALE: 1"=200'



NO. 2  
SHEET

**LINE DATA:**

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 89°49'41" W | 80.00'   |
| L2   | N 89°56'10" W | 79.49'   |
| L3   | N 35°02'50" W | 109.79'  |
| L4   | S 63°31'46" W | 19.00'   |

**CURVE DATA:**

| CURVE | RADIUS  | ARC     | DELTA     |
|-------|---------|---------|-----------|
| C1    | 5.00'   | 4.79'   | 54°53'20" |
| C2    | 320.00' | 456.68' | 81°46'08" |
| C3    | 562.00' | 476.27' | 48°33'22" |
| C4    | 50.00'  | 12.48'  | 14°18'17" |
| C5    | 320.00' | 418.43' | 74°55'13" |
| C6    | 800.00' | 173.20' | 12°24'18" |
| C7    | 150.00' | 87.25'  | 33°19'41" |
| C8    | 600.00' | 265.27' | 25°19'54" |
| C9    | 710.00' | 400.87' | 32°20'58" |

UNSUBDIVIDED  
PIMA COUNTY  
DKT. 13522, PG. 512

N 89°49'41" E <sup>83</sup> 1313.33'

FND. 1/2" IR  
LS 36715

AREA=  
±42.41 Ac.

SEE



Camp Lowell Corporate Center 135  
4552 East Camp Lowell Drive  
Tucson, Arizona, 85712  
Fax: 325-8703  
520-325-5883



DEPICTION OF AN EXHIBIT TO ACCOMPANY  
A LEGAL DESCRIPTION FOR  
OPEN SPACE AT De ANZA  
REC. IN SEQ. NO. 20170060460  
SECTIONS 23 & 26  
T-12-S, R-12-E,  
RECORDS OF PIMA CO., ARIZONA  
ASI 11029, JULY 21, 2017, PM, SHEET 4 OF 5

APN 221-14-011B  
DKT. 6062, PG. 661

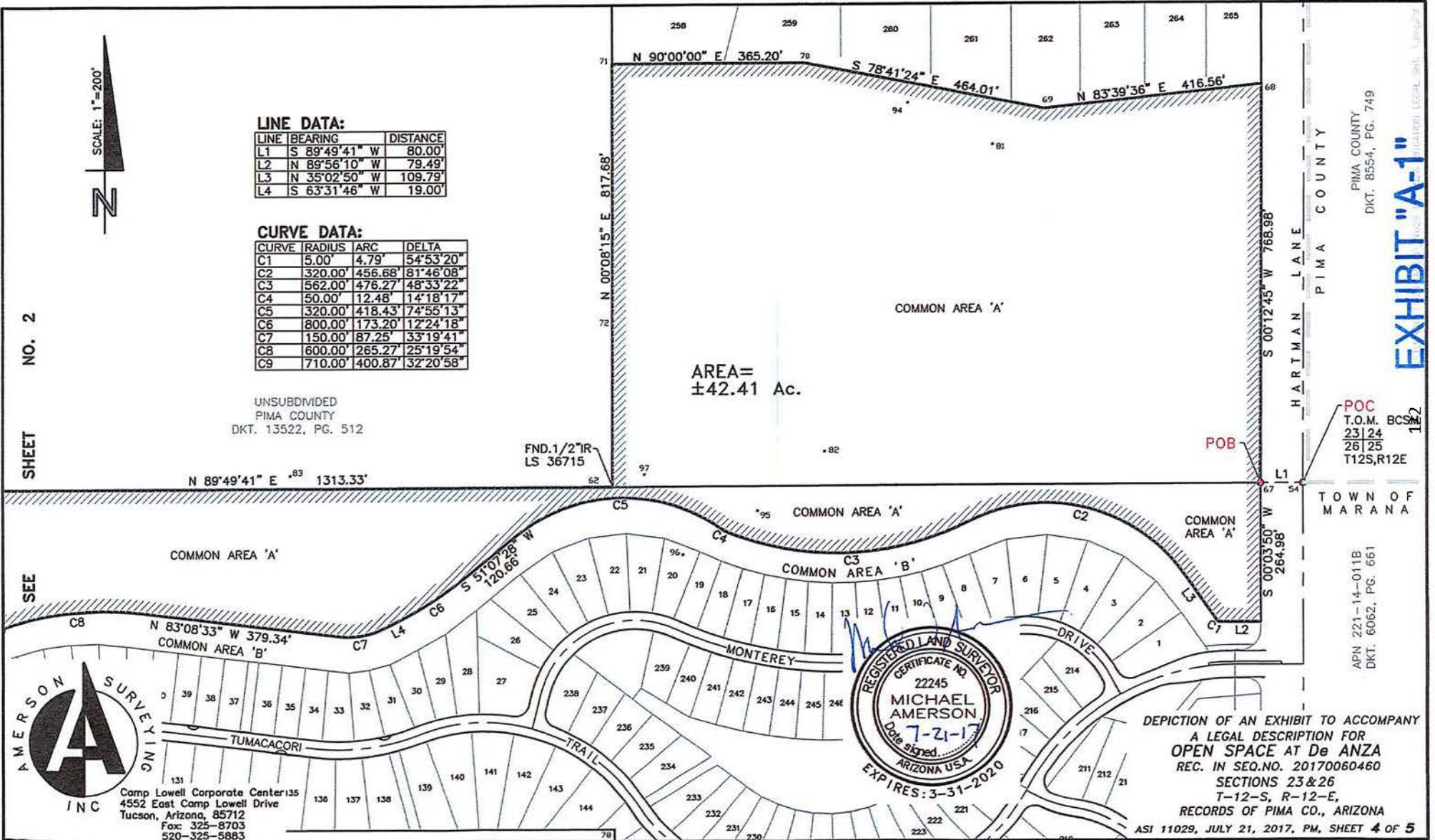
TOWN OF  
MARANA

POC  
T.O.M. BCS  
23 | 24  
26 | 25  
T12S, R12E

HARTMAN LANE  
PIMA COUNTY

PIMA COUNTY  
DKT. 8554, PG. 749

EXHIBIT "A-1"





UNSUBDIVIDED  
PIMA COUNTY  
DKT. 13522, PG. 512

NO. 1  
SHEET

FND.1/2"IR  
LS 36715

FND.1.5"IR  
LS 7599  
1/4 23  
26

N 89°49'41" E 1313.33'

FND.1/2"IR  
LS 36715

COMMON AREA 'A'

SEE

AREA=  
±42.41 Ac.

N 89°50'21" E 1751.43'

COMMON AREA 'A'

N 83°08'33" W  
379.34'

COMMON AREA 'B'

N 76°07'29" W 643.59'

S 71°31'33" W 298.67'

74

N 42°03'27" W 382.58'

UNION PACIFIC RAILROAD  
INTERSTATE I-10

JOPLIN LANE

COMMON AREA 'D'

**NOTE:**

SEE SHEET NO. 1 FOR  
LINE AND CURVE DATA.



Camp Lowell Corporate Center  
4552 East Camp Lowell Drive  
Tucson, Arizona, 85712  
Fax: 325-8703  
520-325-5883



DEPICTION OF AN EXHIBIT TO ACCOMPANY  
A LEGAL DESCRIPTION FOR  
OPEN SPACE AT De ANZA  
REC. IN SEQ.NO. 20170060460  
SECTIONS 23 & 26  
T-12-S, R-12-E,  
RECORDS OF PIMA CO., ARIZONA  
ASI 11029, JULY 21, 2017, PM, SHEET 5 OF 5

|                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |                          |                     |                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------------------|---------------------|-------------------------------------------------------------------------------------------------------------|
| <p><b>PIMA COUNTY DEPARTMENT OF:<br/>REAL PROPERTY SERVICES</b></p> <p><b>PROJECT: Accept Donation of Real Property<br/>Consisting of Approximately 41 Fee Acres</b></p> <p><b>DONOR: Fidelity National Title Agency<br/>Trust Nos. 60,104; 30,199; and<br/>60,461</b></p> <p><b>AMOUNT: \$0.00</b></p> | <table border="1"> <tr> <td data-bbox="906 275 1421 317" style="text-align: center;"><b>CONTRACT</b></td> </tr> <tr> <td data-bbox="906 317 1421 369">NO. <u>CTN-PW-18-010</u></td> </tr> <tr> <td data-bbox="906 369 1421 411">AMENDMENT NO. _____</td> </tr> <tr> <td data-bbox="906 411 1421 527">This number must appear on all<br/>invoices, correspondence and<br/>documents pertaining to this<br/>contract.</td> </tr> </table> | <b>CONTRACT</b> | NO. <u>CTN-PW-18-010</u> | AMENDMENT NO. _____ | This number must appear on all<br>invoices, correspondence and<br>documents pertaining to this<br>contract. |
| <b>CONTRACT</b>                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |                          |                     |                                                                                                             |
| NO. <u>CTN-PW-18-010</u>                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |                          |                     |                                                                                                             |
| AMENDMENT NO. _____                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |                          |                     |                                                                                                             |
| This number must appear on all<br>invoices, correspondence and<br>documents pertaining to this<br>contract.                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |                          |                     |                                                                                                             |

**AGREEMENT TO DONATE REAL PROPERTY**

1. **Parties; Effective Date.** This agreement ("**Agreement**") is entered into by and between Fidelity National Title Agency, Trust Numbers 60,104; 30,199; and 60,461 (hereinafter, collectively "**Donor**") and Pima County Flood Control District, a political taxing subdivision of the State of Arizona ("**Donee**"). Donor and Donee are hereinafter referred to collectively as the "**Parties**". This Agreement shall be effective on the date Donor and Donee have executed this Agreement (the "**Effective Date**"). The date Donee signs is the date this Agreement is signed by the Pima County Procurement Director.

2. **Background & Purpose.**

2.1. Donor is the owner of certain real property in Pima County, Arizona consisting of approximately forty-one (41) acres, legally described and depicted, collectively, on **Exhibit A** attached hereto, and commonly known as a portion of Assessor's Tax Parcel 221-06-7280, including all structures and improvements situated thereon, if any (the "**Property**");

2.2. Donor desires to donate the Property to Donee, subject to those terms and conditions as set forth with specificity in this Agreement; and

2.3. Donee desires to accept the Property, subject to the express terms and conditions of this Agreement.



### 3. **Donation.**

3.1. Donor agrees to donate the Property, including all wells, water rights and mineral rights appurtenant to the Property, if any, to the extent, if any, that Donor has an interest therein, to Donee, free and clear of all liens and encumbrances, except as set forth on **Exhibit B** attached hereto.

3.2. Donor will execute a Special Warranty Deed (the "**Deed**") and any and all related documents conveying the Property to Donee upon presentation of said documents to Donor by Donee's agents or representatives.

3.3. Donor acknowledges and agrees that the decision to donate the Property was made without any undue influence or coercive action of any nature and that the right to an appraisal and to just compensation is hereby waived.

### 4. **Inspection and Access.**

4.1. Inspection Period. For a period of forty-five (45) days commencing on the Effective Date (the "**Inspection Period**"), Donee (and its respective employees, agents, representatives and contractors) shall have the right to enter upon the Property at reasonable times and from time to time, upon forty-eight (48) hours notice by telephone to Donor, for the purpose of viewing, inspecting, testing, appraising, surveying and studying the Property ("**Inspection**"). Donee shall, promptly following any such Inspection, return the Property to the condition it was in immediately prior to such Inspection. Donee shall, and does hereby agree, to the extent permitted by law, to indemnify and defend Donor and the owner of the Property (if not Donor) against, and hold Donor and the owner of the Property (if not Donor) harmless from, all claims, damages, expenses, and actions arising from any negligence or wrongful misconduct of Donee or Donee's employees or agents, as a result of such Inspection.

4.2. Reports. Within ten (10) days after the Effective Date, Donor shall provide copies to Donee of the following, to the extent such exist and are in Donor's possession or control, use agreements regarding the Property; service, management and other agreements regarding the Property whose terms do not expire prior to the date of the Closing; permits, certificates, plans or specifications regarding the Property; soils reports, property inspections, hazardous/toxic material or environmental reports regarding the Property; surveys of the Property; and registrations, test results and studies regarding any wells located on the Property (all of which shall hereinafter be referred to as the "**Donor Documents**"). If this Agreement is terminated for any reason, all of Donor's Documents and any copies made by Donee of Donor's Documents shall be returned to

Donor. During the term of this Agreement, Donee shall deliver to Donor copies of all non-proprietary third party reports, studies, surveys, plats, engineering data or work product or other work product pertaining to the Property as the same are prepared. If Donee terminates this Agreement for any reason, all such third party reports, studies, surveys, plats or other work product shall be returned to Donee. The delivery by Donor or Donee to the other Party of any such third party reports, studies, surveys, plats, engineering data or work product or other work product shall be without any representation or warranty.

4.3. Environmental Inspection. If an environmental inspection recommends further testing or inspection, Donee may elect, by giving written notice to Donor, to extend the Inspection Period for an additional twenty (20) days, to conduct further investigations. If the Inspection Period is extended, the term "**Inspection Period**" shall then include the additional period.

4.4. Objection Notice. Donee shall provide written notice to Donor, prior to expiration of the Inspection Period, of any items disapproved by Donee as a result of Donee's inspections (including environmental conditions) (the "**Objection Notice**"). If Donee sends an Objection Notice, Donor may, within ten (10) business days of receipt of the Objection Notice, notify Donee if Donor is willing to cure any of the items to which Donee objected (the "**Cure Notice**"). If Donor elects not to send Donee a Cure Notice or if Donor's Cure Notice is not acceptable to Donee, then Donee may elect to terminate this Agreement in which case the Agreement shall be terminated and of no further force and effect. If Donee fails to give the Objection Notice to Donor on or before the expiration of the Inspection Period, Donee shall be deemed to have waived the right to give the Objection Notice.

4.5. Closing Before Inspection Period Expires. Nothing in this Agreement shall preclude Donee from electing to proceed with Closing prior to the expiration of the Inspection Period.

## 5. **Donor's Covenants.**

5.1. No Salvage. Donor shall not salvage or remove any fixtures, improvements, or vegetation from the Property, but this shall not prohibit Donor from removing personal property prior to the Closing. In addition, prior to Closing, the Property shall not be materially degraded by Donor or otherwise changed in any material aspect by Donor.

5.2. Use of Property by Donor. Donor shall, during the term of this Agreement,

use the Property on a basis substantially comparable to Donor's historical use thereof. Donor shall make no use of the Property other than the use being made of the Property as of the date this Agreement is signed by the Parties. Donor shall maintain the Property in substantially the same condition as it is presently in, ordinary wear and tear excepted, and without liens or encumbrances that Donor will be able to cause to be released before the Closing.

5.3. No Encumbrances. Donor shall not encumber the Property with any lien that Donor will be unable to cause to be released before Closing. Donor covenants and agrees that from and after that Agreement Date through the Closing, Donor shall not enter into, execute or record any covenant, deed restriction, or any other encumbrance against the Property.

6. **No Personal Property.** The Parties acknowledge that no personal property is being transferred pursuant to this Agreement, and Donor represent that there is now, or as of Closing will be, no personal property located on Property.

7. **Closing.**

7.1 Closing. The Closing shall take place at Stewart Title and Trust of Tucson, Kim Moss, Escrow Agent, after completion of the Inspection Period, but no later than August 8, 2017, unless otherwise agreed to by the Parties.

7.2 Prorations. The date of closing shall be used for proration of rents, property taxes and other similar costs; assessments due for improvement districts shall be paid in full by the Donor prior to closing; and property taxes shall be prorated based upon the date of closing.

7.3 Deliveries by Donor at Closing. At Closing, Donor shall deliver to Donee the following:

7.3.1 an executed Special Warranty Deed ("**Deed**") in the form of **Exhibit C** attached, conveying fee simple title to the Property subject only to the Permitted Exceptions and to the Deed Restrictions expressly set forth therein;

7.3.2 one or more assignments of all the water rights and well registrations, certificated or claimed, in which Donor has an interest and appurtenant to the Property, if any, and all certificated or claimed Type 2 water rights related to the Property which Donor owns, if any; and

7.3.3 possession of the Property.

7.4 Closing Costs. Donor shall pay all closing costs, including but not limited to title insurance premium, escrow fees and recording fees.

8. **Binding Agreement.** All provisions set forth herein are binding upon the heirs, successors and assigns of the Parties.

9. **Governing Law.** This Agreement shall be construed under the laws of the State of Arizona.

10. **Conflict of Interest.** This Agreement is subject to cancellation within three (3) years after its execution pursuant to A.R.S. § 38-511 if any person significantly involved in initiating, negotiating, securing, drafting or creating this Agreement on behalf of the County is, at any time while this Agreement or any extension of the Agreement is in effect, an employee or agent of any other party to the Agreement with respect to the subject matter of the Agreement.

The Parties have signed this Agreement on the dates set forth below.

**Donor: Fidelity National Title Agency, Inc., an Arizona corporation as Trustee under Trust 60,104 and not in its corporate capacity:**

By: Martha L. Hill Date: 7.26.17  
Martha L. Hill

Its: Trust Officer

**Donor: Fidelity National Title Agency, Inc., an Arizona corporation as Trustee under Trust 30,199 and not in its corporate capacity:**

By: Martha L. Hill Date: 7.26.17  
Martha L. Hill

Its: Trust Officer

**Donor: Fidelity National Title Agency, Inc., an Arizona corporation as Trustee under Trust 60,461 and not in its corporate capacity:**

By: Martha L Hill  
Martha L. Hill

Date: 7.24.17

Its: Trust Officer

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**Donee: Pima County Flood Control District, a political taxing subdivision of the State of Arizona:**

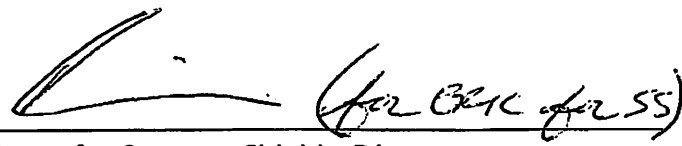
  
\_\_\_\_\_  
Pima County Procurement Director

7/27/17  
\_\_\_\_\_  
Date

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Neil J. Konigsberg, Manager,  
Real Property Services Department

7/25/17  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Eric Shepp for Suzanne Shields, Director  
Pima County Regional Flood Control District

7/25/17  
\_\_\_\_\_  
Date

APPROVED AS TO FORM:

  
\_\_\_\_\_  
for Andrew Flagg, Deputy County Attorney, Civil Division

7/25/17

TAX PARCEL NUMBER: A portion of 221-06-7280



July 21, 2017  
Red Point Development  
ASI No. 11029

**LEGAL DESCRIPTION  
FOR OPEN SPACE AT DeANZA**

All the portion of Common Areas "A" and "E" as shown on DeAnza, Lots 1 thru 265 and Common Areas "A", "B", "C", "D", "E" and "F" recorded in Sequence No. 20170060460, Records of Pima County, Arizona, more particularly described as follows:

**COMMENCING** at the northeast corner of Section 26, Township 12 South, Range 12 East, Gila and Salt River Meridian, Pima County, Arizona;

**THENCE** S 89°49'41" W along the north line of said Section 26, a distance of 80.00 feet to the west right-of-way of Hartman Lane and the **POINT OF BEGINNING**;

**THENCE** S 00°03'50" W along said line common with the east line of said Common Area "A", 264.98 feet;

**THENCE** leaving said line along the southerly boundary of said Common Area "A", the following courses and distances:

N 89°56'10" W, 79.49 feet to a point of curvature;

Northwesterly along a curve concave to the northeast, having a radius of 5.00 feet and a central angle of 54°53'20", an arc length of 4.79 feet to a point of tangency;

N 35°02'50" W, 109.79 feet to a point of curvature;

Westerly along a curve concave to the south having a radius of 320.00 feet and a central angle of 81°46'08", an arc length of 456.68 feet to a point of reverse curvature;

Westerly along a curve concave to the north having a radius of 562.00 feet and a central angle of 48°33'22", an arc length of 476.27 feet to a point of compound curvature;

Northwesterly along a curve concave to the northeast having a radius of 50.00 feet and a central angle of 14°18'17", an arc length of 12.48 feet to a point of reverse curvature;

Southwesterly along a curve concave to the south having a radius of 320.00 feet and a central angle of 74°55'13", an arc length of 418.43 feet to a point of tangency;

S 51°07'28" W, 120.66 feet to a point of curvature;

Page 1 of 5 Pages

**Exhibit "A"**



July 21, 2017  
Red Point Development  
ASI No. 11029

Southwesterly along a curve concave to the northwest having a radius of 800.00 feet and a central angle of 12°24'18", an arc length of 173.20 feet to a point of tangency;

S 63°31'46" W, 19.00 feet to a point of curvature;

Westerly along a curve concave to the north having a radius of 150.00 feet and a central angle of 33°19'41", an arc length of 87.25 feet to a point of tangency;

N 83°08'33" W, 379.34 feet to a point of curvature;

Southwesterly along a curve concave to the southeast having a radius of 600.00 feet and a central angle of 25°19'54", an arc length of 265.27 feet to a point of tangency;

S 71°31'33" W, 298.67 feet to a point of curvature;

Westerly along a curve concave to the north having a radius of 710.00 feet and a central angle of 32°20'58", an arc length of 400.87 feet to a point of tangency;

N 76°07'29" W, 643.59 feet;

S 71°13'47" W, 363.04 feet to the east line of Joplin Lane;

THENCE N 42°03'27" W along said east line, 382.56 feet to a found ½ inch iron rebar tagged LS 36715;

THENCE leaving said line N 89°50'21" E, 1751.43 feet to a found ½ inch iron rebar tagged LS 36715;

THENCE N 00°08'54" W, 45.00 feet to the Quarter corner common to Sections 23 and 26, marked by a found 1 ½ inch aluminum capped pin marked LS 7599;

THENCE N 89°49'41" E along the common line between said Sections 23 and 26, a distance of 1313.33 feet to a found ½ inch rebar tagged LS 36715;

THENCE leaving said line N 00°08'15" E, 817.68 feet;

THENCE N 90°00'00" E, 365.20 feet;

THENCE S 78°41'24" E, 464.01 feet;

THENCE N 83°39'36" E, 416.56 feet to the west right-of-way of Hartman Lane;

Page 2 of 5 Pages





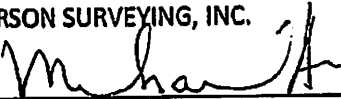
July 21, 2017  
Red Point Development  
ASI No. 11029

THENCE S 00°12'45" W, 768.98 feet to the POINT OF BEGINNING.

CONTAINING 41.421 acres of land, more or less.

The Basis of Bearing for this survey or LEGAL DESCRIPTION? is the east line of the southeast Quarter of the northeast Quarter of Section 26, Township 12 South, Range 12 East, recorded in Book 51 of Map and Plats at Page 6, Records of Pima County, Arizona, and as shown on said DeAnza recorded Plat, bearing being N 00°04'06" E.

Prepared by:  
AMERSON SURVEYING, INC.

  
MICHAEL K. AMERSON



EXPIRES 03/31/ 20

**COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B**

File No.: 05504-34205

Showing matters which will be excepted in the Policy unless the same are disposed of to the satisfaction of the Company.

- i. Defects, liens, encumbrances, adverse claims or other matters, if any, created first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
- ii. Subject to the usual printed exclusions and exceptions contained in the regular form of policy, reprinted for reference on the Addendum attached hereto.

The following matters will be excepted in Schedule B of the policy to be issued:

1. Taxes and assessments collectible by the County Treasurer, not yet due and payable for the year 2017.
2. Any action by the County Assessor and/or Treasurer, altering the current or prior tax assessment, subsequent to the date of the Policy of Title Insurance.
3. Water rights, claims or title to water, and agreements, covenants, conditions or rights incident thereto, whether or not shown by the public records.
4. Reservations or exceptions in Patents or in Acts authorizing the issuance thereof.
5. Easements, restrictions, reservations and conditions as set forth on the recorded plat of said subdivision.
6. Easement for communication facilities and rights incident thereto, as set forth in instrument recorded in Book 103 of Miscellaneous Records, page 225; Partial Release recorded in Docket 10957, page 843.
7. Canada Canal as disclosed by Certificate in Docket 1858, page 271
8. Any matters arising by reason of canals as set forth in Docket 178, page 351 and Book 137 of Deeds, page 129. Matters as set forth in Quit Claim Deed in Docket 8179, page 576.
9. Reservations of all underground or percolating waters in Cortaro Water Users' Association as set forth in Book 314 of Deeds, page 445.
10. Easement for power lines and rights incident thereto, as set forth in instrument recorded in Docket 398, page 524.
11. Easement for railroad spur and roadway as reserved therein and rights incident thereto, as set forth in instrument recorded in Docket 2418, page 72. (For the benefit of NE x NW lying north and easterly of right of way Southern Pacific Railroad as disclosed in Docket 7835, page 792.)
12. Easement for right of way and rights incident thereto, as set forth in instrument recorded in Docket 2510, page 184; in Docket 2336, page 82 and mesne instruments of record.
13. Matters as set forth in Docket 5670, page 603.
14. Easement for Ingress, egress and utilities as reserved therein and rights incident thereto, as set forth in instrument recorded in Docket 7081, page 353 and Docket 9825, page 3186 and mesne instruments of record.
15. Easement for Ingress, egress and utilities and rights incident thereto, as set forth in instrument recorded in Docket 7360, page 1066; in Docket 7773, page 1207; in Docket 8700, page 1933 and Docket 8996, page 1224 and mesne instruments of record.

**EXHIBIT B**

COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B

File No.: 05504-34205

16. Possible easement for cable as evidenced by instruments recorded in Docket 7935, pages 1899 and 1889.
17. Any matters arising by reason of deed disclosing existing roadway and possible encroachment in Docket 7981, page 1897.
18. Temporary Easement as disclosed in Docket 11476, page 459.
19. Easement for sewer and rights incident thereto, as set forth in instrument recorded in Docket 11578, pages 1044 and 1048 and Docket 11715, page 559.
20. Provisions within Marana Ordinance No. 2007.27 re: rezoning for De Anza Specific Plan recorded in Docket 13155, page 1510.
21. Restrictions, Conditions, Covenants, Reservations, including but not limited to any recitals creating easements, liabilities, obligations or party walls, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin contained in instrument recorded in Sequence No. 2017-0060462.
22. Matters as disclosed in surveys recorded in Book 24 of Record of Survey, page 20 and corrected in Book 26 of Record of Survey, page 62; in Book 38 of Record of Survey, page 11; in Book 41 of Record of Survey, page 75 and Sequence No. 2017-0380349.
23. Liabilities and obligations imposed upon said land by reason of its inclusion within Cortaro-Marana Irrigation District and Cortaro Marana Water Users Association.
24. Liabilities and obligations imposed upon said land by reason of its inclusion within Town of Marana General Plan.
25. Liabilities and obligations imposed upon said land by reason of its inclusion within Northwest Fire District.
26. Any adverse claim to any portion of said land which has been created by artificial means or which is accretion, alluvion, dereliction or avulsion with particular reference to that portion of the subject property lying within any wash or arroyo and its tributaries and flood prone areas.

ORDINANCE 2018- 10

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 77.95 ACRES OF PROPERTY (PARCEL CODES 224-44-060A AND 224-44-0710) FROM THE SR (SUBURBAN RANCH) TO THE CR-4 (MIXED-DWELLING TYPE) ZONE, IN CASE P17RZ00006 WONG FAMILY LP – W. SUMTER DRIVE REZONING, LOCATED ON THE SOUTH SIDE OF W. SUMTER DRIVE, BETWEEN N. THORNYDALE ROAD AND N. SHANNON ROAD, AND AMENDING PIMA COUNTY ZONING MAPS NOS. 161 AND 162.

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. The 77.95 acres located on the south side of W. Sumter Drive, between N. Thornydale Road and N. Shannon Road and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Maps Nos. 161 and 162, is rezoned from the SR (Suburban Ranch) to the CR-4 (Mixed-Dwelling Type) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
  - A. The developer shall dedicate 45 feet of right-of-way (ROW) for the north half of Linda Vista Boulevard. Beginning approximately 600 feet east of Thornydale Road and going east, the ROW dedication may be reduced to more fully utilize the existing road and 75 foot ROW, provided that the minimum ROW is 90 feet and the developer provides a roadway alignment that is acceptable to the Department of Transportation.
  - B. The developer shall dedicate 15 feet of right-of-way for Shannon Road as shown on the preliminary development plan (Exhibit B).
  - C. The developer shall dedicate 45 feet of right-of-way for Thornydale Road as shown on the preliminary development plan. This dedication shall be made as part of the subdivision plat, or by separate instrument within 45 days upon request by Pima County, if such a request is made prior to the subdivision plat being recorded.
  - D. The developer shall dedicate right-of-way for Sumter Drive in the amount of 40 feet from the Shannon Road intersection (i.e. the westerly edge of the future 90-foot Shannon Road right-of-way) westerly for 150 feet and 20 feet for the next 100 feet.
  - E. The two legs of Linda Vista Boulevard shall align across the intersection at Shannon Road.
  - F. The developer shall be required to construct the north half Linda Vista Boulevard for the entire frontage of the rezoning site in accordance with standard detail 10 in the Subdivision and Development Street Standards.

- G. If the improvements to Linda Vista Boulevard are phased, roadway improvements shall be constructed in such a way that regional needs for circulation, access and continuity are addressed. Improvements shall also be coordinated with adjacent development.
  - H. It is understood that Pima County Department of Transportation may request improvements to Linda Vista Boulevard beyond those required by the rezoning conditions or the traffic study. Such improvements will be paid for by waiving impact fees. The developer shall fully document the cost of any additional improvements requested by Pima County.
  - I. All of this project's obligated Linda Vista Boulevard improvements shall be completed prior to release of final assurances for the project.
3. Regional Flood Control District conditions:
- A. Encroachment into Flood Control Resource Areas as shown on the Pima Prosper Regional Hydrology Maps shall be avoided.
  - B. At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.
4. Regional Wastewater Reclamation conditions:
- A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
  - B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
  - C. The owner shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
  - D. The owner shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
  - E. The owner shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
  - F. The owner shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

5. Environmental Planning conditions:

- A. The property owner shall achieve compliance with the Maeveen Marie Behan Conservation Lands System (MMBCLS) conservation guidelines by providing a total of 175.6 acres as Natural Open Space (NOS). Should the developed area be reduced from that which is reflected in the PDP, the property owner shall provide a minimum of 4 acres of natural open space for every acre developed to achieve full compliance with the MMBCLS conservation guidelines. No less than 23 acres NOS will be provided on-site and will conform to the approximate location and configuration shown on the approved Preliminary Development Plan. The difference between the total 175.6 acres (or less depending upon developed area) NOS and NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11 of Conservation Lands System Mitigation Lands) and comply with all of the following:
- 1) Off-site NOS is acceptable to the Pima County Planning Official or their designee; and
  - 2) Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.
- B. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.

Invasive Non-Native Plant Species Subject to Control

|                               |                                                               |
|-------------------------------|---------------------------------------------------------------|
| <i>Ailanthus altissima</i>    | Tree of Heaven                                                |
| <i>Alhagi pseudalhagi</i>     | Camelthorn                                                    |
| <i>Arundo donax</i>           | Giant reed                                                    |
| <i>Brassica tournefortii</i>  | Sahara mustard                                                |
| <i>Bromus rubens</i>          | Red brome                                                     |
| <i>Bromus tectorum</i>        | Cheatgrass                                                    |
| <i>Centaurea melitensis</i>   | Malta starthistle                                             |
| <i>Centaurea solstitialis</i> | Yellow starthistle                                            |
| <i>Cortaderia</i> spp.        | Pampas grass                                                  |
| <i>Cynodon dactylon</i>       | Bermuda grass (excluding sod hybrid)                          |
| <i>Digitaria</i> spp.         | Crabgrass                                                     |
| <i>Elaeagnus angustifolia</i> | Russian olive                                                 |
| <i>Eragrostis</i> spp.        | Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass) |
| <i>Melinis repens</i>         | Natal grass                                                   |
| <i>Mesembryanthemum</i> spp.  | Iceplant                                                      |
| <i>Peganum harmala</i>        | African rue                                                   |
| <i>Pennisetum ciliare</i>     | Buffelgrass                                                   |
| <i>Pennisetum setaceum</i>    | Fountain grass                                                |
| <i>Rhus lancea</i>            | African sumac                                                 |
| <i>Salsola</i> spp.           | Russian thistle                                               |
| <i>Schinus</i> spp.           | Pepper tree                                                   |
| <i>Schismus arabicus</i>      | Arabian grass                                                 |
| <i>Schismus barbatus</i>      | Mediterranean grass                                           |
| <i>Sorghum halepense</i>      | Johnson grass                                                 |
| <i>Tamarix</i> spp.           | Tamarisk                                                      |

6. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
7. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
8. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
9. The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."

Section 3. Time limits of conditions. Conditions 1 through 9 of Section 2 shall be completed no later than January 2, 2023.

Section 4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

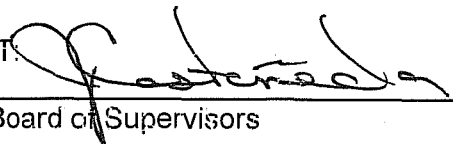
Section 5. The effective date of this Ordinance is the date the Chair of the Board of Supervisors signs this Ordinance.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this 17th day of April, 2018.



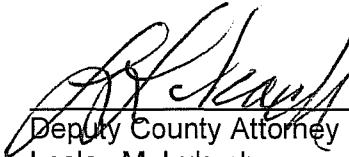
\_\_\_\_\_  
Chairman, Pima County Board of Supervisors

ATTEST:

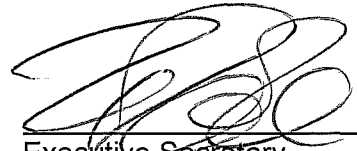


\_\_\_\_\_  
Clerk, Board of Supervisors

Approved As To Form:

 3/9/2018  
Deputy County Attorney  
Lesley M. Lukach

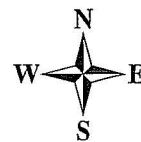
Approved:

  
Executive Secretary  
Planning and Zoning Commission



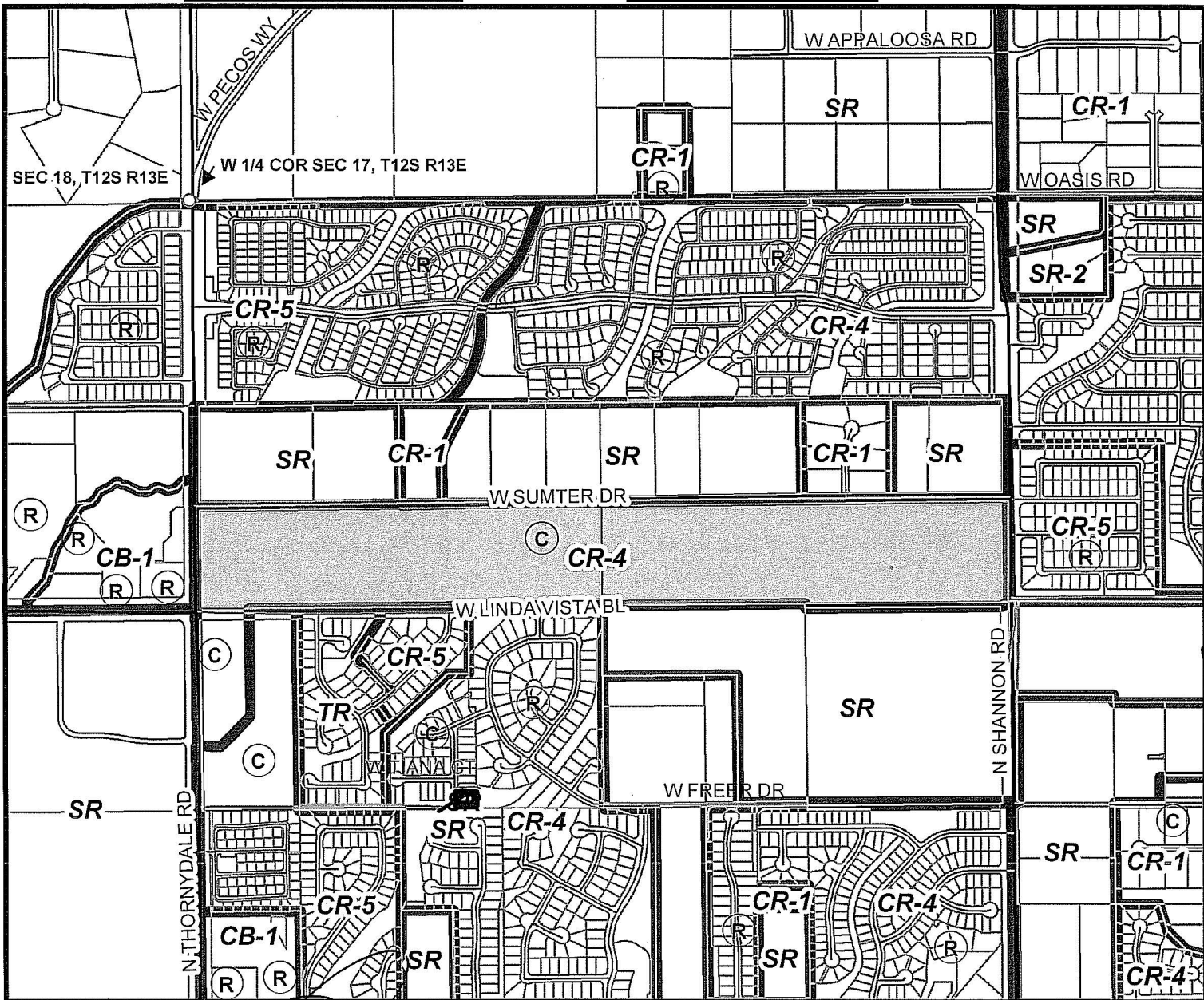
# EXHIBIT A

AMENDMENT NO. 56, 54 BY ORDINANCE NO. 2018-10  
TO PIMA COUNTY ZONING MAP NO. 161, 162 TUCSON AZ.  
PARCELS 60A AND 71 BEING A PART OF THE S 1/2 OF THE S 1/2 OF  
SEC 17 T12S R13E.



0 250 500 1,000 Feet  
[Scale bar]

ADOPTED: April 17, 2018 EFFECTIVE: April 17, 2018



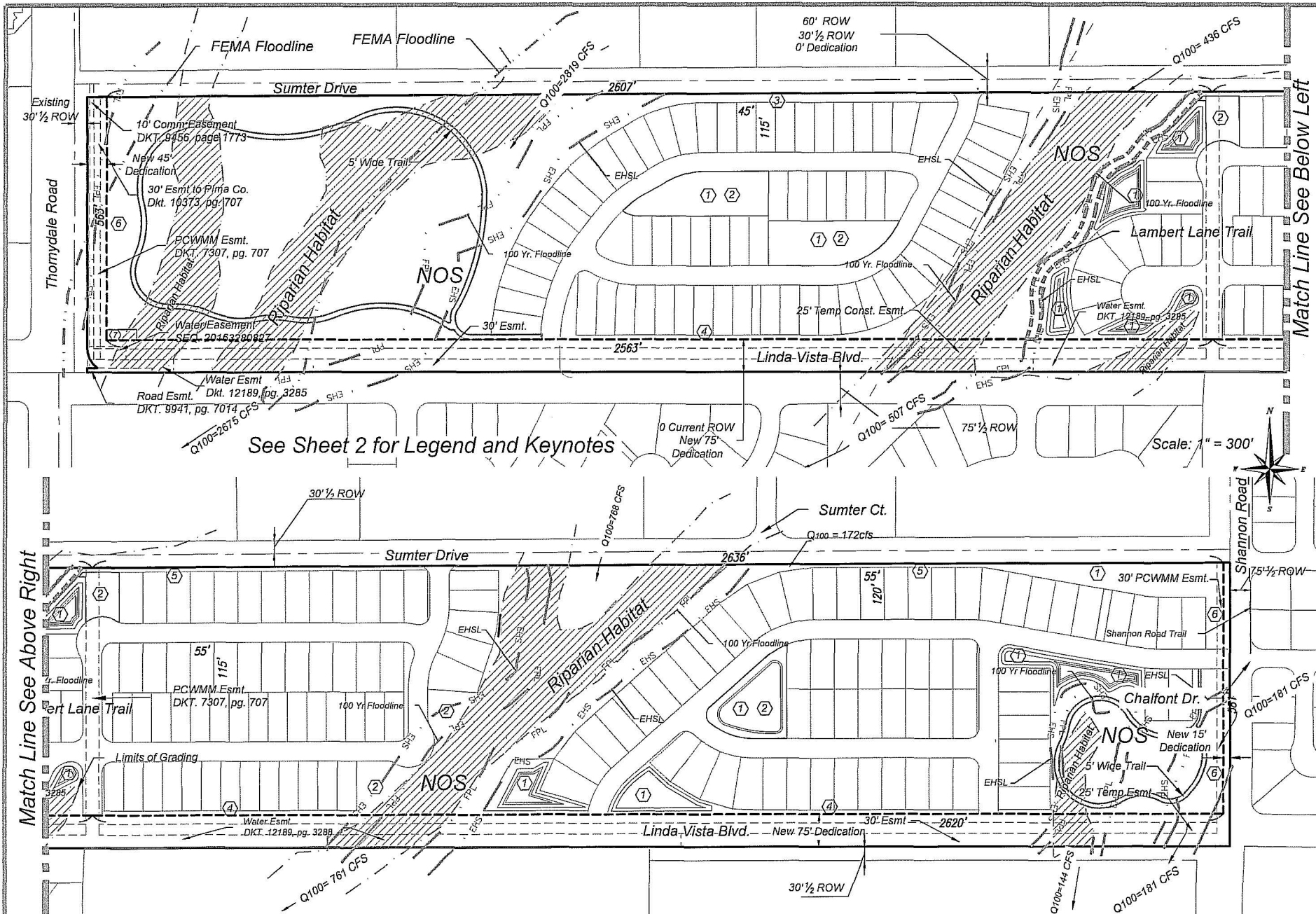
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM SR 77.95 ac  
ds-February 26, 2018

P17RZ00006  
P16CA00002/Co7-13-10  
22444060A & 224440710







## Keynote Legend

- ① - Detention/Retention Basin
- ② - Recreation Areas
- ③ - 20' Bufferyard C
- ④ - 10' Bufferyard D
- ⑤ - 10' Bufferyard C
- ⑥ - 40' Bufferyard D
- ⑦ - Cell Tower Location (not a part of the rezoning)

## Legend

- 1. NOS = Natural Open Space
- 2. FPL = Regulatory Floodplain Lines
- 3. EHSL = Erosion Hazard Setback Line
- 4. Limits of Grading

## Notes:

1. The total number of lots is 200.
2. The Net Density is 2.95 RAC.
3. The total Open Space is 23.86 acres.
4. Compliance with the CLS will be partially by onsite preservation and partially by offset mitigation land.
5. The net area (i.e. 67.75 AC) of offsite mitigation land required is 151.70 acres, based on 43.89 acres of disturbed MU/SS @ 4:1 being 175.56, less 23.86 acres of preserved onsite IRA & MU/SS.

208-15-0490  
-0500  
-051A

Property Transaction

Parcel #: 0520 + 0530 File #: Acq-0747 Closing Date: 12-14-18

Property Address: W. side of Trioso Road, S. of Silverbell Rd.

Former Owner Name: Daniel K. Wong, an unmarried man

Project ID: Pr-0137 Contract No. CT-PW-19-074

Open Space FLAP Davis Monthan Open Space Sequence # 20183480706

Purchase Leased Full Take Partial Take DONATION

Fee Simple: 57 sq ft acres Value: \$ 160,000<sup>00</sup>

Fee Simple: \_\_\_\_\_ sq ft acres Value: \$ \_\_\_\_\_

Drainage Easement: \_\_\_\_\_ sq ft acres Value: \$ \_\_\_\_\_

Drainage Easement: \_\_\_\_\_ sq ft acres Value: \$ \_\_\_\_\_

Slope Easement: \_\_\_\_\_ sq ft acres Value: \$ \_\_\_\_\_

Slope Easement: \_\_\_\_\_ sq ft acres Value: \$ \_\_\_\_\_

Temporary Construction Easement: \_\_\_\_\_ sq ft acres Value: \$ \_\_\_\_\_

Temporary Construction Easement: \_\_\_\_\_ sq ft acres Value: \$ \_\_\_\_\_

\_\_\_\_\_ sq ft acres Value: \$ \_\_\_\_\_

\_\_\_\_\_ sq ft acres Value: \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

Value of Land: \$ 160,000<sup>00</sup>

Value of Improvements: \$ ∅

Total: \$ 160,000<sup>00</sup> (This number must match the total above)


Actual Closing Costs (by D&D) \$ 1024.18

Funding Source FINANCE - Special Projects Bond Funds \_\_\_\_\_ (Year)


Managing Department: FCD Trans Parks Cultural Resources Other: \_\_\_\_\_

If tenants, attach closing statement. If grazing lease attach lease. If exchange provide detailed info. N/A

When Recorded Return to:  
Pima County Real Property Services  
201 N. Stone Avenue, 6<sup>th</sup> Floor  
Tucson, AZ 85701-1215

\* E RECORDING \* Page 1 of 11  
  
SEQUENCE: 20183480706  
No. Pages: 11  
12/14/2018 4:44 PM

F. ANN RODRIGUEZ, RECORDER  
Recorded By: VTG (e-recording)



Exempt from Affidavit of Value per A.R.S. Section 11-1134(A) (3)  
Title Security Agency

Order # 2014801A Special Warranty Deed  
With Restrictions

Daniel K. Wong, an unmarried man, the “Grantor” herein, does hereby convey to PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT, a political taxing subdivision of the State of Arizona, the “Grantee” herein, the following real property (the “Property”) situated in Pima County, Arizona, together with all rights and privileges appurtenant thereto:

As described in Exhibit “A” and depicted in Exhibit “A-1” attached hereto.

Subject to all taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record and all matters a survey or inspection of the Property would reveal.

Subject, further, to an express restriction upon any development, subdivision or splitting of the Property into smaller parcels (the “Deed Restriction”), except as set forth below. The Deed Restriction may only be amended in a writing signed by Grantor and Grantee, or their heirs, successors and assigns. The Deed Restriction shall run with the land in perpetuity and be binding upon the Grantee, its successors and assigns.

The Deed Restriction is intended for the express benefit of the citizens of Pima County, Arizona and shall be enforceable by Grantor and any third party expressly designated by Grantor in writing to enforce the Deed Restriction contained herein. Any party who may enforce the Deed Restriction may maintain an action in equity to enforce said restriction, including the granting of injunctive relief and if successful will be entitled to an award of attorney fees and costs incurred in such enforcement action. Any conveyance of the Property in violation of the Deed Restriction shall be null and void.

The Deed Restriction is not intended to and will not operate to restrict Grantee’s use of the structures or improvements situated on the Property at the time of the recording of this Deed in any manner, or the maintenance, repair and replacement of such existing improvements on the Property.

The following activities are not in violation of the Deed Restriction and shall be considered permitted activities for purposes of the Deed Restriction:

2/06/2018

Vegetation removal and/or alteration as reasonable and necessary for habitat improvements, to promote the recovery or reestablishment of native species, and/or for fencing, maintaining utility easements, and residential needs;

Use of surface or subsurface water from water developments or natural sources for on-site domestic use, habitat improvements, wildlife waters, fire-fighting, or dust control;

Flood control maintenance activities such as vegetation removal or alteration, sediment removal, and the placement of drainage structures necessary to maintain public safety due to or in anticipation of flooding;

Prescribed fire for areas of 10 acres or less;

Replacement of existing wells, pumps, pipelines, windmills, septic systems, and storage tanks as necessary for permitted operations on the Property, along with maintenance and repair of existing water developments;

Construction of new roads, permanent or temporary, but only where reasonable and necessary to provide access to adjacent public lands;

Construction of trails for non-motorized recreation including hiking, wildlife-watching, mountain biking, hunting access to adjoining public lands, and horseback riding; and/or

Wildlife management activities carried out in cooperation with the Arizona Game and Fish Department.

The Grantor hereby binds itself and its successors to warrant and defend the title as against all acts of the Grantor herein and no other, subject to matters above set forth.

*REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK .*

Daniel K. Wong, an unmarried man

*Daniel K Wong*

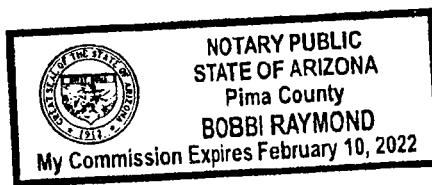
Dec. 13, 2018  
DATE

STATE OF ARIZONA     )  
                                          ) ss.  
COUNTY OF PIMA     )

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of December, 2018, by Daniel K. Wong.

*[Signature]*  
Notary Public

My commission Expires:  
2/10/22




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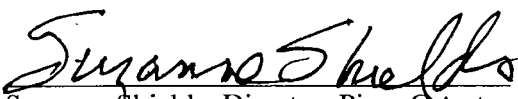
ACCEPTED AND AGREED:

GRANTEE: PIMA COUNTY REGIONAL  
FLOOD CONTROL DISTRICT, a Political  
Taxing Subdivision of the State of Arizona

By   
Neil J. Konigsberg, Manager  
Pima County Real Property Services

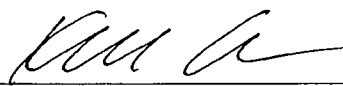
10-1-2018  
Date

APPROVED AS TO CONTENT:


  
Suzanne Shields, Director, Pima County  
Regional Flood Control District

7/20/18  
Date

APPROVED AS TO FORM:

  
Kell Olson, Deputy Pima County  
Attorney, Civil Division

7/19/18  
Date

|                                                                                                                |                                                     |
|----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
|  <b>First American Title™</b> | <b>Commitment for Title Insurance</b>               |
|                                                                                                                | BY<br><b>First American Title Insurance Company</b> |
| <b>Exhibit A</b>                                                                                               |                                                     |

Order No.: 6014801A-001-B13-BW

**LEGAL DESCRIPTION**

The Land referred to herein below is situated in the County of Pima, State of Arizona, and is described as follows:

Parcel 1:

(INTENTIONALLY OMITTED)

Parcel 2:

A parcel of land within the East half of Section 27, Township 11 South, Range 10 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

COMMENCING at the Northeast corner of said Section 27;

THENCE South 89 degrees 35 minutes 03 seconds West, along the North Section line, a distance of 75.00 feet;

THENCE South 00 degrees 19 minutes 59 seconds East, parallel with and 75.00 feet West of the East Section line, a distance of 40.00 feet to the South right-of-way of Trico Marana Road, shown in Book 9 of Road Maps at page 29, and the West right-of-way of Trico Road, shown in Book 8 of Road Maps at page 53;

THENCE continue South 00 degrees 19 minutes 59 seconds East, along said West right-of-way of Trico Road, a distance of 2,145.63 feet to the intersection of the said West right-of-way and the North right-of-way of Silverbell Road as it existed January 19, 1998

THENCE continue South 00 degrees 19 minutes 59 seconds East, along the said West right-of-way of Trico Road, a distance of 73.52 feet to the intersection of said West right-of-way with the South right-of-way of Silverbell Road as it existed January 19, 1998;

THENCE continue South 00 degrees 19 minutes 59 seconds East, along the said West right-of-way of Trico Road, a distance of 381.42 feet;

THENCE South 00 degrees 25 minutes 07 seconds East, along the said West right-of-way of Trico Road, a distance of 1,827.79 feet to the POINT OF BEGINNING and reference Point "A";

THENCE continue South 00 degrees 25 minutes 07 seconds East, along the said West right-of-way, a distance of 813.87 feet to the South line of said Section 27;

THENCE South 89 degrees 39 minutes 26 seconds West, along the said South Section line, a distance of 260.00 feet;


THENCE departing the said South Section line, North 00 degrees 20 minutes 34 seconds West, a distance of 403.68 feet;

THENCE North 19 degrees 37 minutes 54 seconds East, a distance of 473.97 feet;

THENCE South 70 degrees 22 minutes 06 seconds East, a distance of 103.22 feet to the POINT OF BEGINNING.

(JV Arb 62)

Parcel 2A:

|                                                                                                                  |                                                     |
|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| <br><b>First American Title™</b> | <b>Commitment for Title Insurance</b>               |
|                                                                                                                  | BY<br><b>First American Title Insurance Company</b> |
| <b>Exhibit A</b> (Continued)                                                                                     |                                                     |

Order No.: 6014801A-001-B13-BW

Easement for ingress and egress and utilities as set forth in Docket 10857 at page 2121.

Parcel 3:

A parcel of land within the East half of Section 27, Township 11 South, Range 10 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

COMMENCING at the Northeast corner of said Section 27;

THENCE South 89 degrees 35 minutes 03 seconds West, along the North Section line, a distance of 75.00 feet;

THENCE South 00 degrees 19 minutes 59 seconds East, parallel with and 75.00 feet West of the East Section line, a distance of 40.00 feet to the South right-of-way of Trico Marana Road, shown in Book 9 of Road Maps at page 29, and the West right-of-way of Trico Road, shown in Book 8 of Road Maps at page 53;

THENCE continue South 00 degrees 19 minutes 59 seconds East, along said West right-of-way of Trico Road, a distance of 2,145.63 feet to the intersection of the said West right-of-way and the North right-of-way of Silverbell Road as it existed January 19, 1998

THENCE continue South 00 degrees 19 minutes 59 seconds East, along the said West right-of-way of Trico Road, a distance of 73.52 feet to the intersection of said West right-of-way with the South right-of-way of Silverbell Road as it existed January 19, 1998;

THENCE continue South 00 degrees 19 minutes 59 seconds East, along the said West right-of-way of Trico Road, a distance of 381.42 feet;

THENCE South 00 degrees 25 minutes 07 seconds East, along the said West right-of-way of Trico Road, a distance of 1,827.79 feet to reference Point "A";

THENCE North 70 degrees 22 minutes 06 seconds West, departing said West right-of-way, a distance of 103.23 feet to the POINT OF BEGINNING;

THENCE continue North 70 degrees 22 minutes 06 seconds West, a distance of 1,110.03 feet;

THENCE South 19 degrees 37 minutes 54 seconds West, a distance of 652.52 feet;

THENCE North 70 degrees 22 minutes 06 seconds West, a distance of 32.17 feet;

THENCE South 19 degrees 37 minutes 54 seconds West, a distance of 666.17 feet to the South Section line;


THENCE North 89 degrees 38 minutes 58 seconds East, along the said South Section line, a distance of 317.38 feet;

THENCE departing the said South Section line, North 19 degrees 37 minutes 54 seconds East, a distance of 557.71 feet;

THENCE South 70 degrees 22 minutes 06 seconds East, a distance of 908.83 feet;

THENCE North 00 degrees 20 minutes 34 seconds West, a distance of 189.98 feet;

THENCE North 19 degrees 37 minutes 54 seconds East, a distance of 473.97 feet to the POINT OF BEGINNING.

|                                                                                                               |                                                     |
|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
|  <b>First American Title™</b> | <b>Commitment for Title Insurance</b>               |
|                                                                                                               | BY<br><b>First American Title Insurance Company</b> |
| <b>Exhibit A</b> (Continued)                                                                                  |                                                     |

Order No.: 6014801A-001-B13-BW

(JV Arb 59)

Parcel 3A:

Easement for ingress and egress and utilities as set forth in Docket 10857 at page 2113.

Parcel 4:

A parcel of land within the East half of Section 27, Township 11 South, Range 10 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

COMMENCING at the Northeast corner of said Section 27;

THENCE South 89 degrees 35 minutes 03 seconds West, along the North Section line, a distance of 75.00 feet;

THENCE South 00 degrees 19 minutes 59 seconds East, parallel with and 75.00 feet West of the East Section line, a distance of 40.00 feet to the South right-of-way of Trico Marana Road, shown in Book 9 of Road Maps at page 29, and the West right-of-way of Trico Road, shown in Book 8 of Road Maps at page 53;

THENCE continue South 00 degrees 19 minutes 59 seconds East, along said West right-of-way of Trico Road, a distance of 2,145.63 feet to the intersection of the said West right-of-way and the North right-of-way of Silverbell Road as it existed January 19, 1998

THENCE continue South 00 degrees 19 minutes 59 seconds East, along the said West right-of-way of Trico Road, a distance of 73.52 feet to the intersection of said West right-of-way with the South right-of-way of Silverbell Road as it existed January 19, 1998;

THENCE continue South 00 degrees 19 minutes 59 seconds East, along the said West right-of-way of Trico Road, a distance of 381.42 feet;

THENCE South 00 degrees 25 minutes 07 seconds East, along the said West right-of-way of Trico Road, a distance of 1,827.79 feet to reference Point "A";

THENCE North 70 degrees 22 minutes 06 seconds West, departing said West right-of-way, a distance of 1,213.26 feet to the POINT OF BEGINNING;

THENCE continue North 70 degrees 22 minutes 06 seconds West, a distance of 1,517.40 feet to the West line of the East half of said Section 27;


THENCE South 00 degrees 22 minutes 16 seconds East, along the said West line, a distance of 694.40 feet;

THENCE South 70 degrees 22 minutes 06 seconds East, a distance of 1,279.87 feet;

THENCE North 19 degrees 37 minutes 54 seconds East, a distance of 652.52 feet to the POINT OF BEGINNING.

EXCEPT THEREFROM that portion conveyed to Trico Exchange L.L.C., an Arizona limited liability company in Docket 13842 at page 2641.

(JV Arb 117)

|                                                                                                               |                                                     |
|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
|  <b>First American Title™</b> | <b>Commitment for Title Insurance</b>               |
|                                                                                                               | BY<br><b>First American Title Insurance Company</b> |
| <b>Exhibit A</b> (Continued)                                                                                  |                                                     |

Order No.: 6014801A-001-B13-BW

Parcel 4A:

Easement for ingress and egress and utilities as set forth in Docket 10857 at page 2105.

Parcel 5:

A parcel of land within the East half of Section 27, Township 11 South, Range 10 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

COMMENCING at the Northeast corner of said Section 27;

THENCE South 89 degrees 35 minutes 03 seconds West, along the North Section line, a distance of 75.00 feet;

THENCE South 00 degrees 19 minutes 59 seconds East, parallel with and 75.00 feet West of the East Section line, a distance of 40.00 feet to the South right-of-way of Trico Marana Road, shown in Book 9 of Road Maps at page 29, and the West right-of-way of Trico Road, shown in Book 8 of Road Maps at page 53;

THENCE continue South 00 degrees 19 minutes 59 seconds East, along said West right-of-way of Trico Road, a distance of 2,145.63 feet to the intersection of the said West right-of-way and the North right-of-way of Silverbell Road as it existed January 19, 1998

THENCE continue South 00 degrees 19 minutes 59 seconds East, along the said West right-of-way of Trico Road, a distance of 73.52 feet to the intersection of said West right-of-way with the South right-of-way of Silverbell Road as it existed January 19, 1998;

THENCE continue South 00 degrees 19 minutes 59 seconds East, along the said West right-of-way of Trico Road, a distance of 381.42 feet;

THENCE South 00 degrees 25 minutes 07 seconds East, along the said West right-of-way of Trico Road, a distance of 1,827.79 feet to reference Point "A";

THENCE North 70 degrees 22 minutes 06 seconds West, departing said West right-of-way, a distance of 1,213.26 feet;

THENCE South 19 degrees 37 minutes 54 seconds West, a distance of 652.52 feet;

THENCE North 70 degrees 22 minutes 06 seconds West, a distance of 32.17 feet to the POINT OF BEGINNING;


THENCE continue North 70 degrees 22 minutes 06 seconds West, a distance of 1,247.70 feet to the West line of the East half of said Section 27;

THENCE South 00 degrees 22 minutes 16 seconds East, along the said West line, a distance of 1,052.44 feet to the South Section line;

THENCE North 89 degrees 38 minutes 58 seconds East, along the said South Section line, a distance of 944.56 feet;

THENCE departing the said South Section line, North 19 degrees 37 minutes 54 seconds East, a distance of 666.17 feet to the POINT OF BEGINNING.

(JV Arb 57)

|                                                                                                               |                                                     |
|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
|  <b>First American Title™</b> | <b>Commitment for Title Insurance</b>               |
|                                                                                                               | BY<br><b>First American Title Insurance Company</b> |
| <b>Exhibit A</b> (Continued)                                                                                  |                                                     |

Order No.: 6014801A-001-B13-BW

Parcel 5A:

Easement for ingress and egress and utilities as set forth in Docket 10857 at page 2109.

Parcel 6:

A parcel of land within the East half of Section 27, Township 11 South, Range 10 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

COMMENCING at the Northeast corner of said Section 27;

THENCE South 89 degrees 35 minutes 03 seconds West, along the North Section line, a distance of 75.00 feet;

THENCE South 00 degrees 19 minutes 59 seconds East, parallel with and 75.00 feet West of the East Section line, a distance of 40.00 feet to the South right-of-way of Trico Marana Road, shown in Book 9 of Road Maps at page 29, and the West right-of-way of Trico Road, shown in Book 8 of Road Maps at page 53;

THENCE continue South 00 degrees 19 minutes 59 seconds East, along said West right-of-way of Trico Road, a distance of 2,145.63 feet to the intersection of the said West right-of-way and the North right-of-way of Silverbell Road as it existed January 19, 1998

THENCE continue South 00 degrees 19 minutes 59 seconds East, along the said West right-of-way of Trico Road, a distance of 73.52 feet to the intersection of said West right-of-way with the South right-of-way of Silverbell Road as it existed January 19, 1998;

THENCE continue South 00 degrees 19 minutes 59 seconds East, along the said West right-of-way of Trico Road, a distance of 381.42 feet;

THENCE South 00 degrees 25 minutes 07 seconds East, along the said West right-of-way of Trico Road, a distance of 1,827.79 feet to reference Point "A";

THENCE continue South 00 degrees 25 minutes 07 seconds East, along the said West right-of-way, a distance of 813.87 feet to the South Section line;

THENCE South 89 degrees 39 minutes 26 seconds West, along the said South Section line, a distance of 260.00 feet to the POINT OF BEGINNING;


THENCE continue South 89 degrees 39 minutes 26 seconds West, along the said South Section line, a distance of 985.81 feet to the Southwest corner of the Southeast quarter of the Southeast quarter of said Section 27;

THENCE South 89 degrees 38 minutes 58 seconds West, along the South line of the Southwest quarter of the Southeast quarter of said Section 27, a distance of 58.86 feet;

THENCE departing the said South line of the Southwest quarter of the Southeast quarter, North 19 degrees 37 minutes 54 seconds East, a distance of 557.71 feet;

THENCE South 70 degrees 22 minutes 06 seconds East, a distance of 908.83 feet;

THENCE South 00 degrees 20 minutes 34 seconds East, a distance of 213.70 feet to the POINT OF BEGINNING.

|                                                                                                               |                                                     |
|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
|  <b>First American Title™</b> | <b>Commitment for Title Insurance</b>               |
|                                                                                                               | BY<br><b>First American Title Insurance Company</b> |
| <b>Exhibit A</b> (Continued)                                                                                  |                                                     |

Order No.: 6014801A-001-B13-BW

(JV Arb 61)

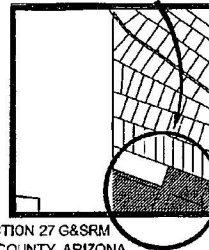
Parcel 6A:

Easement for ingress and egress and utilities as set forth in Docket 10857 at page 2117.

### Wong Trico Road Donation Parcel

208-15-0490, -0500, -051A, -0520, -0530

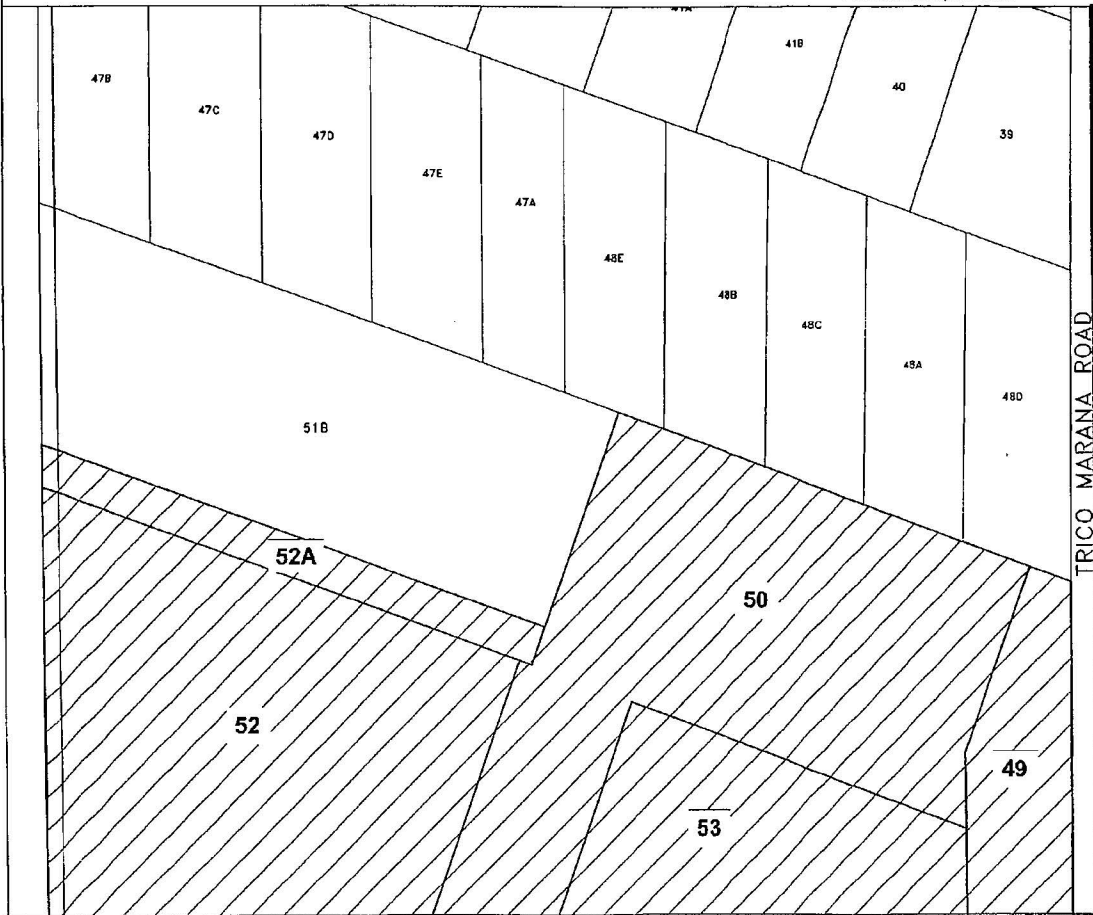
SUBJECT AREA



 Donated Parcels

SECTION 27  
TOWNSHIP 11 SOUTH  
RANGE 10 EAST

SECTION 27 G&SRM  
PIMA COUNTY, ARIZONA



18032

**PIMA COUNTY DEPARTMENT OF TRANSPORTATION  
ENGINEERING INFORMATION MANAGEMENT**

DRAWING NOT TO SCALE

DRAWN BY: JLITTLE

DATE: JUNE 2018

**EXHIBIT A-1**



|                                                                                                                                                                                                                                                                         |                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PIMA COUNTY DEPARTMENT OF:<br/>REAL PROPERTY SERVICES</b><br><br><b>PROJECT: Accept Donation of Real Property<br/>Consisting of Approximately 172 Fee Acres</b><br><br><b>DONOR: Daniel K. Wong, an unmarried man</b><br><br><b>AMOUNT: Not to Exceed \$5,000.00</b> | <b>CONTRACT</b>                                                                                                                                                             |
|                                                                                                                                                                                                                                                                         | <b>NO. <u>CT-PW-19-074</u></b><br><b>AMENDMENT NO. _____</b><br>This number must appear on all<br>invoices, correspondence and<br>documents pertaining to this<br>contract. |

**AGREEMENT TO DONATE REAL PROPERTY**

1. **Parties; Effective Date.** This agreement ("**Agreement**") is entered into by and between Daniel K. Wong, an unmarried man (hereinafter, "**Donor**"); Pima County Regional Flood Control District ("**District**"); and Pima County, a political subdivision of the State of Arizona ("**County**"). District and County are hereinafter collectively referred to as "**Donee**". Donor and Donee are hereinafter referred to collectively as the "**Parties**". This Agreement shall be effective on the date Donor and Donee have executed this Agreement (the "**Effective Date**"). The date Donee signs is the date the Chairman of the County Board of Supervisors and the Chairman of the District Board of Directors sign this Agreement.

2. **Background & Purpose.**

2.1. Donor is or will be the owner of certain real property in Pima County, Arizona consisting of approximately fifty-seven (57) acres, legally described and depicted, collectively, on **Exhibit A** attached hereto, and commonly known Assessor's Tax Parcels 208-15-051A; -0520; -0530; -0500; & 0490, including all structures and improvements situated thereon, if any (the "**Pima Property**");

2.2. Donor also is or will be the owner of certain real property in Pinal County, Arizona consisting of approximately one-hundred fifteen (115) acres, legally described and depicted, collectively, on **Exhibit B** attached hereto, and commonly known as a portion of Assessor's Tax Parcel 304-05-030A; and a portion of Assessor's Tax Parcel 304-05-3010, including all structures and improvements situated thereon, if any (the "**Pinal Property**");

2.3. The Pima Property and the Pinal Property may at times be referred to in

this Agreement collectively as "***the Property***".

2.4. Donor desires to donate the Property to Donee, subject to those terms and conditions as set forth with specificity in this Agreement; and

2.5. Donee desires to accept the Property, subject to the express terms and conditions of this Agreement.

### 3. **Donation.**

3.1. Donor agrees to donate the Property, including all wells, water rights and mineral rights appurtenant to the Property, if any, to the extent, if any, that Donor has an interest therein, to Donee, free and clear of all liens and encumbrances, except as set forth on **Exhibit C** (for the Pima Property) and **Exhibit D** (for the Pinal Property) attached hereto, except for Item 2 on **Exhibit C** and Item 1 on **Exhibit D** (the "***Permitted Exceptions***").

3.2. Donor will execute Special Warranty Deeds (the "***Deeds***") and any and all related documents conveying the Property to Donee upon presentation of said documents to Donor by Donee's agents or representatives.

3.3. Donor acknowledges and agrees that the decision to donate the Property was made without any undue influence or coercive action of any nature and that the right to an appraisal and to just compensation is hereby waived.

### 4. **Inspection and Access.**

4.1. **Inspection Period.** For a period of forty-five (45) days commencing on the Effective Date (the "***Inspection Period***"), Donee (and its respective employees, agents, representatives and contractors) shall have the right to enter upon the Property at reasonable times and from time to time, upon forty-eight (48) hours notice by telephone to Donor, for the purpose of viewing, inspecting, testing, appraising, surveying and studying the Property ("***Inspection***"). Donee shall, promptly following any such Inspection, return the Property to the condition it was in immediately prior to such Inspection. Donee shall, and does hereby agree, to the extent permitted by law, to indemnify and defend Donor and the owner of the Property (if not Donor) against, and hold Donor and the owner of the Property (if not Donor) harmless from, all claims, damages, expenses, and actions arising from any negligence or wrongful misconduct of Donee or Donee's employees or agents, as a result of such Inspection.

4.2. Reports. Within ten (10) days after the Effective Date, Donor shall provide copies to Donee of the following, to the extent such exist and are in Donor's possession or control, use agreements regarding the Property; service, management and other agreements regarding the Property whose terms do not expire prior to the date of the Closing; permits, certificates, plans or specifications regarding the Property; soils reports, property inspections, hazardous/toxic material or environmental reports regarding the Property; surveys of the Property; and registrations, test results and studies regarding any wells located on the Property (all of which shall hereinafter be referred to as the "**Donor Documents**"). If this Agreement is terminated for any reason, all of Donor's Documents and any copies made by Donee of Donor's Documents shall be returned to Donor. During the term of this Agreement, Donee shall deliver to Donor copies of all non-proprietary third party reports, studies, surveys, plats, engineering data or work product or other work product pertaining to the Property as the same are prepared. If Donee terminates this Agreement for any reason, all such third party reports, studies, surveys, plats or other work product shall be returned to Donee. The delivery by Donor or Donee to the other Party of any such third party reports, studies, surveys, plats, engineering data or work product or other work product shall be without any representation or warranty.

4.3. Environmental Inspection. If an environmental inspection recommends further testing or inspection, Donee may elect, by giving written notice to Donor, to extend the Inspection Period for an additional twenty (20) days, to conduct further investigations. If the Inspection Period is extended, the term "**Inspection Period**" shall then include the additional period.

4.4. Objection Notice. Donee shall provide written notice to Donor, prior to expiration of the Inspection Period, of any items disapproved by Donee as a result of Donee's inspections (including environmental conditions) (the "**Objection Notice**"). If Donee sends an Objection Notice, Donor may, within ten (10) business days of receipt of the Objection Notice, notify Donee if Donor is willing to cure any of the items to which Donee objected (the "**Cure Notice**"). If Donor elects not to send Donee a Cure Notice or if Donor's Cure Notice is not acceptable to Donee, then Donee may elect to terminate this Agreement in which case the Agreement shall be terminated and of no further force and effect. If Donee fails to give the Objection Notice to Donor on or before the expiration of the Inspection Period, Donee shall be deemed to have waived the right to give the Objection Notice.

4.5. Closing Before Inspection Period Expires. Nothing in this Agreement shall preclude Donee from electing to proceed with Closing prior to the expiration of the

Inspection Period.

5. **Donor's Covenants.**

5.1. No Salvage. Donor shall not salvage or remove any fixtures, improvements, or vegetation from the Property, but this shall not prohibit Donor from removing personal property prior to the Closing. In addition, prior to Closing, the Property shall not be materially degraded by Donor or otherwise changed in any material aspect by Donor.

5.2. Use of Property by Donor. Donor shall, during the term of this Agreement, use the Property on a basis substantially comparable to Donor's historical use thereof. Donor shall make no use of the Property other than the use being made of the Property as of the date this Agreement is signed by the Parties. Donor shall maintain the Property in substantially the same condition as it is presently in, ordinary wear and tear excepted, and without liens or encumbrances that Donor will be able to cause to be released before the Closing.

5.3. No Encumbrances. Donor shall not encumber the Property with any lien that Donor will be unable to cause to be released before Closing. Donor covenants and agrees that from and after that Agreement Date through the Closing, Donor shall not enter into, execute or record any covenant, deed restriction, or any other encumbrance against the Property.

6. **No Personal Property.** The Parties acknowledge that no personal property is being transferred pursuant to this Agreement, and Donor represent that there is now, or as of Closing will be, no personal property located on Property.

7. **Closing.**

7.1 Closing. The Closing shall take place at Title Security Agency, Bobbi Raymond, Escrow Agent, after completion of the Inspection Period, but no later than December 31, 2018, unless otherwise agreed to by the Parties.

7.2 Prorations. The date of closing shall be used for proration of rents, property taxes and other similar costs; and assessments due for improvement districts shall be paid in full by the Donor prior to closing.

7.3 Deliveries by Donor at Closing. At Closing, Donor shall deliver to Donee the following:

7.3.1 an executed Special Warranty Deed ("**Deed**") in the form of **Exhibit E** attached, conveying fee simple title to the Pima Property to District subject only to the Permitted Exceptions and to the Deed Restrictions expressly set forth therein;

7.3.2 an executed Special Warranty Deed ("**Deed**") in the form of **Exhibit F** attached, conveying fee simple title to the Pinal Property to County subject only to the Permitted Exceptions and to the Deed Restrictions expressly set forth therein;

7.3.3 one or more assignments of all the water rights and well registrations, certificated or claimed, in which Donor has an interest and appurtenant to the Property, if any, and all certificated or claimed Type 2 water rights related to the Property which Donor owns, if any; and

7.3.4 possession of the Property.

7.4 Closing Costs. County and District shall pay all their respective closing costs, including but not limited to title insurance premium, escrow fees and recording fees. County's share of closing costs will not exceed \$2,500.00. District's share of costs will not exceed \$2,500.00.

## 8. **Endowment to County.**

8.1 Donor acknowledges that County will incur certain ongoing expenses in connection with the ownership and maintenance of the Pinal Property and agrees to defray those expenses by payment to County of an endowment (the "Endowment") as set forth in this Section 8.

8.2 Donor will pay to County, contemporaneously with the Close of Escrow conveying the Pinal Property from the Donor to County (the "Closing Date"), the sum of nineteen-thousand forty-six (\$19,046.00) which Endowment shall be deposited in the Special Revenue Fund referenced in Section 8.3 below.

8.3 County will deposit the Endowment payment in a Special Revenue Fund to be established by the Pima County Natural Resources Parks and Recreation Department, the managing department, in order to fund future expenses County may

incur in connection with ownership and maintenance of the Pinal Property.

9. **Endowment to District.**

9.1 Donor acknowledges that District will incur certain ongoing expenses in connection with the ownership and maintenance of the Pima Property and agrees to defray those expenses by payment to District of an endowment (the "Endowment") as set forth in this Section 9.

9.2 Donor will pay to District, contemporaneously with the Close of Escrow conveying the Property from the Donor to District (the "Closing Date"), the sum of nine-thousand three-hundred eighty-nine dollars (\$9,389.00) which Endowment shall be deposited in the Special Revenue Fund referenced in Section 9.3 below.

9.3 District will deposit the Endowment payment in a Special Revenue Fund to be established by the District, as the managing department, in order to fund future expenses District may incur in connection with ownership and maintenance of the Pima Property.

10. **Binding Agreement.** All provisions set forth herein are binding upon the heirs, successors and assigns of the Parties.


11. **Governing Law.** This Agreement shall be construed under the laws of the State of Arizona.

12. **Conflict of Interest.** This Agreement is subject to cancellation within three (3) years after its execution pursuant to A.R.S. § 38-511 if any person significantly involved in initiating, negotiating, securing, drafting or creating this Agreement on behalf of the County or District is, at any time while this Agreement or any extension of the Agreement is in effect, an employee or agent of any other party to the Agreement with respect to the subject matter of the Agreement.

*REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK*

The Parties have signed this Agreement on the dates set forth below.

**Donor: Daniel K. Wong, an unmarried man**

By:  Date: 7/18/18

**Donee: Pima County, a political subdivision of the State of Arizona:**


  
Richard Elias, Chairman, Board of Supervisors

AUG 20 2018  
Date

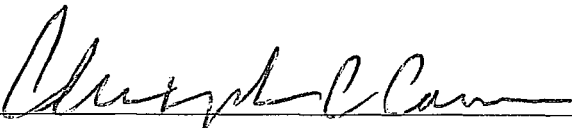
APPROVED AS TO CONTENT:

  
Neil J. Konigsberg, Manager,  
Real Property Services Department

7/19/2018  
Date

  
Carmine DeBonis, Deputy County Administrator

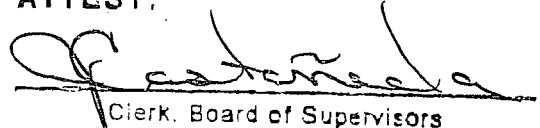
8/1/18  
Date

  
Chris Cawein, Director, Pima County  
Natural Resources Parks and Recreation

7/26/18  
Date

APPROVED AS TO FORM:

  
Kell Olson, Deputy County Attorney, Civil Division

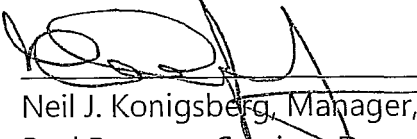
**ATTEST:**  
  
Clerk, Board of Supervisors  
Pima County, Arizona

**Donee: Pima County Regional Flood Control District  
A political taxing subdivision of the State of Arizona:**


  
Richard Elias, Chairman, Board of Directors

AUG 20 2018  
Date

APPROVED AS TO CONTENT:

  
Neil J. Konigsberg, Manager,  
Real Property Services Department

8/17/2018  
Date

  
Carmine DeBonis, Deputy County Administrator

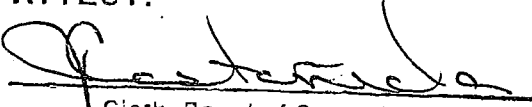
8/1/18  
Date

  
Suzanne Shields, Director, Pima County Regional  
Flood Control District

7/20/18  
Date


APPROVED AS TO FORM:

  
Kell Olson, Deputy County Attorney, Civil Division

**ATTEST:**  
  
Clerk, Board of Supervisors  
Pima County, Arizona

TAX PARCEL NUMBERS: Pima County APN 208-15-051A; -0520; -0500; -0530; & -0490;  
A portion of Pinal County APN 304-05-030A; and a portion of  
Assessor's Tax Parcel 304-05-3010.



|                                                                                                                |                                                                    |
|----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
|  <b>First American Title™</b> | <b>Commitment for Title Insurance</b>                              |
|                                                                                                                | <small>BY</small><br><b>First American Title Insurance Company</b> |
| <b>Exhibit A</b>                                                                                               |                                                                    |

Order No.: 6014801A-001-B13-BW

**LEGAL DESCRIPTION**

The Land referred to herein below is situated in the County of Pima, State of Arizona, and is described as follows:

Parcel 1:

(INTENTIONALLY OMITTED)

Parcel 2:

A parcel of land within the East half of Section 27, Township 11 South, Range 10 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

COMMENCING at the Northeast corner of said Section 27;

THENCE South 89 degrees 35 minutes 03 seconds West, along the North Section line, a distance of 75.00 feet;

THENCE South 00 degrees 19 minutes 59 seconds East, parallel with and 75.00 feet West of the East Section line, a distance of 40.00 feet to the South right-of-way of Trico Marana Road, shown in Book 9 of Road Maps at page 29, and the West right-of-way of Trico Road, shown in Book 8 of Road Maps at page 53;

THENCE continue South 00 degrees 19 minutes 59 seconds East, along said West right-of-way of Trico Road, a distance of 2,145.63 feet to the intersection of the said West right-of-way and the North right-of-way of Silverbell Road as it existed January 19, 1998

THENCE continue South 00 degrees 19 minutes 59 seconds East, along the said West right-of-way of Trico Road, a distance of 73.52 feet to the intersection of said West right-of-way with the South right-of-way of Silverbell Road as it existed January 19, 1998;

THENCE continue South 00 degrees 19 minutes 59 seconds East, along the said West right-of-way of Trico Road, a distance of 381.42 feet;

THENCE South 00 degrees 25 minutes 07 seconds East, along the said West right-of-way of Trico Road, a distance of 1,827.79 feet to the POINT OF BEGINNING and reference Point "A";

THENCE continue South 00 degrees 25 minutes 07 seconds East, along the said West right-of-way, a distance of 813.87 feet to the South line of said Section 27;

THENCE South 89 degrees 39 minutes 26 seconds West, along the said South Section line, a distance of 260.00 feet;


THENCE departing the said South Section line, North 00 degrees 20 minutes 34 seconds West, a distance of 403.68 feet;

THENCE North 19 degrees 37 minutes 54 seconds East, a distance of 473.97 feet;

THENCE South 70 degrees 22 minutes 06 seconds East, a distance of 103.22 feet to the POINT OF BEGINNING.

(JV Arb 62)

Parcel 2A:

|                                                                                                                   |                                                     |
|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| <br><b>First American Title™</b> | <b>Commitment for Title Insurance</b>               |
|                                                                                                                   | BY<br><b>First American Title Insurance Company</b> |
| <b>Exhibit A</b> (Continued)                                                                                      |                                                     |

Order No.: 6014801A-001-B13-BW

Easement for ingress and egress and utilities as set forth in Docket 10857 at page 2121.

Parcel 3:

A parcel of land within the East half of Section 27, Township 11 South, Range 10 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

COMMENCING at the Northeast corner of said Section 27;

THENCE South 89 degrees 35 minutes 03 seconds West, along the North Section line, a distance of 75.00 feet;

THENCE South 00 degrees 19 minutes 59 seconds East, parallel with and 75.00 feet West of the East Section line, a distance of 40.00 feet to the South right-of-way of Trico Marana Road, shown in Book 9 of Road Maps at page 29, and the West right-of-way of Trico Road, shown in Book 8 of Road Maps at page 53;

THENCE continue South 00 degrees 19 minutes 59 seconds East, along said West right-of-way of Trico Road, a distance of 2,145.63 feet to the intersection of the said West right-of-way and the North right-of-way of Silverbell Road as it existed January 19, 1998

THENCE continue South 00 degrees 19 minutes 59 seconds East, along the said West right-of-way of Trico Road, a distance of 73.52 feet to the intersection of said West right-of-way with the South right-of-way of Silverbell Road as it existed January 19, 1998;

THENCE continue South 00 degrees 19 minutes 59 seconds East, along the said West right-of-way of Trico Road, a distance of 381.42 feet;

THENCE South 00 degrees 25 minutes 07 seconds East, along the said West right-of-way of Trico Road, a distance of 1,827.79 feet to reference Point "A";

THENCE North 70 degrees 22 minutes 06 seconds West, departing said West right-of-way, a distance of 103.23 feet to the POINT OF BEGINNING;

THENCE continue North 70 degrees 22 minutes 06 seconds West, a distance of 1,110.03 feet;

THENCE South 19 degrees 37 minutes 54 seconds West, a distance of 652.52 feet;

THENCE North 70 degrees 22 minutes 06 seconds West, a distance of 32.17 feet;

THENCE South 19 degrees 37 minutes 54 seconds West, a distance of 666.17 feet to the South Section line;


THENCE North 89 degrees 38 minutes 58 seconds East, along the said South Section line, a distance of 317.38 feet;

THENCE departing the said South Section line, North 19 degrees 37 minutes 54 seconds East, a distance of 557.71 feet;

THENCE South 70 degrees 22 minutes 06 seconds East, a distance of 908.83 feet;

THENCE North 00 degrees 20 minutes 34 seconds West, a distance of 189.98 feet;

THENCE North 19 degrees 37 minutes 54 seconds East, a distance of 473.97 feet to the POINT OF BEGINNING.

|                                                                                                                |                                                     |
|----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
|  <b>First American Title™</b> | <b>Commitment for Title Insurance</b>               |
|                                                                                                                | BY<br><b>First American Title Insurance Company</b> |
| <b>Exhibit A</b> (Continued)                                                                                   |                                                     |

Order No.: 6014801A-001-B13-BW

(JV Arb 59)

Parcel 3A:

Easement for ingress and egress and utilities as set forth in Docket 10857 at page 2113.

Parcel 4:

A parcel of land within the East half of Section 27, Township 11 South, Range 10 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

COMMENCING at the Northeast corner of said Section 27;

THENCE South 89 degrees 35 minutes 03 seconds West, along the North Section line, a distance of 75.00 feet;

THENCE South 00 degrees 19 minutes 59 seconds East, parallel with and 75.00 feet West of the East Section line, a distance of 40.00 feet to the South right-of-way of Trico Marana Road, shown in Book 9 of Road Maps at page 29, and the West right-of-way of Trico Road, shown in Book 8 of Road Maps at page 53;

THENCE continue South 00 degrees 19 minutes 59 seconds East, along said West right-of-way of Trico Road, a distance of 2,145.63 feet to the intersection of the said West right-of-way and the North right-of-way of Silverbell Road as it existed January 19, 1998

THENCE continue South 00 degrees 19 minutes 59 seconds East, along the said West right-of-way of Trico Road, a distance of 73.52 feet to the intersection of said West right-of-way with the South right-of-way of Silverbell Road as it existed January 19, 1998;

THENCE continue South 00 degrees 19 minutes 59 seconds East, along the said West right-of-way of Trico Road, a distance of 381.42 feet;

THENCE South 00 degrees 25 minutes 07 seconds East, along the said West right-of-way of Trico Road, a distance of 1,827.79 feet to reference Point "A";

THENCE North 70 degrees 22 minutes 06 seconds West, departing said West right-of-way, a distance of 1,213.26 feet to the POINT OF BEGINNING;

THENCE continue North 70 degrees 22 minutes 06 seconds West, a distance of 1,517.40 feet to the West line of the East half of said Section 27;

THENCE South 00 degrees 22 minutes 16 seconds East, along the said West line, a distance of 694.40 feet;

THENCE South 70 degrees 22 minutes 06 seconds East, a distance of 1,279.87 feet;

THENCE North 19 degrees 37 minutes 54 seconds East, a distance of 652.52 feet to the POINT OF BEGINNING.

EXCEPT THEREFROM that portion conveyed to Trico Exchange L.L.C., an Arizona limited liability company in Docket 13842 at page 2641.

(JV Arb 117)



*First American Title™*

**Commitment for Title Insurance**

BY

**First American Title Insurance Company**

**Exhibit A** (Continued)

Order No.: 6014801A-001-B13-BW

Parcel 4A:

Easement for ingress and egress and utilities as set forth in Docket 10857 at page 2105.

Parcel 5:

A parcel of land within the East half of Section 27, Township 11 South, Range 10 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

COMMENCING at the Northeast corner of said Section 27;

THENCE South 89 degrees 35 minutes 03 seconds West, along the North Section line, a distance of 75.00 feet;

THENCE South 00 degrees 19 minutes 59 seconds East, parallel with and 75.00 feet West of the East Section line, a distance of 40.00 feet to the South right-of-way of Trico Marana Road, shown in Book 9 of Road Maps at page 29, and the West right-of-way of Trico Road, shown in Book 8 of Road Maps at page 53;

THENCE continue South 00 degrees 19 minutes 59 seconds East, along said West right-of-way of Trico Road, a distance of 2,145.63 feet to the intersection of the said West right-of-way and the North right-of-way of Silverbell Road as it existed January 19, 1998

THENCE continue South 00 degrees 19 minutes 59 seconds East, along the said West right-of-way of Trico Road, a distance of 73.52 feet to the intersection of said West right-of-way with the South right-of-way of Silverbell Road as it existed January 19, 1998;

THENCE continue South 00 degrees 19 minutes 59 seconds East, along the said West right-of-way of Trico Road, a distance of 381.42 feet;

THENCE South 00 degrees 25 minutes 07 seconds East, along the said West right-of-way of Trico Road, a distance of 1,827.79 feet to reference Point "A";

THENCE North 70 degrees 22 minutes 06 seconds West, departing said West right-of-way, a distance of 1,213.26 feet;

THENCE South 19 degrees 37 minutes 54 seconds West, a distance of 652.52 feet;

THENCE North 70 degrees 22 minutes 06 seconds West, a distance of 32.17 feet to the POINT OF BEGINNING;


THENCE continue North 70 degrees 22 minutes 06 seconds West, a distance of 1,247.70 feet to the West line of the East half of said Section 27;

THENCE South 00 degrees 22 minutes 16 seconds East, along the said West line, a distance of 1,052.44 feet to the South Section line;

THENCE North 89 degrees 38 minutes 58 seconds East, along the said South Section line, a distance of 944.56 feet;

THENCE departing the said South Section line, North 19 degrees 37 minutes 54 seconds East, a distance of 666.17 feet to the POINT OF BEGINNING.

(JV Arb 57)

|                                                                                                                   |                                                                    |
|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| <br><b>First American Title™</b> | <b>Commitment for Title Insurance</b>                              |
|                                                                                                                   | <small>BY</small><br><b>First American Title Insurance Company</b> |
| <b>Exhibit A</b> (Continued)                                                                                      |                                                                    |

Order No.: 6014801A-001-B13-BW

Parcel 5A:

Easement for ingress and egress and utilities as set forth in Docket 10857 at page 2109.

Parcel 6:

A parcel of land within the East half of Section 27, Township 11 South, Range 10 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

COMMENCING at the Northeast corner of said Section 27;

THENCE South 89 degrees 35 minutes 03 seconds West, along the North Section line, a distance of 75.00 feet;

THENCE South 00 degrees 19 minutes 59 seconds East, parallel with and 75.00 feet West of the East Section line, a distance of 40.00 feet to the South right-of-way of Trico Marana Road, shown in Book 9 of Road Maps at page 29, and the West right-of-way of Trico Road, shown in Book 8 of Road Maps at page 53;

THENCE continue South 00 degrees 19 minutes 59 seconds East, along said West right-of-way of Trico Road, a distance of 2,145.63 feet to the intersection of the said West right-of-way and the North right-of-way of Silverbell Road as it existed January 19, 1998

THENCE continue South 00 degrees 19 minutes 59 seconds East, along the said West right-of-way of Trico Road, a distance of 73.52 feet to the intersection of said West right-of-way with the South right-of-way of Silverbell Road as it existed January 19, 1998;

THENCE continue South 00 degrees 19 minutes 59 seconds East, along the said West right-of-way of Trico Road, a distance of 381.42 feet;

THENCE South 00 degrees 25 minutes 07 seconds East, along the said West right-of-way of Trico Road, a distance of 1,827.79 feet to reference Point "A";

THENCE continue South 00 degrees 25 minutes 07 seconds East, along the said West right-of-way, a distance of 813.87 feet to the South Section line;

THENCE South 89 degrees 39 minutes 26 seconds West, along the said South Section line, a distance of 260.00 feet to the POINT OF BEGINNING;


THENCE continue South 89 degrees 39 minutes 26 seconds West, along the said South Section line, a distance of 985.81 feet to the Southwest corner of the Southeast quarter of the Southeast quarter of said Section 27;

THENCE South 89 degrees 38 minutes 58 seconds West, along the South line of the Southwest quarter of the Southeast quarter of said Section 27, a distance of 58.86 feet;

THENCE departing the said South line of the Southwest quarter of the Southeast quarter, North 19 degrees 37 minutes 54 seconds East, a distance of 557.71 feet;

THENCE South 70 degrees 22 minutes 06 seconds East, a distance of 908.83 feet;

THENCE South 00 degrees 20 minutes 34 seconds East, a distance of 213.70 feet to the POINT OF BEGINNING.

|                                                                                                                   |                                                                    |
|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| <br><i>First American Title™</i> | <b>Commitment for Title Insurance</b>                              |
|                                                                                                                   | <small>BY</small><br><b>First American Title Insurance Company</b> |
| <b>Exhibit A</b> (Continued)                                                                                      |                                                                    |

Order No.: 6014801A-001-B13-BW

(JV Arb 61)

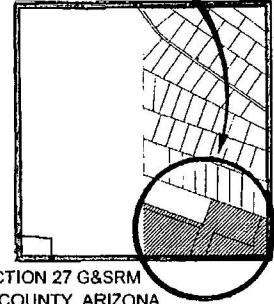
Parcel 6A:

Easement for ingress and egress and utilities as set forth in Docket 10857 at page 2117.

# Wong Trico Road Donation Parcel

208-15-0490, -0500, -051A, -0520, -0530

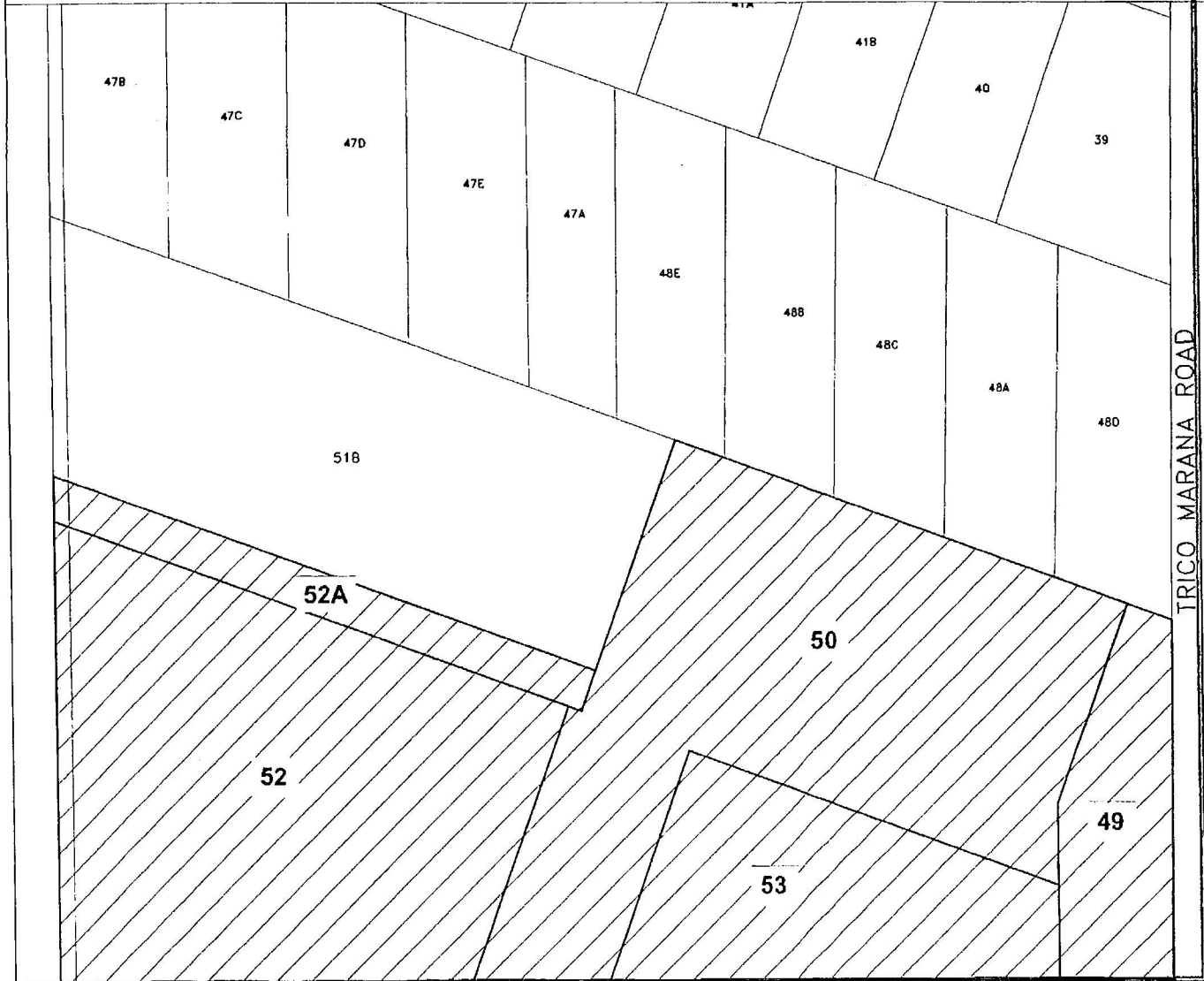
SUBJECT AREA



 Donated Parcels

SECTION 27  
TOWNSHIP 11 SOUTH  
RANGE 10 EAST

SECTION 27 G&SRM  
PIMA COUNTY, ARIZONA



**PIMA COUNTY DEPARTMENT OF TRANSPORTATION  
ENGINEERING INFORMATION MANAGEMENT**

18032

DRAWING NOT TO SCALE

DRAWN BY: JLITTLE

DATE: JUNE 2018

June 26, 2018  
18053-S



### Legal Description

All that portion of the of the Southwest one-quarter of Section 26, Township 10 South, Range 12 East, Gila and Salt River Meridian, Pinal County, Arizona, EXCEPT the north 751.10 feet and being more particularly described as follows:

Beginning at the southwest corner of the Southwest one-quarter of said Section 26 ( found GLO brass cap ), thence North 00° 00' 35" East along the west line of the Southwest one-quarter of Section 26 a distance of 1888.58 feet to a set ½" iron pin RLS 12537 and said point being 751.10 feet south of the northwest corner of the Southwest one-quarter of said Section 26;

Thence leaving said west line, North 89° 58' 20" East, 2646.56 feet to a point on the east line of the Southwest one-quarter of said Section 26 to a set ½" iron pin RLS 12537;

Thence South 00° 03' 33" West along said east line, 1886.36 feet to the southeast corner of the Southwest one-quarter of said Section 26 ( found GLO brass cap );

Thence South 89° 55' 27" West along the south line of said Southwest one-quarter a distance of 2644.94 feet to the point of beginning.

Containing 114.64 acres of land more or less.

Subject to any easements of record.



EXPIRES: 6/30/2019

8219 East 22nd Street · Tucson, Arizona 85710 · (520) 298-3200

AN EQUAL OPPORTUNITY EMPLOYER

**EXHIBIT B**



TAX PARCEL NO.  
304025010A

PARCEL 2  
W1/2

TAX PARCEL NO.  
304025010A

PARCEL 1  
E1/2

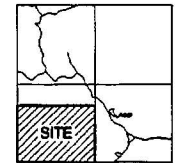
SW1/4

DANIEL K. WONG

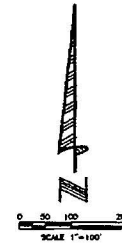
AREA = 34,903.796 SQ. FT. = 0.79464 ACRES

PARCEL 2  
PORTION OF W1/2

PARCEL 1  
PORTION OF E1/2



VICINITY MAP 3/4 mile  
SECTION 26,  
T108, R12E, Q4SRM,  
PINAL COUNTY, AZ



LEGEND

- (C) CALCULATED DIMENSION.
- (M) MEASURED DIMENSION PER THIS SURVEY.
- (R) RECORD DIMENSION PER AMEC UNRECORDED SURVEY DATED 8-01-2005.
- ☒ PINN BRASS CAP SURVEY MONUMENT (BCSM).
- SET 1/2" IRON PIN TAGGED TMS 12537.
- FENCE AS NOTED

BEARS OF BEARINGS: THE WEST LINE ON THE NORTHWEST QUARTER OF SECTION 26 AS SHOWN ON THE UNRECORDED SURVEY BY AMEC INFRASTRUCTURE, INC. DATED 8-01-2005. SAID BEARING BEING: N 00°11'00" E

CERTIFICATION: I CERTIFY THAT THE SURVEY SHOWN ON THIS PLAT WAS PERFORMED UNDER MY DIRECTION, AND THE MONUMENTS EXIST AS SHOWN.


FREDRICK & STUBBOLD  
ARIZONA R.L.S. # 12537



RECORD OF SURVEY

ALTA LAND TITLE SURVEY  
SW1/4 of Section 26, T108, R12E, Q4SRM,  
PINAL COUNTY, AZ

PRECISION LAND SURVEYING, INC.  
8219 EAST 22ND STREET • TUCSON, ARIZONA 85710  
PH (520) 298-2299 • FAX (520) 298-2998 • WWW.PRECISIONLANDSURVEYING.COM

|                                                                                                                   |                                                     |
|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| <br><b>First American Title™</b> | <b>Commitment for Title Insurance</b>               |
|                                                                                                                   | BY<br><b>First American Title Insurance Company</b> |
| <b>Schedule BII</b>                                                                                               |                                                     |

Order No.: 6014801A-001-B13-BW

**EXCEPTIONS**

The policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. RESERVATIONS contained in the Patent from the United States of America, recorded in Docket 1035 at page 234, reading as follows:  
  
SUBJECT to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States of America.  
(Affects Parcels 2-6)
  
2. TAXES AND ASSESSMENTS collectible by the County Treasurer, a lien not yet due and payable for the following year:  
  
2018
  
3. WATER RIGHTS, claims or title to water, and agreements, covenants, conditions or rights incident thereto, whether or not shown by the public records.  
This exception is not limited by reason of the disclosure of any matter relating to Water Rights as may be set forth elsewhere in Schedule B.
  
4. Subject to such rights for electric transmission line purposes as the Trico Electric Cooperative, Inc. may have under the Act of March 4, 1911 (36 Stat. 1253), as amended (43 U.S.C. Sec. 961).  
Subject to such rights for pipe line purposes as the El Paso Natural Gas Company may have under Section 28 of the Act of February 25, 1920 (41 Stat. 437), as amended by the Act of August 21, 1935 (49 Stat. 674).  
The Northeast Quarter of the Northeast Quarter said Sec. 27 is subject to the right of way of the Bureau of Reclamation electric transmission line, approved February 1, 1950, under Sub-section P, Section 4, Act of December 5, 1924 (43 Stat. 704).as disclosed in instrument recorded in Docket 1035 at page 234  
(Affects Parcels 2-6)
  
5. (INTENTIONALLY OMITTED).
  
6. EASEMENT and rights incident thereto, as set forth in instrument:  
  
Recorded in Docket \_\_\_\_\_ 1872  
Page \_\_\_\_\_ 94  
Purpose \_\_\_\_\_ electric facilities  
Amendment recorded at Sequence No. 20112930001  
(Affects Parcel 2)



**First American Title™**

**Commitment for Title Insurance**

BY

**First American Title Insurance Company**

**Schedule BII** (Continued)

Order No.: 6014801A-001-B13-BW

7. EASEMENT and rights incident thereto, as set forth in instrument:

Recorded in:

(INTENTIONALLY OMITTED) (Parcel 1)

Docket 10857 at page 2097 (Parcels 2-6)

Docket 10857 at page 2101 (Parcels 2-6)

Docket 10857 at page 2105 (Parcels 2-6)

Docket 10857 at page 2109 (Parcels 2-6)

Docket 10857 at page 2113 (Parcels 2-6)

Docket 10857 at page 2117 (Parcels 2-6)

Docket 10857 at page 2121 (Parcels 2-6)

Docket 13842 at page 2641 (Parcels 2-6)

Purpose ingress and egress and utilities

8. EASEMENT and rights incident thereto, as set forth in instrument:

Recorded in Docket 13842

Page 2646


Purpose ingress and egress

(Affect Parcels 4 and 5)

9. RIGHTS OF PARTIES in possession.

NOTE: This exception will be amended or deleted upon the submission of the corresponding documents required in Schedule B, Part I.

**END OF SCHEDULE BII**

|                                                                                                                |                                                            |
|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
|  <b>First American Title™</b> | <b>Commitment for Title Insurance</b>                      |
|                                                                                                                | ISSUED BY<br><b>First American Title Insurance Company</b> |
| <b>Schedule BII</b>                                                                                            |                                                            |

File No.: 600-113409A-TB

**SCHEDULE B, PART II**

**Exceptions**

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

- A. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.
- B. a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- C. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession thereof.
- D. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
- E. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the Public Records.
- F. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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|                           |                                              |
|---------------------------|----------------------------------------------|
| Form 5030002-BII (5-9-17) | ALTA Commitment for Title Insurance (8-1-16) |
|                           | Schedule BI                                  |

**EXHIBIT D**

**SCHEDULE B**  
(Continued)

- G. Any lien or right to a lien for services, labor or material not shown by the Public Records.
1. TAXES AND ASSESSMENTS collectible by the County Treasurer, a lien not yet due and payable for the following year:
- 2018
2. WATER RIGHTS, claims or title to water, and agreements, covenants, conditions or rights incident thereto, whether or not shown by the public records. This exception is not limited by reason of the disclosure of any matter relating to Water Rights as may be set forth elsewhere in Schedule B.
3. RIGHT OF ENTRY to prospect for, mine and remove the minerals in said land as reserved in Patent to said land.
4. EASEMENT and rights incident thereto, as set forth in instrument:
- |                           |                 |
|---------------------------|-----------------|
| Recorded in <u>Docket</u> | <u>739</u>      |
| <u>Page</u>               | <u>529</u>      |
| Purpose                   | road and access |
5. EASEMENT and rights incident thereto, as set forth in instrument:
- |                           |                                            |
|---------------------------|--------------------------------------------|
| Recorded in <u>Docket</u> | <u>1793</u>                                |
| <u>Page</u>               | <u>637</u>                                 |
| Purpose                   | road, ingress, egress and public utilities |
6. EASEMENT and rights incident thereto, as set forth in instrument:
- |                                 |                                            |
|---------------------------------|--------------------------------------------|
| Recorded in <u>Document No.</u> | <u>1996-013237</u>                         |
| Purpose                         | road, ingress, egress and public utilities |
7. EASEMENT and rights incident thereto, as set forth in instrument:
- |                                 |                                     |
|---------------------------------|-------------------------------------|
| Recorded in <u>Document No.</u> | <u>1996-013241</u>                  |
| Purpose                         | road, ingress, egress and utilities |
8. THE LACK of a legal right of access recorded in insurable form to and from said land to a public

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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**SCHEDULE B**  
(Continued)

street. Notwithstanding the affirmative assurance of Paragraph 4, the Company is unwilling to insure access.

**END OF SCHEDULE B – PART II**

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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Form 5030002-BII (5-9-17)

ALTA Commitment for Title Insurance (8-1-16)

Schedule BI

ORDINANCE 2016- 23

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 18.01 ACRES OF PROPERTY (PARCEL CODE 225-02-004M) FROM THE SR (SUBURBAN RANCH) ZONE TO THE CR-4 (MIXED DWELLING TYPE)(5 ACRES) AND CR-5 (MULTIPLE RESIDENCE)(13.01 ACRES) ZONES, ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF NORTH THORNYDALE ROAD AND WEST LINDA VISTA BOULEVARD IN CASE P15RZ00001 LAWRENCE C. LUENG, INC – N. THORNYDALE ROAD REZONING, AND AMENDING PIMA COUNTY ZONING MAP NO. 161.

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. The 18.01 acres located on the southeast corner of N. Thornydale Road and W. Linda Vista Boulevard and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 161, is rezoned from the SR (Suburban Ranch) zone to the CR-4 (Mixed Dwelling Type)(5 acres) and CR-5 (Multiple Residence)(13.01 acres) zones subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. The owner shall:
  - A. Submit a development plan if determined necessary by the appropriate County agencies.
  - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
  - C. Provide development related assurances as required by the appropriate agencies.
  - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation conditions:
  - A. The property owner/developer shall dedicate 45 feet of right-of-way for Thornydale Road within six (6) months of Board of Supervisors approval.
  - B. The property is limited to 2 access points, one on Thornydale Road and one on Linda Vista Boulevard, as depicted on the preliminary development plan (Exhibit B).

- C. No building permit final inspections shall be approved prior to completion of construction of the Thornydale Road improvements, or entering into an acceptable Development Agreement with the Department of Transportation.
4. Regional Flood Control District conditions:
- A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
  - B. If improvements modify the Special Flood Hazard Area, a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) will be required.
  - C. The following shall be contained in permanently identified natural open space through easement or dedication and be identified on the subdivision plat. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat.
    - 1) Post-development FEMA and developer mapped floodplains.
    - 2) Pima County Regulated Riparian Habitat. Boundary modifications may be made to accurately map the existing habitat. Nominal disturbance of riparian habitat is acceptable.
  - D. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management shall be submitted to the District for review and approval at the time of development.
5. Regional Wastewater Reclamation conditions:
- A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
  - B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
  - C. The owner shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
  - D. The owner shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
  - E. The owner shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County,



and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

**6. Environmental Planning conditions:**

- A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a total of 33 acres as Natural Open Space (NOS). No less than 7 acres NOS will be provided on-site; the difference between the total 33 acres NOS and NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11 Conservation Lands System Mitigation Lands) and comply with all of the following:
  - 1) The site areas of plan amendment cases Co7-13-04, 05, and 06 are not eligible to serve as off-site NOS;
  - 2) Off-site NOS is acceptable to the Pima County Planning Official or their designee; and
  - 3) Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.
- B. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Invasive Non-Native Plant Species Subject to Control

|                               |                                                               |
|-------------------------------|---------------------------------------------------------------|
| <i>Ailanthus altissima</i>    | Tree of Heaven                                                |
| <i>Alhagi pseudalhagi</i>     | Camelthorn                                                    |
| <i>Arundo donax</i>           | Giant reed                                                    |
| <i>Brassica tournefortii</i>  | Sahara mustard                                                |
| <i>Bromus rubens</i>          | Red brome                                                     |
| <i>Bromus tectorum</i>        | Cheatgrass                                                    |
| <i>Centaurea melitensis</i>   | Malta starthistle                                             |
| <i>Centaurea solstitialis</i> | Yellow starthistle                                            |
| <i>Cortaderia</i> spp.        | Pampas grass                                                  |
| <i>Cynodon dactylon</i>       | Bermuda grass (excluding sod hybrid)                          |
| <i>Digitaria</i> spp.         | Crabgrass                                                     |
| <i>Elaeagnus angustifolia</i> | Russian olive                                                 |
| <i>Eragrostis</i> spp.        | Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass) |
| <i>Melinis repens</i>         | Natal grass                                                   |

|                              |                     |
|------------------------------|---------------------|
| <i>Mesembryanthemum</i> spp. | Iceplant            |
| <i>Peganum harmala</i>       | African rue         |
| <i>Pennisetum ciliare</i>    | Buffelgrass         |
| <i>Pennisetum setaceum</i>   | Fountain grass      |
| <i>Rhus lancea</i>           | African sumac       |
| <i>Salsola</i> spp.          | Russian thistle     |
| <i>Schinus</i> spp.          | Pepper tree         |
| <i>Schismus arabicus</i>     | Arabian grass       |
| <i>Schismus barbatus</i>     | Mediterranean grass |
| <i>Sorghum halepense</i>     | Johnson grass       |
| <i>Tamarix</i> spp.          | Tamarisk            |

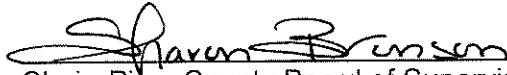
7. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
8. Adherence to the preliminary development plan as approved at public hearing (Exhibit B).
9. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
10. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."

Section 3. Time limits of conditions. Conditions 1 through 10 of Section 2 shall be completed no later than January 19, 2021.

Section 4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Section 5. The effective date of this Ordinance is the date the Chair of the Board of Supervisors signs this Ordinance.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this 19th day of April, 2016.

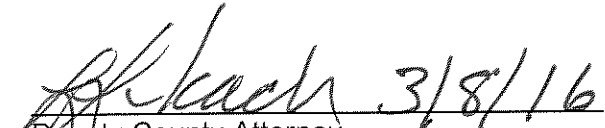
  
Chair, Pima County Board of Supervisors

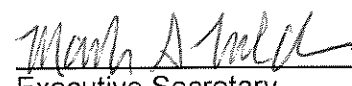
ATTEST:

  
Clerk, Board of Supervisors

Approved As To Form:

Approved:

 3/8/16  
Deputy County Attorney  
Lesley M. Lukach

 March 24, 2016  
Executive Secretary  
Planning and Zoning Commission  
(for C. Poirier)

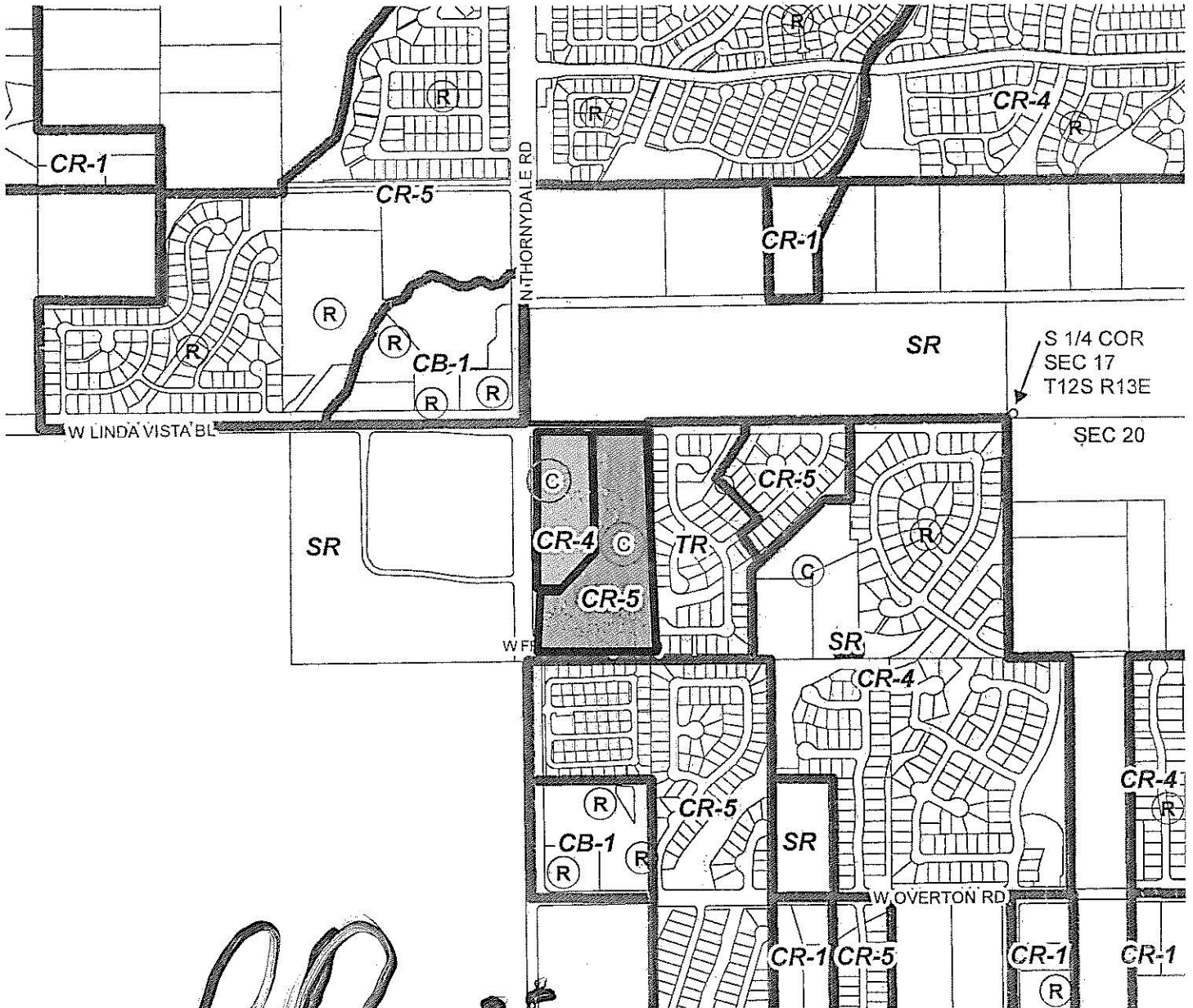
# EXHIBIT A

AMENDMENT NO. 52 BY ORDINANCE NO. 2016-023  
TO PIMA COUNTY ZONING MAP NO. 161 TUCSON AZ.  
PARCEL 4M BEING A PART OF THE NW 1/4 OF THE NW 1/4  
OF SEC. 20 T12S R13E.



0 210 420 840 Feet

ADOPTED: April 19, 2016 EFFECTIVE: April 19, 2016

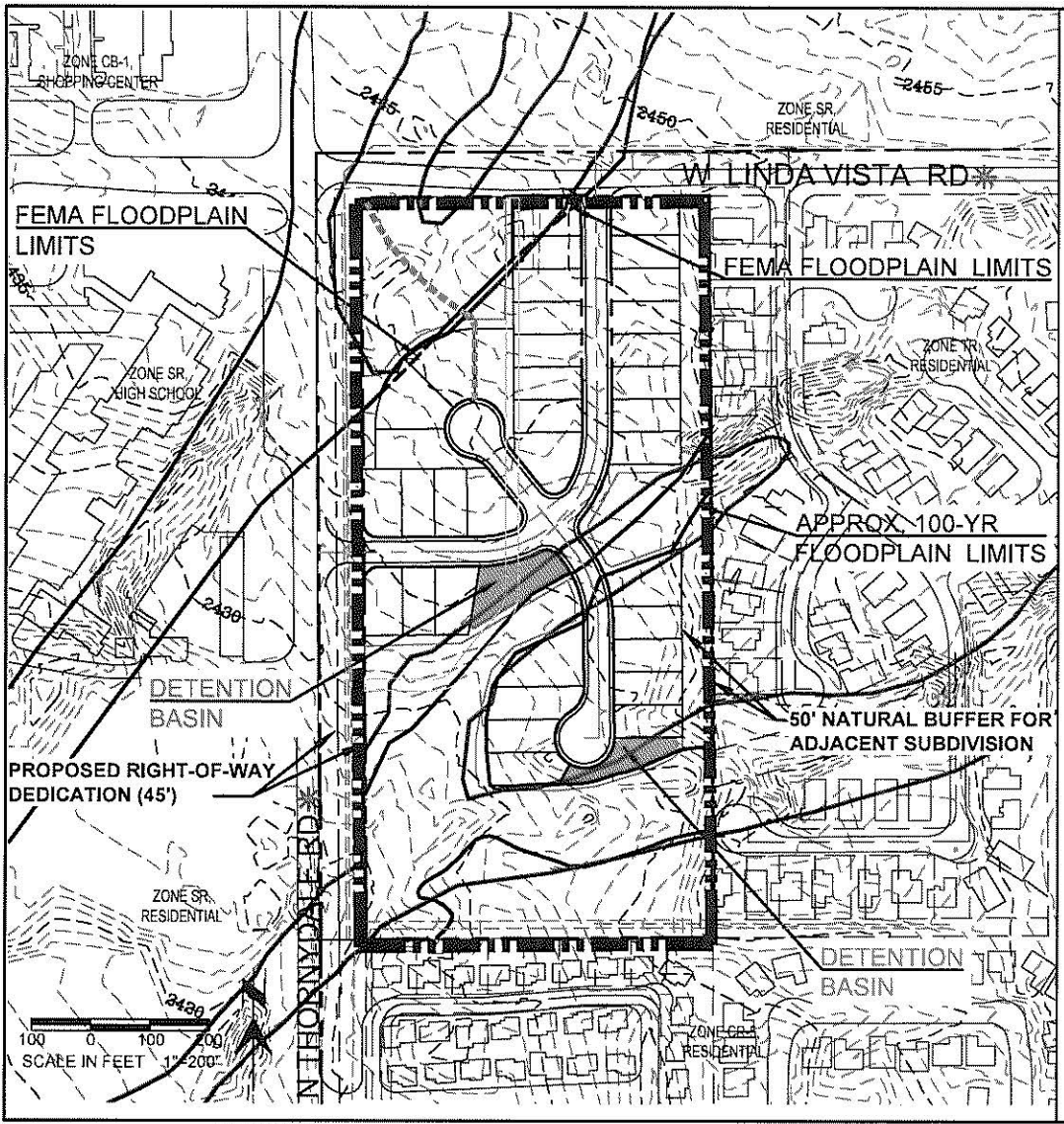


EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

**(C)** NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM SR 18.01 ac ±  
ds-February 23, 2016

P15RZ00001  
225-02-004M





**LEGEND**

- PDP Boundary
- Limit of Neighborhood Activity Center (NAC) District
- Existing Condition Topographic Contour (1' Interval)
- CLS Set-Aside Area (Natural Open Space)
- 4' Pedestrian Path for Improved Neighborhood Connectivity to Surrounding Uses
- Approximate 100-Year Post-Development Floodplain Limit
- FEMA Floodplain Limit
- Detention Basin
- Mapped Riparian Habitat Important Riparian Areas (CLS-IRA) with underlying Xeroriparian "C"
- Thornydale Road and Linda Vista Boulevard are designated Major Streets and Scenic Routes.

**PROJECT AREA**  
 Gross Area: 18.0 AC (Approximate)  
 Net Area (Post R.O.W. Dedication): 16.7 AC (Approximate)

**PROJECT PARTICULARS**  
 Existing Zoning: SR  
 Proposed Zoning: CR-5  
 Comprehensive Plan: NAC & MIU

**PROPOSED USE(S)**  
 Single-Family Residential Subdivision (36 Lots)  
 Typical Lot Size: 55'x115' (6,325 SF)

**BUILDING HEIGHT**  
 Maximum 34' Permitted; Project will contain 1-Story and 2-Story Residences.

**ON-SITE STREETS**  
 Proposed Right-of-Way Width: 50'  
 Travel Lanes: Two (2) 12' Lanes  
 Total Pavement Width: 36'  
 On-Street Parking: Allowed Both Sides  
 Sidewalks: 5' Sidewalks Both Sides

**PARKING**  
 Parking will be in accordance with Section 18.75

**BUFFER YARDS**  
 Bufferyard "D" required along Thornydale and Linda Vista frontages.

**CONSERVATION LANDS SYSTEM (CLS)**  
 Natural Open Space per this PDP: 7.6 AC

Jim Portner, Agent for Owner  
**PROJECTS INTERNATIONAL, INC.**  
 10836 E. ARMADA LANE  
 TUCSON, ARIZONA 85749  
 520 850-0917

**PROJECTS INTERNATIONAL, Inc.**  
 STRATEGIC GUIDANCE  
 ENTIREMENT PROCESSES  
 LOCAL ADVICE & COUNSEL

**GRS**  
 LANDSCAPE ARCHITECTS & LLCS

**Red Point Development, Inc.**  
 SEC LINDA VISTA BLVD & THORNYDALE ROAD  
 (Ownership Entity: Lawrence C. Leung, Inc.)  
 REZONING: SR to CR-5

Exhibit B  
 PRELIMINARY DEVELOPMENT  
 PLAN  
 Page 7 of 7

ORDINANCE 2016- 24

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 30 ACRES OF PROPERTY (PARCEL CODES 225-29-009D AND 225-29-009F) FROM THE SR (SUBURBAN RANCH) ZONE TO THE CR-5 (MULTIPLE RESIDENCE) ZONE, ON PROPERTY LOCATED ON THE SOUTH SIDE OF WEST HARDY ROAD, APPROXIMATELY 1,300 FEET EAST OF NORTH THORNYDALE ROAD IN CASE P15RZ00003 HARDY-THORNYDALE 1 ASSOCIATES, ET AL. – W. HARDY ROAD REZONING, AND AMENDING PIMA COUNTY ZONING MAP NOS. 114 AND 161.

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. The 30 acres located on the south side of W. Hardy Road, approximately 1,300 feet east of N. Thornydale Road, and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map Nos. 114 and 161, is rezoned from the SR (Suburban Ranch) zone to the CR-5 (Multiple Residence) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. The owner shall:
  - A. Submit a development plan if determined necessary by the appropriate County agencies.
  - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
  - C. Provide development related assurances as required by the appropriate agencies.
  - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation conditions:
  - A. The property owner/developer shall dedicate 45 feet of right-of-way for Hardy Road.
  - B. The property is limited to 2 access points as depicted on the preliminary development plan (Exhibit B).

4. Regional Flood Control District conditions:
  - A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
  - B. Modifications to the Public Drainageway in Sunnyvale Subdivision required to convey flows from this project into the drainageway shall be completed at no cost to Pima County.
  - C. 100-Year Floodplain and Pima County Regulated Riparian Habitat including mitigation area shall be contained in permanently identified natural open space through easement or dedication and shall be identified on the subdivision plat. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat. The disturbance of riparian habitat shall be nominally avoided; however, boundary modifications are permitted.
  - D. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management Plan shall be submitted to the District for review and approval at the time of development. The FIWMP shall include a demonstration that no hydrologic connectivity exists between the wells serving the project and shallow groundwater areas per the Site Analysis Requirements OR additional conservation measures shall be identified to offset the increased use per Pima Prospers Policy.
  
5. Regional Wastewater Reclamation conditions:
  - A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
  - B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
  - C. The owner shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
  - D. The owner shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
  - E. The owner shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County

and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

**6. Environmental Planning conditions:**

- A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a total of 75 acres as Natural Open Space (NOS). No less than 9 acres of NOS will be provided on-site; the difference between the total 75 acres of NOS and NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11 Conservation Lands System Mitigation Lands) and comply with all of the following:
- 1) The site areas of plan amendment cases Co7-13-03, 04, and 05 are not eligible to serve as off-site NOS;
  - 2) Off-site NOS is acceptable to the Pima County Planning Official or their designee; and
  - 3) Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.
- B. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Invasive Non-Native Plant Species Subject to Control

|                               |                                                               |
|-------------------------------|---------------------------------------------------------------|
| <i>Ailanthus altissima</i>    | Tree of Heaven                                                |
| <i>Alhagi pseudalhagi</i>     | Camelthorn                                                    |
| <i>Arundo donax</i>           | Giant reed                                                    |
| <i>Brassica tournefortii</i>  | Sahara mustard                                                |
| <i>Bromus rubens</i>          | Red brome                                                     |
| <i>Bromus tectorum</i>        | Cheatgrass                                                    |
| <i>Centaurea melitensis</i>   | Malta starthistle                                             |
| <i>Centaurea solstitialis</i> | Yellow starthistle                                            |
| <i>Cortaderia</i> spp.        | Pampas grass                                                  |
| <i>Cynodon dactylon</i>       | Bermuda grass (excluding sod hybrid)                          |
| <i>Digitaria</i> spp.         | Crabgrass                                                     |
| <i>Elaeagnus angustifolia</i> | Russian olive                                                 |
| <i>Eragrostis</i> spp.        | Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass) |



|                              |                     |
|------------------------------|---------------------|
| <i>Melinis repens</i>        | Natal grass         |
| <i>Mesembryanthemum</i> spp. | Iceplant            |
| <i>Peganum harmala</i>       | African rue         |
| <i>Pennisetum ciliare</i>    | Buffelgrass         |
| <i>Pennisetum setaceum</i>   | Fountain grass      |
| <i>Rhus lancea</i>           | African sumac       |
| <i>Salsola</i> spp.          | Russian thistle     |
| <i>Schinus</i> spp.          | Pepper tree         |
| <i>Schismus arabicus</i>     | Arabian grass       |
| <i>Schismus barbatus</i>     | Mediterranean grass |
| <i>Sorghum halepense</i>     | Johnson grass       |
| <i>Tamarix</i> spp.          | Tamarisk            |

7. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
8. Adherence to the preliminary development plan as approved at public hearing, including the one-story limitation on three lots located on the northeast portion of the site. (Exhibit B)
9. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
10. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Section 3. Time limits of conditions. Conditions 1 through 10 of Section 2 shall be completed no later than January 19, 2021.

Section 4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Section 5. The effective date of this Ordinance is the date the Chair of the Board of Supervisors signs this Ordinance.


Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this 19th day  
of April, 2016.

  
\_\_\_\_\_  
Chair, Pima County Board of Supervisors


ATTEST:

  
\_\_\_\_\_  
Clerk, Board of Supervisors

Approved As To Form:

 3/8/16  
\_\_\_\_\_  
Deputy County Attorney  
Lesley M. Lukach

Approved:

 March 24, 2016  
\_\_\_\_\_  
Executive Secretary  
Planning and Zoning Commission  
(for C. Poivier)

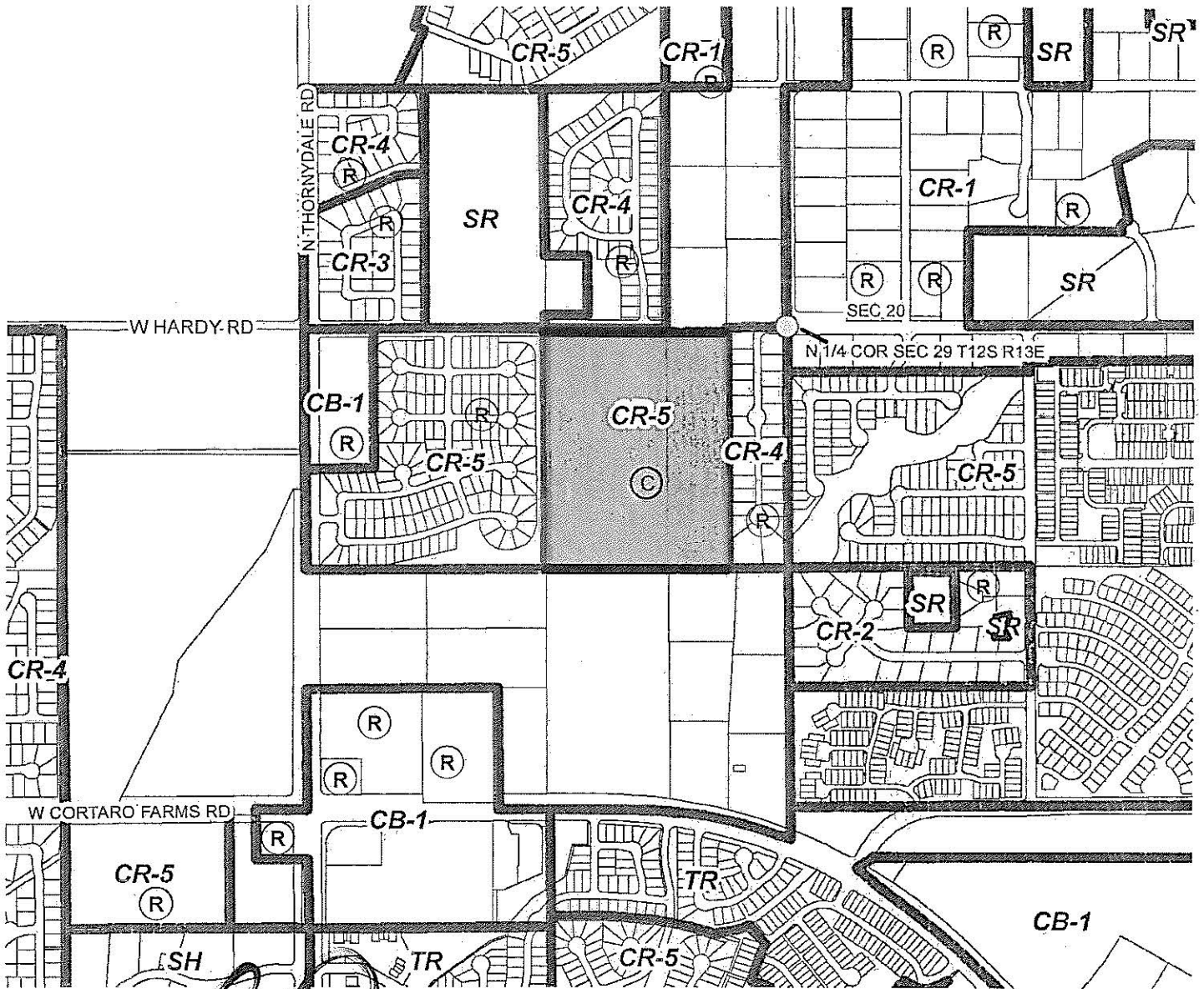
# EXHIBIT A

AMENDMENT NO. 85 & 53 BY ORDINANCE NO. 2016-024  
TO PIMA COUNTY ZONING MAP NO(S). 114 & 161 TUCSON AZ.  
PARCEL(S) 9D & 9F BEING A PART OF THE NE 1/4 OF THE NW 1/4  
OF SEC. 29 T12S R13E.



0 210 420 840 Feet  
[Scale bar showing 0, 210, 420, and 840 feet]

ADOPTED: April 19, 2016 EFFECTIVE: April 19, 2016

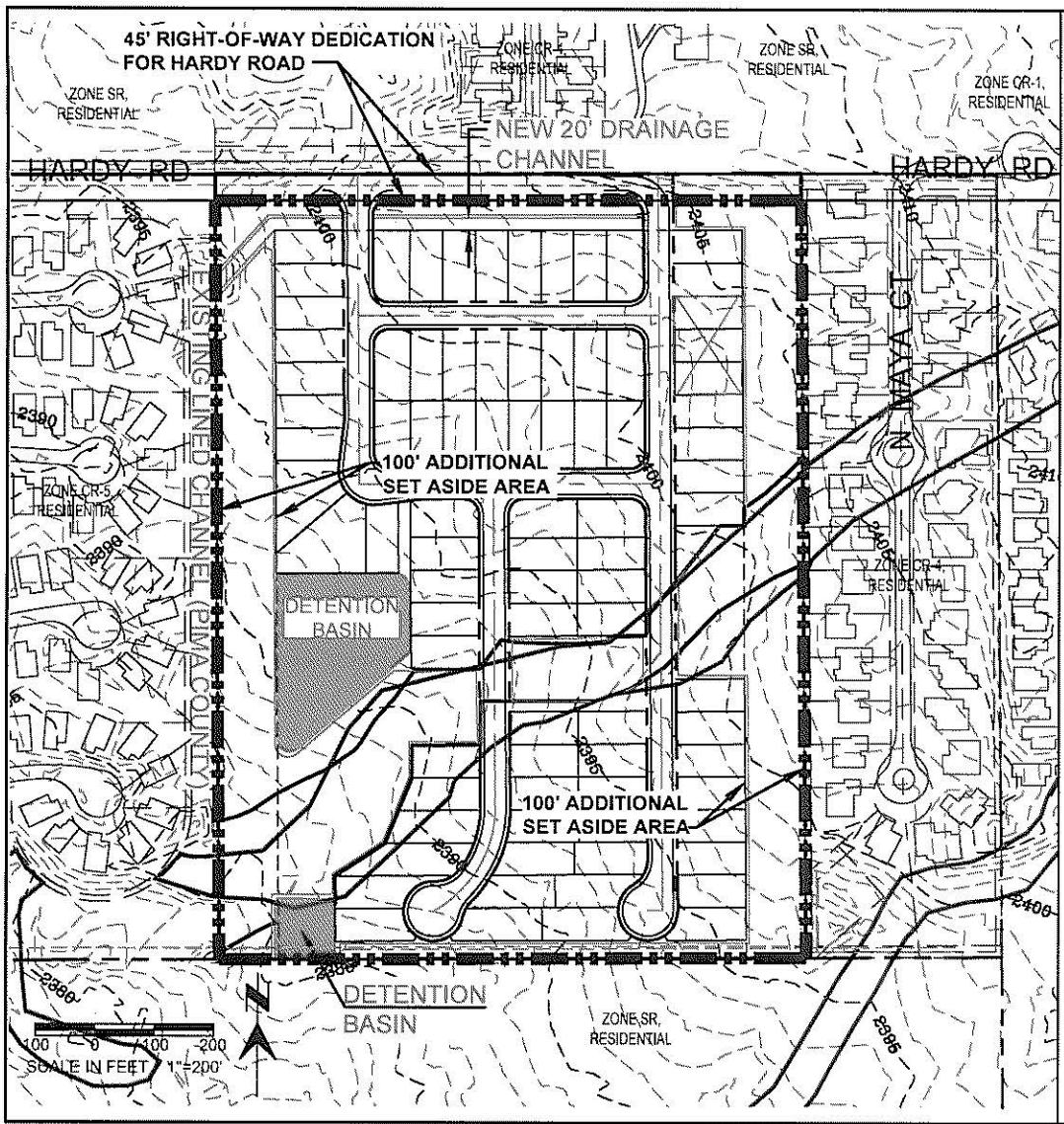


EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM SR 30.0 ac ±  
ds-February 24, 2016



P15RZ00003  
Co7-13-06  
225-29-009D & 225-29-009F



### LEGEND

- PDP Boundary
- Existing Condition Topographic Contour (1' Interval)
- CLS Set-Aside Area (Natural Open Space)
- Approximate 100-Year Post-Development Floodplain Limit
- Detention Basin
- Mapped Riparian Habitat - Xeriparian "C"
- One-story only

**PROJECT AREA**  
 Gross Area: 29.8 AC (Approximate)  
 Net Area (Post R.O.W. Dedication): 28.8 AC (Approximate)

**PROJECT PARTICULARS**  
 Existing Zoning: SR  
 Proposed Zoning: CR-5  
 Comprehensive Plan: MIU

**PROPOSED USE(S)**  
 Single-Family Residential Subdivision (84 Lots)  
 Typical Lot Size: 55'x115' (6,325 SF)

**BUILDING HEIGHT**  
 Maximum 34' Permitted; Project will contain both 1-Story and 2-Story Residences.

**ON-SITE STREETS**  
 Proposed Right-of-Way Width: 50'  
 Travel Lanes: Two (2) 12' Lanes  
 Total Pavement Width: 36'  
 On-Street Parking: Allowed Both Sides  
 Sidewalks: 5' Sidewalks Both Sides

**PARKING**  
 Parking will be in accordance with Section 18.75

**BUFFER YARDS**  
 Bufferyard "A" required along Hardy frontage. Bufferyard "C" required along east and south boundaries.

**CONSERVATION LANDS SYSTEM (CLS)**  
 Natural Open Space per this PDP: 9.2 AC

**Jim Portner, Agent for Owner**  
**PROJECTS INTERNATIONAL, INC.**  
 10836 E. ARMADA LANE  
 TUCSON, ARIZONA 85749  
 520 850-0917

**PROJECTS INTERNATIONAL, Inc.**  
 STRATEGIC GUIDANCE  
 ENTIREMENT PROCESSES  
 LOCAL ADVICE & COUNSEL

**GRS**  
 LANDSCAPE ARCHITECTS LLC

**Red Point Development, Inc.**  
 SOUTH SIDE HARDY RD, EAST OF THORNYDALE RD  
 (Ownership Entities: Hardy-Thornsdale I Associates, Fidelity National Title Trust #10760)  
 REZONING: SR to CR-5

Exhibit B  
 Revised PDP 1-19-16  
**PRELIMINARY DEVELOPMENT**  
 PLAN  
 Page 7 of 7

ORDINANCE 2016- 25

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA RELATING TO ZONING; REZONING APPROXIMATELY 17.77 ACRES OF PROPERTY, LOCATED AT THE NORTHWEST CORNER OF N. THORNYDALE ROAD AND W. MAGEE ROAD, FROM THE SR (SUBURBAN RANCH) ZONE TO THE CR-5 (MULTIPLE RESIDENCE) ZONE, IN CASE P15RZ00004 MANDARIN ASSOCIATES – N. THORNYDALE ROAD REZONING, AND AMENDING PIMA COUNTY ZONING MAP NO. 114.

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. The 17.77 acres located at the northwest corner of N. Thornydale Road and W. Magee Road and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 114, is rezoned from the SR (Suburban Ranch) zone to the CR-5 (Multiple Residence) zone subject to the conditions in this ordinance.

Section 2. Rezoning Conditions.

1. The owner shall:
  - A. Submit a development plan if determined necessary by the appropriate County agencies.
  - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
  - C. Provide development related assurances as required by the appropriate agencies.
  - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation conditions:
  - A. The property owner/developer shall dedicate 45 feet of right-of-way for Magee Road.
  - B. The property is limited to two access points as depicted on the preliminary development plan (Exhibit B). No direct access to Thornydale Road shall be permitted.

4. Flood Control conditions:
  - A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
  - B. If improvements modify the Special Flood Hazard Area, a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) will be required.
  - C. Flows from the eastern drainage channel shall be directed to the public drainageway in Orangewood Estates, and required infrastructure within the right-of-way or at the entrance to the drainageway shall be completed at no cost to Pima County.
  - D. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning subdivision plat. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat or development plan.
  - E. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management Plan shall be submitted to the District for review and approval at the time of development. The FIWMP shall include a demonstration that no hydrologic connectivity exists between the wells serving the project and shallow groundwater areas per the Site Analysis requirements or additional conservation measures shall be identified to offset the increased use per Pima Prospects Policy.
  
5. Wastewater Reclamation conditions:
  - A. The owner/developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
  - B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing, and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
  - C. The owner/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
  - D. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at

- the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit
- E. The owner/developer shall fund, design, and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit
  - F. The owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area,
6. Environmental Planning conditions:
- A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System (CLS) conservation guidelines by providing a total of 38 acres as Natural Open Space (NOS). No less than six acres of NOS will be provided on-site; the difference between the total 38 acres of NOS and NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11 Conservation Lands System Mitigation Lands) and comply with all of the following:
    - 1) The site areas of plan amendment cases Co7-13-03, 04, and 06 are not eligible to serve as off-site NOS;
    - 2) Off-site NOS is acceptable to the Pima County Planning Director or their designee; and
    - 3) Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Director or their designee.
  - B. Upon the effective date of the ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.
 

Invasive Non-Native Plant Species Subject to Control:

|                        |                    |
|------------------------|--------------------|
| Ailanthus altissima    | Tree of Heaven     |
| Alhagi pseudalhagi     | Camelthorn         |
| Arundo donax           | Giant reed         |
| Brassica tournefortii  | Sahara mustard     |
| Bromus rubens          | Red brome          |
| Bromus tectorum        | Cheatgrass         |
| Centaurea melitensis   | Malta starthistle  |
| Centaurea solstitialis | Yellow starthistle |
| Cortaderia spp.        | Pampas grass       |

|                        |                                                       |
|------------------------|-------------------------------------------------------|
| Cynodon dactylon       | Bermuda grass (excluding sod hybrid)                  |
| Digitaria spp.         | Crabgrass                                             |
| Elaeagnus angustifolia | Russian olive                                         |
| Eragrostis spp.        | Lovegrass (excluding E. intermedia, plains lovegrass) |
| Melinis repens         | Natal grass                                           |
| Mesembryanthemum spp.  | Iceplant                                              |
| Peganum harmala        | African rue                                           |
| Pennisetum ciliare     | Buffelgrass                                           |
| Pennisetum setaceum    | Fountain grass                                        |
| Rhus lancea            | African sumac                                         |
| Salsola spp.           | Russian thistle                                       |
| Schinus spp.           | Pepper tree                                           |
| Schismus arabicus      | Arabian grass                                         |
| Schismus barbatus      | Mediterranean grass                                   |
| Sorghum halepense      | Johnson grass                                         |
| Tamarix spp.           | Tamarisk                                              |

7. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
8. Adherence to the preliminary development plan as approved at public hearing (Exhibit B).
9. The property owner shall execute and record the following disclaimer regarding Prop 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
10. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

Section 3. Time limits of conditions. Conditions 1 through 10 of Section 2 shall be completed no later than January 19, 2021.

Section 4. The rezoning conditions of Section 2 may be amended or waived by resolution of the



Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code. Section 5. The effective date of this Ordinance is the date the Chair of the Board of Supervisors signs this Ordinance.


Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this 19th day of April, 2016.

  
\_\_\_\_\_  
Chair, Pima County Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
Clerk, Board of Supervisors

Approved As To Form:

  
\_\_\_\_\_  
Deputy County Attorney  
Lesley M. Lukach

Approved:

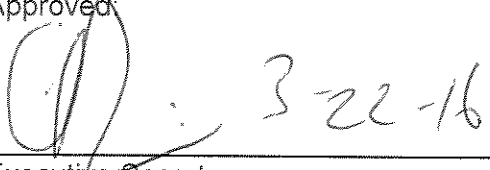
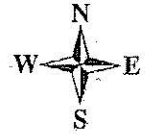
  
\_\_\_\_\_  
Executive Secretary,  
Planning and Zoning Commission

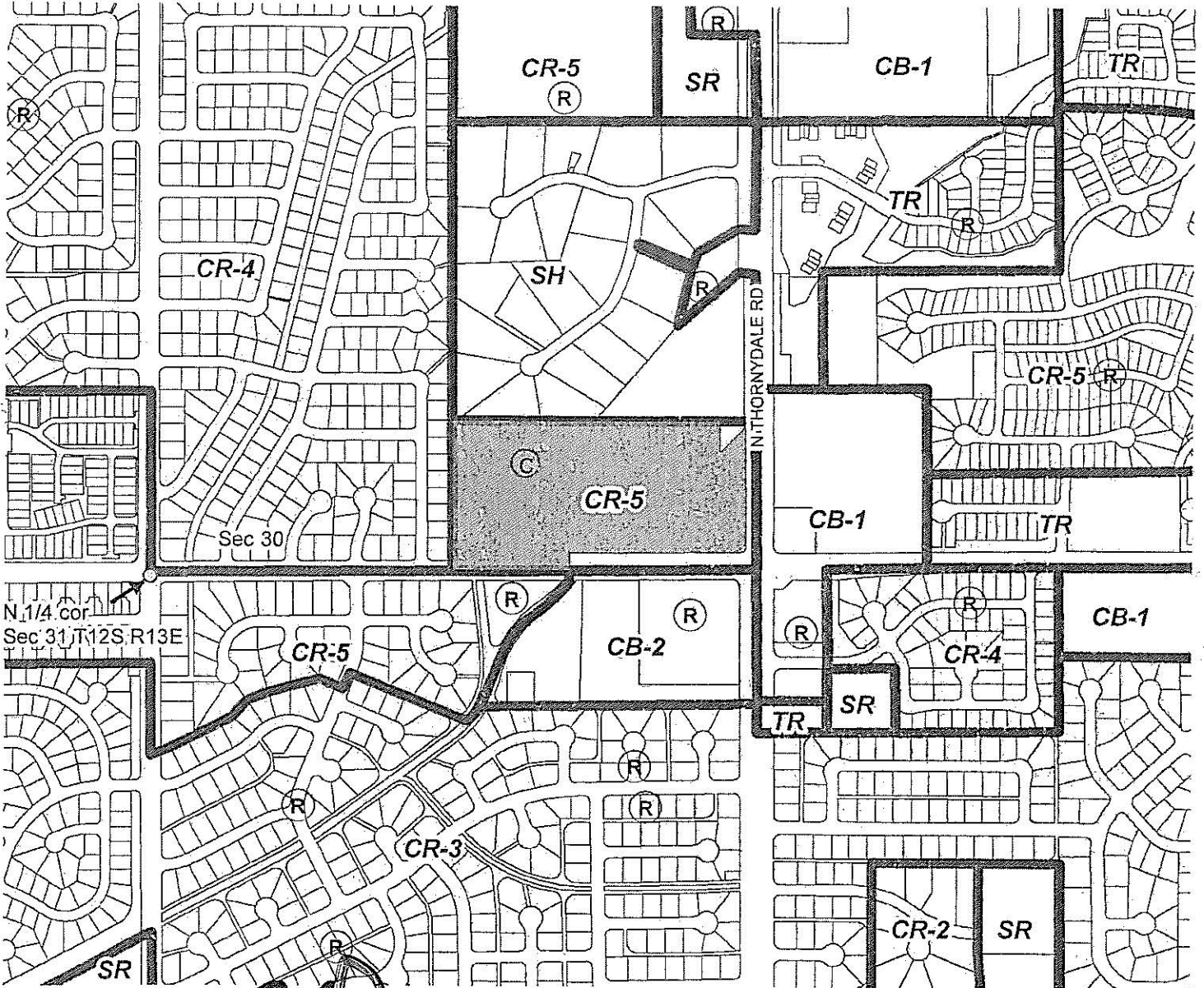
EXHIBIT A

AMENDMENT NO. 86 BY ORDINANCE NO. 2016-025  
TO PIMA COUNTY ZONING MAP NO. 114 TUCSON AZ.  
PARCEL 66A BEING A PART OF THE SE 1/4 OF THE SE 1/4  
OF SEC. 30 T12S R13E.



0 165 330 660 Feet  
[Scale bar]

ADOPTED: April 19, 2016 EFFECTIVE: April 19, 2016

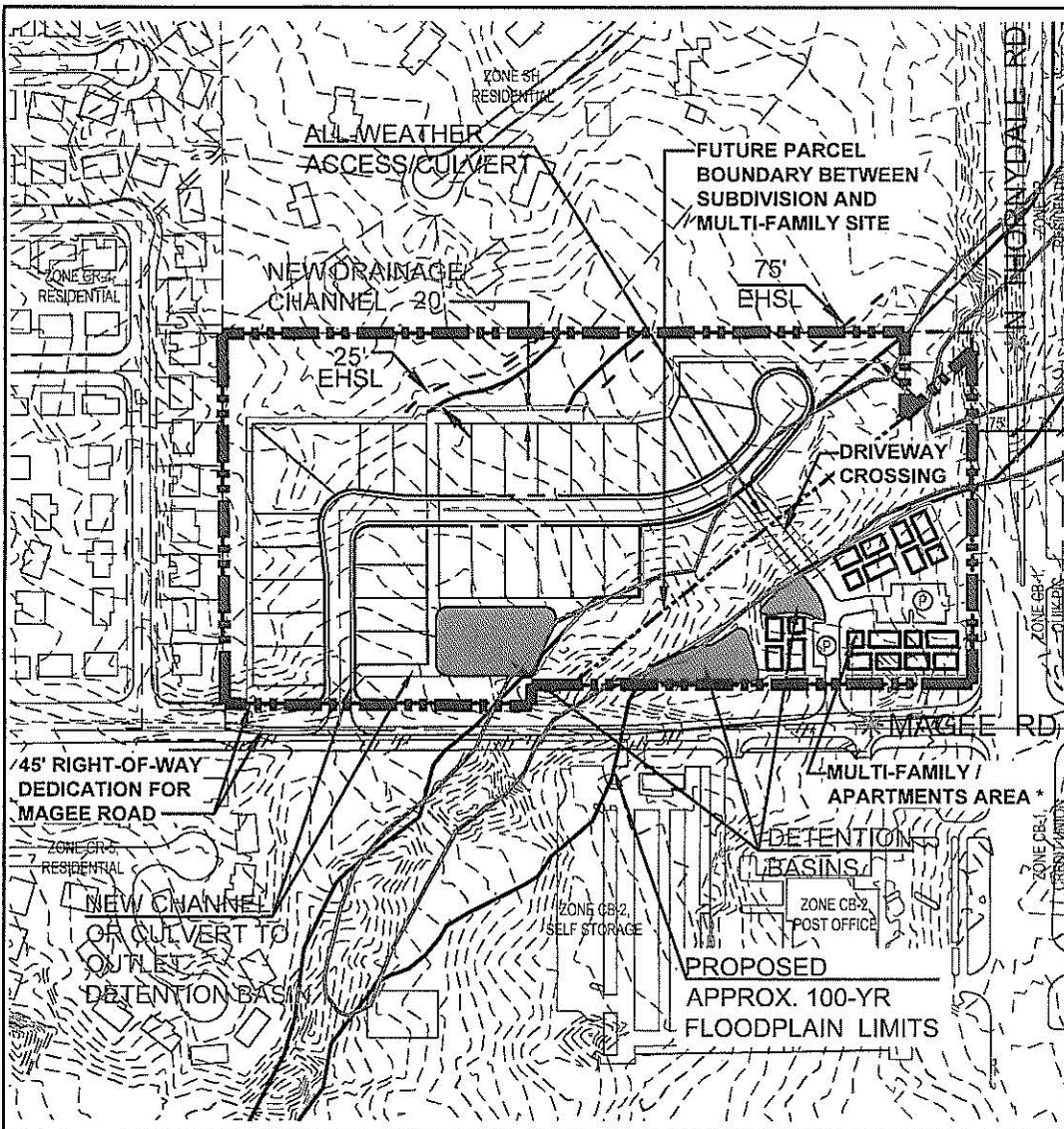


EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

(C) NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM SR 17.77 ac±  
ds-February 18, 2016

P15RZ00004  
(Co7-13-05)  
225-33-066A



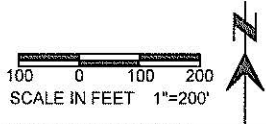


**LEGEND**

- PDP Boundary
- 2405 Existing Condition Topographic Contour (1' Interval)
- CLS Set-Aside Area (Natural Open Space)
- Approximate 100-Year Post-Development Floodplain Limit
- Detention Basin
- Mapped Riparian Habitat - Xeroriparian "C"
- Vehicular Parking Area

\* The multi-family apartments layout depicted here is conceptual only and will be finalized at the time of future Site Development Package.

\* Thornydale Road and Magee Road are designated Major Streets and Scenic Routes.



|                                                                                                                                                                                                                                                                                                                            |                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| <b>PROJECT AREA</b>                                                                                                                                                                                                                                                                                                        |                         |
| Gross Area:                                                                                                                                                                                                                                                                                                                | 17.7 AC (Approximate)   |
| Net Area (Post R.O.W. Dedication):                                                                                                                                                                                                                                                                                         | 17.3 AC (Approximate)   |
| <b>PROJECT PARTICULARS</b>                                                                                                                                                                                                                                                                                                 |                         |
| Existing Zoning:                                                                                                                                                                                                                                                                                                           | SR                      |
| Proposed Zoning:                                                                                                                                                                                                                                                                                                           | CR-5                    |
| Comprehensive Plan:                                                                                                                                                                                                                                                                                                        | MIU                     |
| <b>PROPOSED USE(S)</b>                                                                                                                                                                                                                                                                                                     |                         |
| Single-Family Residential Subdivision (28 Lots)                                                                                                                                                                                                                                                                            |                         |
| Typical Lot Size: 55'x120' (6,600 SF)                                                                                                                                                                                                                                                                                      |                         |
| Multi-Family Units/Apartments (Estimated 36 Units Maximum)                                                                                                                                                                                                                                                                 |                         |
| <b>BUILDING HEIGHTS</b>                                                                                                                                                                                                                                                                                                    |                         |
| Maximum 34' Permitted; Project will contain 1-Story and 2-Story Single-Family Residences. Project will contain 2-Story Multi-Family/Apartment Buildings.                                                                                                                                                                   |                         |
| <b>ON-SITE STREETS</b>                                                                                                                                                                                                                                                                                                     |                         |
| Proposed Right-of-Way Width: 50'                                                                                                                                                                                                                                                                                           |                         |
| Travel Lanes:                                                                                                                                                                                                                                                                                                              | Two (2) 12' Lanes       |
| Total Pavement Width:                                                                                                                                                                                                                                                                                                      | 36'                     |
| On-Street Parking:                                                                                                                                                                                                                                                                                                         | Allowed Both Sides      |
| Sidewalks:                                                                                                                                                                                                                                                                                                                 | 5' Sidewalks Both Sides |
| <b>PARKING, LOADING, ETC.</b>                                                                                                                                                                                                                                                                                              |                         |
| Parking for the Single-Family Subdivision and the Multi-Family/Apartments component will be in accordance with Sec. 18.75. Final demonstration of same, together with provisions for loading, trash collection, etc., will be demonstrated at the time of future Subdivision Platting and Site Development Package review. |                         |
| <b>BUFFER YARDS</b>                                                                                                                                                                                                                                                                                                        |                         |
| Bufferyard "C" required along north and west boundaries. Bufferyard "D" required along Thornydale and Magee frontages.                                                                                                                                                                                                     |                         |
| <b>CONSERVATION LANDS SYSTEM (CLS)</b>                                                                                                                                                                                                                                                                                     |                         |
| Natural Open Space per this PDP:                                                                                                                                                                                                                                                                                           | 6.5 AC                  |
| <p>Jim Portner, Agent for Owner<br/> <b>PROJECTS INTERNATIONAL, INC.</b><br/>         10836 E. ARMADA LANE<br/>         TUCSON, ARIZONA 85749<br/>         520 850-0917</p>                                                                                                                                                |                         |

7 of 7

**PROJECTS INTERNATIONAL, Inc.**  
STRATEGIC GUIDANCE  
ENTITLEMENT PROCESSES  
LOCAL ADVICE & COUNSEL

**GRS**  
LANDSCAPE ARCHITECTS, LLC

**Red Point Development, Inc.**  
 NWC MAGEE & THORNYDALE ROADS  
 (Ownership Entity: Mandarin Associates)  
 REZONING: SR to CR-5

**EXHIBIT II-B.1a-p**  
 PRELIMINARY DEVELOPMENT  
 PLAN  
 PAGE 55

P15R200004 Preliminary Development Plan  
 Approved at Public Hearing 1-19-16 D.P.

EXHIBIT B

ORDINANCE 2016- 26

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA RELATING TO ZONING; REZONING APPROXIMATELY 55 ACRES OF PROPERTY, LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF N. THORNYDALE ROAD AND W. CORTARO FARMS ROAD, REZONING APPROXIMATELY 8.19 ACRES FROM THE SR (SUBURBAN RANCH) ZONE TO THE CB-1 (LOCAL BUSINESS) ZONE, AND APPROXIMATELY 46.7 ACRES FROM THE SR (SUBURBAN RANCH) ZONE TO THE SR® (SUBURBAN RANCH-RESTRICTED) ZONE IN CASE P15RZ00005 PACIFIC PROPERTIES INTERNATIONAL, LLP – N. THORNYDALE ROAD REZONING, AND AMENDING PIMA COUNTY ZONING MAP NO. 114.

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. The approximately 55 acres located at the northwest corner of the intersection of N. Thornydale Road and W. Cortaro Farms Road and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 114, is rezoned from the SR (Suburban Ranch) zone to the CB-1 (Local Business) zone for approximately 8.19 acres and the SR® (Suburban Ranch-Restricted) zone for approximately 46.7 acres subject to the conditions in this ordinance.

Section 2. Rezoning Conditions.

1. The owner shall:
  - A. Submittal of a development plan if determined necessary by the appropriate County agencies.
  - B. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
  - C. Provision of development related assurances as required by the appropriate agencies.
  - D. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
2. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
3. Transportation conditions:
  - A. The property is limited to 3 access points as depicted on the preliminary development plan.
  - B. The property owner / developer shall dedicate 45 feet of right-of-way for Cortaro Farms Road within six (6) months of Board of Supervisors approval.

- C. The property owner / developer shall dedicate 45 feet of right-of-way for Thornydale Road within six (6) months of Board of Supervisors approval.
  - D. No building permit final inspections shall be approved or certificates of occupancy issued prior to completion of construction of the Thornydale Road and Cortaro Farms Road improvements, or entering into an acceptable Development Agreement with the Department of Transportation.
4. Flood Control conditions:
- A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
  - B. Post development floodplain and Pima County Regulated Riparian Habitat shall be contained in permanently protected on-site Natural Open Space identified for the rezoning site under Maeveen Marie Behan Conservation Lands System conservation guidelines and shall be identified on the development plan.
  - C. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management Plan shall be submitted to the District for review and approval at the time of development.
5. Wastewater Reclamation conditions:
- A. The owner / developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner / developer to that effect.
  - B. The owner / developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner / developer shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
  - C. The owner / developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
  - D. The owner / developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
  - E. The owner / developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
  - F. The owner / developer shall complete the construction of all necessary public and / or private sewerage facilities as required by all applicable agreements with Pima County,

and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

**6. Environmental Planning conditions:**

- A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a minimum of 46 acres on-site as Natural Open Space (NOS). Prior to the approval of the Development Plan, the 46-acre on-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.
- B. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Invasive Non-Native Plant Species Subject to Control:

|                        |                                                          |
|------------------------|----------------------------------------------------------|
| Ailanthus altissima    | Tree of Heaven                                           |
| Alhagi pseudalhagi     | Camelthorn                                               |
| Arundo donax           | Giant reed                                               |
| Brassica tournefortii  | Sahara mustard                                           |
| Bromus rubens          | Red brome                                                |
| Bromus tectorum        | Cheatgrass                                               |
| Centaurea melitensis   | Malta starthistle                                        |
| Centaurea solstitialis | Yellow starthistle                                       |
| Cortaderia spp.        | Pampas grass                                             |
| Cynodon dactylon       | Bermuda grass (excluding sod hybrid)                     |
| Digitaria spp.         | Crabgrass                                                |
| Elaeagnus angustifolia | Russian olive                                            |
| Eragrostis spp.        | Lovegrass<br>(excluding E. intermedia, plains lovegrass) |
| Melinis repens         | Natal grass                                              |
| Mesembryanthemum spp.  | Iceplant                                                 |
| Peganum harmala        | African rue                                              |
| Pennisetum ciliare     | Buffelgrass                                              |
| Pennisetum setaceum    | Fountain grass                                           |
| Rhus lancea            | African sumac                                            |
| Salsola spp.           | Russian thistle                                          |
| Schinus spp.           | Pepper tree                                              |
| Schismus arabicus      | Arabian grass                                            |
| Schismus barbatus      | Mediterranean grass                                      |
| Sorghum halepense      | Johnson grass                                            |
| Tamarix spp.           | Tamarisk                                                 |

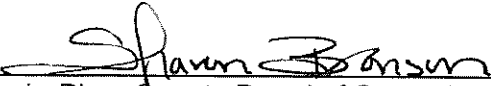
- C. The property owner/developer shall provide safeguards for the natural open space parcel as follows:
- 1) Light standards shall be located and fixtures shall be oriented so as to allow no light scatter onto the adjacent open space parcel.
  - 2) The western and northwestern boundary of the commercial development shall be buffered from the on-site natural open space. Buffering will employ techniques and materials suitable for mitigating noise and discouraging wildlife access to the commercial development; suitable buffering techniques and materials may include, but are not limited to, structures, natural materials, wildlife-exclusionary fencing, or vegetative screening. Suitable buffering techniques and materials will be authorized by the Planning Official in consultation with the Office of Sustainability and Conservation prior to approval of the development plan.
7. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
8. The property owner shall execute and record the following disclaimer regarding Prop 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
9. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

Section 3. Time limits of conditions. Conditions 1 through 9 of Section 2 shall be completed no later than January 19, 2021.

Section 4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Section 5. The effective date of this Ordinance is the date the Chair of the Board of Supervisors signs this Ordinance.

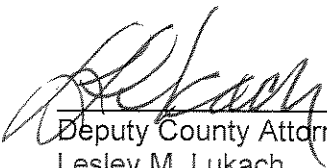
Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this 19th day  
of April, 2016.

  
\_\_\_\_\_  
Chair, Pima County Board of Supervisors


ATTEST:

  
\_\_\_\_\_  
Clerk, Board of Supervisors

Approved As To Form:

 2/18/16  
\_\_\_\_\_  
Deputy County Attorney  
Lesley M. Lukach

Approved:

 March 24, 2016  
\_\_\_\_\_  
Executive Secretary,  
Planning and Zoning Commission  
(For C. Poirier)



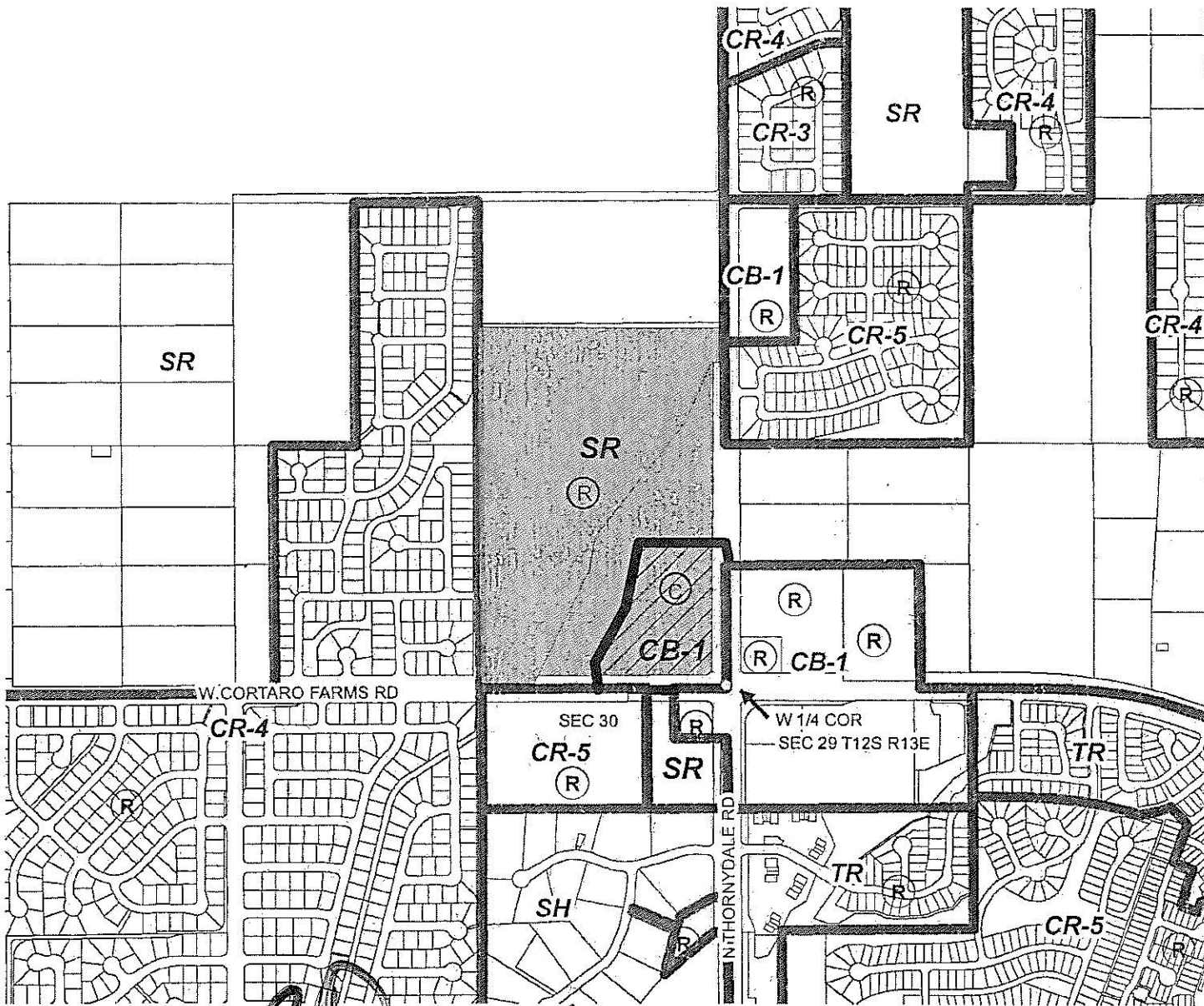
# EXHIBIT A

AMENDMENT NO. 87 BY ORDINANCE NO. 2016-026  
TO PIMA COUNTY ZONING MAP NO. 114 TUCSON AZ.  
PARCELS 32A & 33D BEING A PART OF THE SE 1/4 OF THE NE 1/4  
OF SEC. 30 T12S R13E.



0 205 410 820 Feet  
[Scale bar]

ADOPTED: April 19, 2016 EFFECTIVE: April 19, 2016



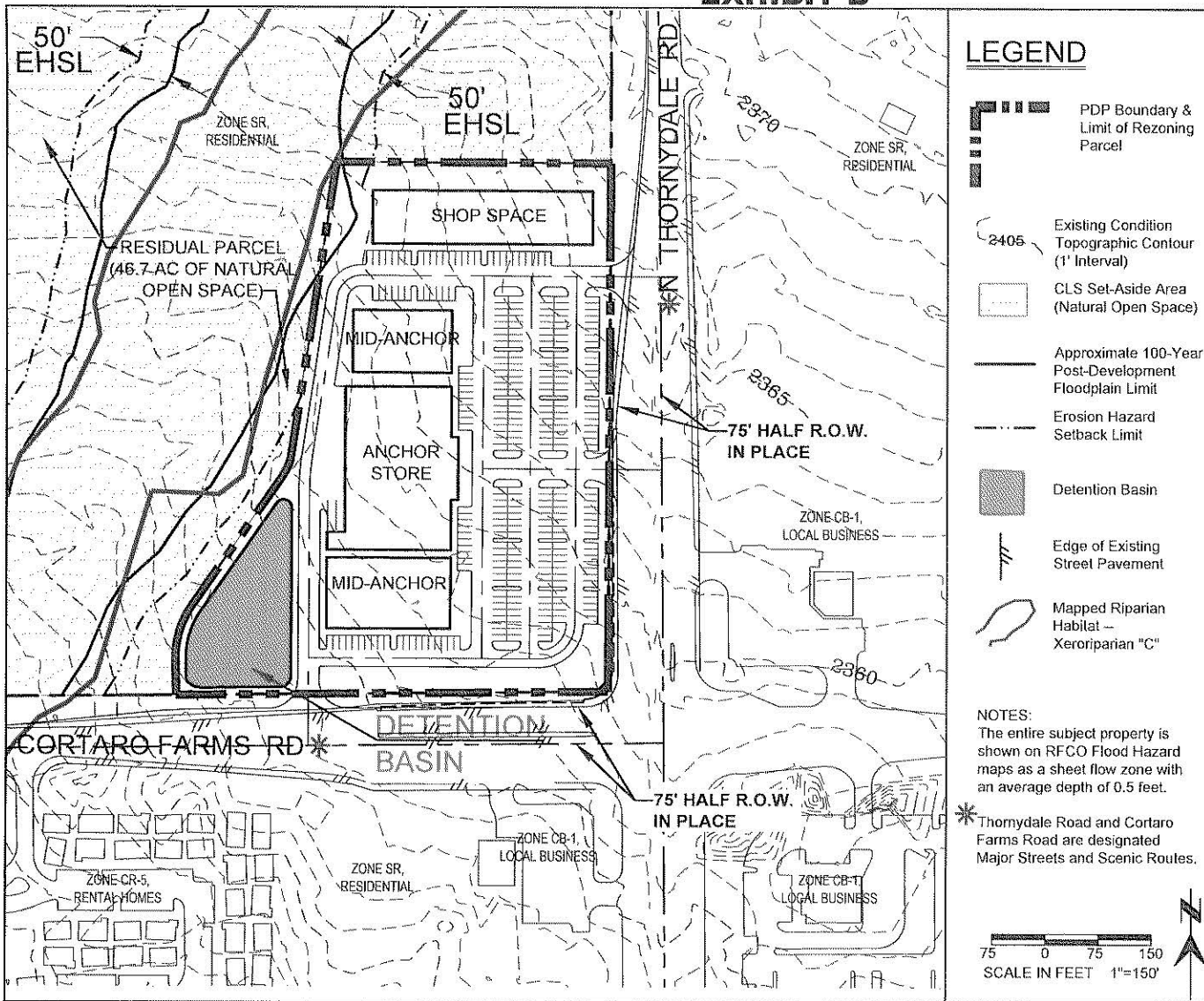
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM SR 55.0 ac±  
ds-February 17, 2016









P15RZ00005  
Co7-00-20  
225-33-032A & 225-33-033D



## EXHIBIT B



### LEGEND

-  PDP Boundary & Limit of Rezoning Parcel
-  Existing Condition Topographic Contour (1' Interval)
-  CLS Set-Aside Area (Natural Open Space)
-  Approximate 100-Year Post-Development Floodplain Limit
-  Erosion Hazard Setback Limit
-  Detention Basin
-  Edge of Existing Street Pavement
-  Mapped Riparian Habitat - Xeroriparian "C"

**NOTES:**  
The entire subject property is shown on RFCO Flood Hazard maps as a sheet flow zone with an average depth of 0.5 feet.

\* Thornydale Road and Cortaro Farms Road are designated Major Streets and Scenic Routes.



### PROJECT AREA

|                                    |                       |
|------------------------------------|-----------------------|
| Overall/Original Subject Property: | 54.9 AC (Approximate) |
| Rezoning Parcel:                   | 8.2 AC (Approximate)  |
| Residual Parcel:                   | 46.7 AC (Approximate) |

### PROJECT PARTICULARS

|                                                   |                |
|---------------------------------------------------|----------------|
| Existing Zoning:                                  | SR             |
| Proposed Zoning of Rezoning Parcel:               | CB-1           |
| Proposed Zoning of Residual Parcel:               | SR (No Change) |
| Comprehensive Plan Designation (Rezoning Parcel): | NAC            |
| Comprehensive Plan Designation (Residual Parcel): | MIU            |

### PROPOSED USE (REZONING PARCEL)

A Commercial Shopping Center containing a primary anchor, supporting mid-size/junior anchors and shop space. Total Retail Area is estimated at approximately 102,000 sf.

**NOTE:** The PDP layout presented here is conceptual in nature and subject to change and refinement at the time actual anchors and tenants emerge. The intent of this rezoning and PDP is to depict a conventional anchored shopping center with accompanying and supporting retail uses and complimentary neighborhood services.

### PROPOSED USE (RESIDUAL/REMAINING PARCEL)

The remaining 46.7 ac of the original subject property lying outside of the rezoning parcel shall remain as Natural Open Space.

### BUILDING HEIGHT

Maximum 39' Permitted. Proposed commercial buildings will be at or below this prescribed CB-1 height.

### PARKING & LOADING

Parking will be in accordance with Sec. 18.75, Parking & Loading Standards. Final design and compliance with same will be demonstrated at the time of Site Development Package review.

### BUFFER YARDS

Bufferyard "D" required along north and west boundaries, and along Thornydale and Cortaro frontages.

### CONSERVATION LANDS SYSTEM (CLS)

|                                                |         |
|------------------------------------------------|---------|
| On-Site Natural Open Space on Rezoning Parcel: | 0.0 AC  |
| On-Site Natural Open Space on Residual Parcel: | 46.7 AC |

**Jim Portner, Agent for Owner**  
**PROJECTS INTERNATIONAL, INC.**  
10836 E. ARMADA LANE  
TUCSON, ARIZONA 85749  
520 850-0917

**PROJECTS INTERNATIONAL, Inc.**  
STRATEGIC GUIDANCE  
ENTITLEMENT PROCESSES  
LOCAL ADVICE & COUNSEL

**GRS**  
LANDSCAPE ARCHITECTS, LLC

## Red Point Development, Inc.

NWC CORTARO & THORNYDALE ROADS  
(Ownership Entity: Pacific International Properties, LLP)  
REZONING: SR to CB-1



SEQUENCE: 20172120564  
No. Pages: 24  
7/31/2017 2:57 PM

F. ANN RODRIGUEZ, RECORDER  
Recorded By: LW(e-recording)



**WHEN RECORDED MAIL TO:**

Pima County, a political subdivision of the State of  
Arizona  
201 N. Stone Ave., 6th Floor  
Tucson, AZ 85701

ESCROW NO. 05504-32060

SPACE ABOVE THIS LINE FOR RECORDERS USE

**CAPTION HEADING**  
**SPECIAL WARRANTY DEED**  
**EXEMPT A3**

**DO NOT REMOVE**  
**THIS IS PART OF THE OFFICIAL DOCUMENT**

**WHEN RECORDED MAIL TO:**

Pima County, a political subdivision of the State of  
Arizona  
201 N. Stone Ave., 6th Floor  
Tucson, AZ 85701

ESCROW NO. 05504-32060

---

SPACE ABOVE THIS LINE FOR RECORDERS USE

**CAPTION HEADING**  
**SPECIAL WARRANTY DEED**  
**EXEMPT A3**

**DO NOT REMOVE**  
**THIS IS PART OF THE OFFICIAL DOCUMENT**



My commission Expires:

\_\_\_\_\_

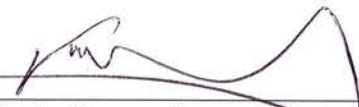
ACCEPTED AND AGREED:

GRANTEE: PIMA COUNTY, a Political  
Subdivision of the State of Arizona

  
\_\_\_\_\_  
Neil J. Konigsberg, Manager,  
Real Property Services Department

7/18/17  
\_\_\_\_\_  
Date

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Tobin Rosen, Deputy Pima County  
Attorney, Civil Division

7/18/17  
\_\_\_\_\_  
Date



May 22, 2017  
ASI 12001 (Red Point Development)

**LEGAL DESCRIPTION  
FOR CASCADA NORTH, COMMON AREA A-1**


All of Common Area A-1 of Cascada North, Blocks I through IV and Common Areas "A" and "B" recorded in Sequence No. 20122330029, Records of Pima County, Arizona, located within Section 9 of Township 12 South, Range 12 East, Gila and Salt River Meridian, Pima County, Arizona.

Containing 36.116 acres of land, more or less.

*The Basis of Bearing for this Legal Description is the south line of the northeast quarter of Section 15, Township 12 South, Range 12 East as shown on the Plat of Camino de Manana Estates recorded in Book 27 of Maps and Plats at Page 79, the bearing being N 89 °50'29" E. This is the basis of bearing as shown on both Cascada, Book 64 of Maps and Plats at Page 35 and Cascada North, Sequence No. 20122330029.*

Prepared by:

AMERSON SURVEYING, INC

  
MICHAEL K. AMERSON, PLS



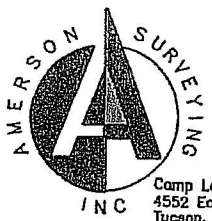
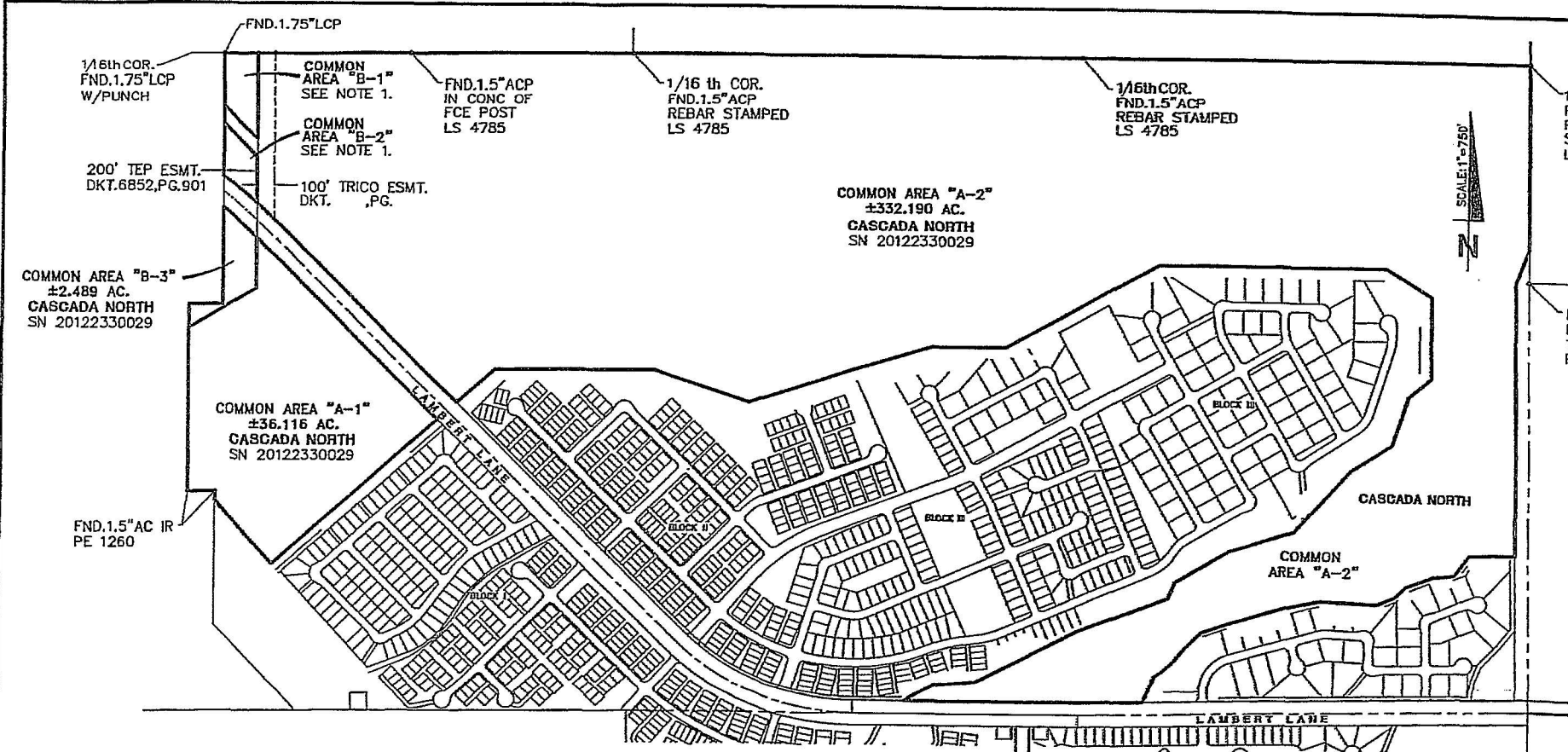
EXPIRES 03/31/ 20

1/16th COR. FND.1.5" ACP REBAR STAMPED LS 4785

E.1/4 COR. SEC. 10 FND.1/2" IR TAGGED PE 4926

CASCADA Bk. 64 PG. 35

SCALE: 1" = 750'



Camp Lowell Corporate Center  
 4552 East Camp Lowell Drive  
 Tucson, Arizona, 85712  
 Fax: 325-8703  
 520-325-5883

**LEGEND:**

- FOUND AS NOTED.
- FOUND 1/2" IR, TAG 22245

**NOTES:**

1. AREA OF COMMON AREA "A-1" = ±36.116 AC.  
 AREA OF COMMON AREA "A-2" = ±332.190 AC.  
 AREA OF COMMON AREA "B-1" = ±1.981 AC.  
 AREA OF COMMON AREA "B-2" = ±1.330 AC.  
 AREA OF COMMON AREA "B-3" = ±2.489 AC.



DEPICTION OF EXHIBIT "A" TO ACCOMPANY  
 A LEGAL DESCRIPTION FOR  
 MITIGATION FOR A PORTION OF  
**CASCADA NORTH**  
 RECORDED IN SN 20122330029  
 IN SECTIONS 9&10  
 T-12-S, R-12-E,  
 G & SRM, PIMA COUNTY, ARIZONA  
 ASI 12001, REV. MAY, 23, 2017, PM, SHEET 2 OF 2





May 22, 2017  
ASI 12001 (Red Point Development)

## LEGAL DESCRIPTION FOR CASCADA NORTH, COMMON AREA A-2

All of Common Area A-2 of Cascada North, Blocks I through IV and Common Areas "A" and "B" recorded in Sequence No. 20122330029, Records of Pima County, Arizona, located within Section 9 of Township 12 South, Range 12 East, Gila and Salt River Meridian, Pima County, Arizona.

Containing 332.190 acres of land, more or less.

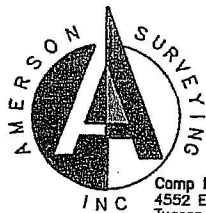
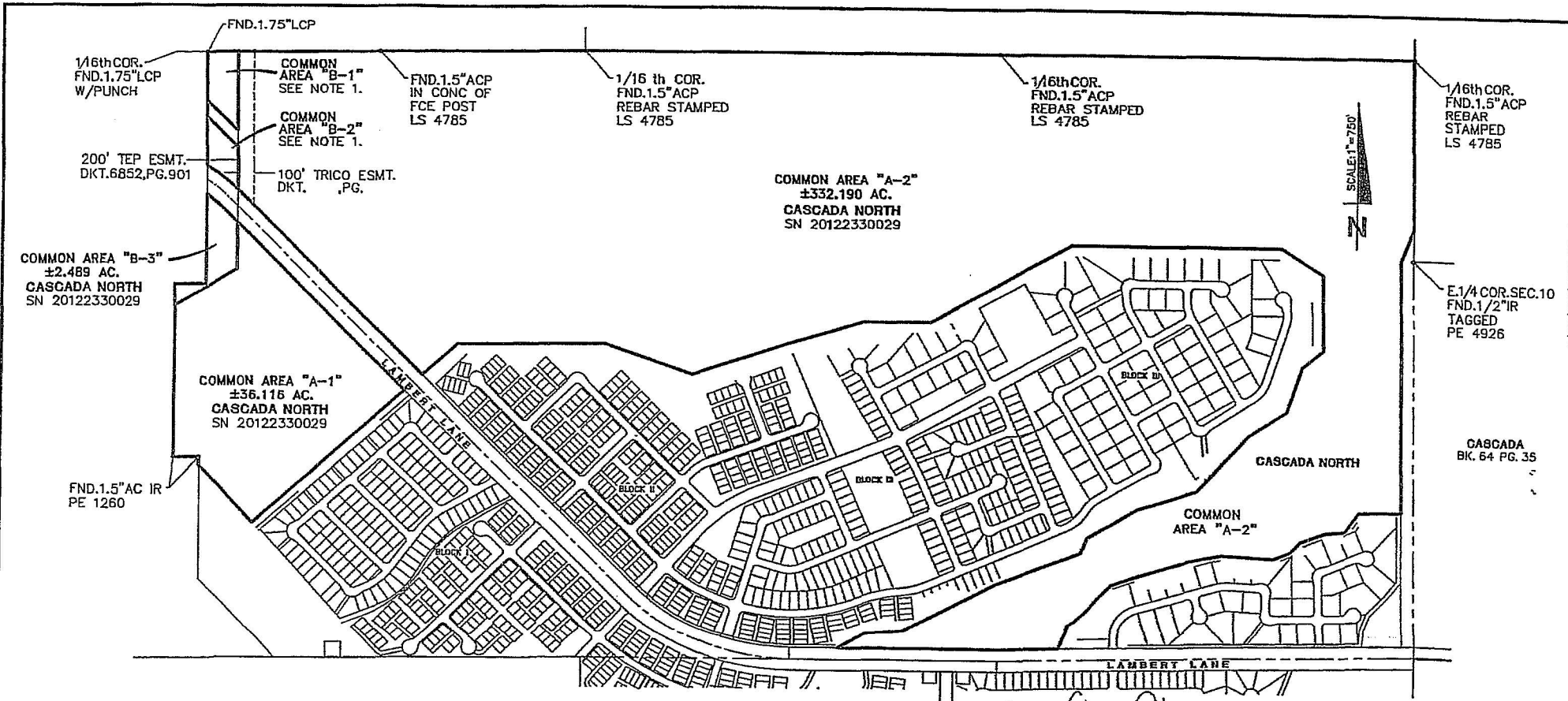
*The Basis of Bearing for this Legal Description is the south line of the northeast quarter of Section 15, Township 12 South, Range 12 East as shown on the Plat of Camino de Manana Estates recorded in Book 27 of Maps and Plats at Page 79, the bearing being N 89 °50'29" E. This is the basis of bearing as shown on both Cascada, Book 64 of Maps and Plats at Page 35 and Cascada North, Sequence No. 20122330029.*

Prepared by:  
AMERSON SURVEYING, INC.

  
MICHAEL K. AMERSON, PLS



EXPIRES 03/31/ 20



Camp Lowell Corporate Center  
 4552 East Camp Lowell Drive  
 Tucson, Arizona, 85712  
 Fax: 325-8703  
 520-325-5883

**LEGEND:**

- FOUND AS NOTED.
- FOUND 1/2" IR, TAG 22245

**NOTES:**

1. AREA OF COMMON AREA "A-1" = ±36.116 AC.  
 AREA OF COMMON AREA "A-2" = ±332.190 AC.  
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DEPICTION OF EXHIBIT "A" TO ACCOMPANY  
 A LEGAL DESCRIPTION FOR  
 MITIGATION FOR A PORTION OF  
**CASCADA NORTH**  
 RECORDED IN SN 20122330029  
 IN SECTIONS 9&10  
 T-12-S, R-12-E,  
 G & SRM, PIMA COUNTY, ARIZONA  
 ASI 12001, REV. MAY, 23, 2017, PM, SHEET 2 OF 2



May 22, 2017  
ASI 12001 (Red Point Development)

## LEGAL DESCRIPTION FOR CASCADA NORTH, COMMON AREA B-1

All of Common Area B-1 of Cascada North, Blocks I through IV and Common Areas "A" and "B" recorded in Sequence No. 20122330029, Records of Pima County, Arizona, located within Section 9 of Township 12 South, Range 12 East, Gila and Salt River Meridian, Pima County, Arizona.

Containing 1.981 acres of land, more or less.

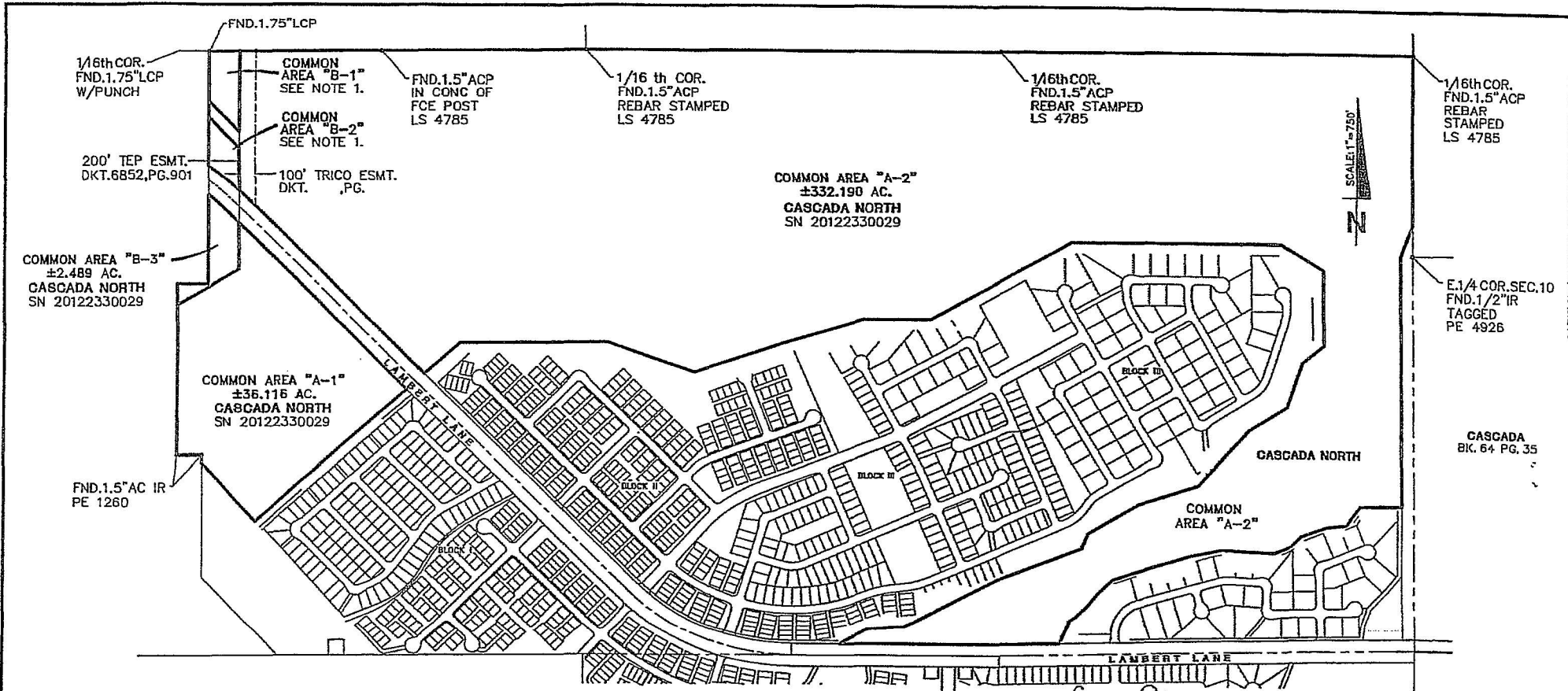
*The Basis of Bearing for this Legal Description is the south line of the northeast quarter of Section 15, Township 12 South, Range 12 East as shown on the Plat of Camino de Manana Estates recorded in Book 27 of Maps and Plats at Page 79, the bearing being N 89 °50'29" E. This is the basis of bearing as shown on both Cascada, Book 64 of Maps and Plats at Page 35 and Cascada North, Sequence No. 20122330029.*

Prepared by:  
AMERSON SURVEYING, INC.

  
MICHAEL K. AMERSON, PLS



EXPIRES 03/31/ 20



**AMERSON SURVEYING**  
INC

Camp Lowell Corporate Center  
4552 East Camp Lowell Drive  
Tucson, Arizona, 85712  
Fax: 325-8703  
520-325-5883

- LEGEND:**
- FOUND AS NOTED.
  - FOUND 1/2" IR, TAG 22245

- NOTES:**
1. AREA OF COMMON AREA "A-1" = ±36.116 AC.
  - AREA OF COMMON AREA "A-2" = ±332.190 AC.
  - AREA OF COMMON AREA "B-1" = ±1.981 AC.
  - AREA OF COMMON AREA "B-2" = ±1.330 AC.
  - AREA OF COMMON AREA "B-3" = ±2.489 AC.



DEPICTION OF EXHIBIT "A" TO ACCOMPANY  
A LEGAL DESCRIPTION FOR  
MITIGATION FOR A PORTION OF  
**CASCADE NORTH**  
RECORDED IN SN 20122330029  
IN SECTIONS 9&10  
T-12-S, R-12-E,  
G & SRM, PIMA COUNTY, ARIZONA  
ASI 12001, REV. MAY, 23, 2017, PM, SHEET 2 OF 2



May 22, 2017  
ASI 12001 (Red Point Development)

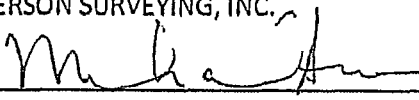
**LEGAL DESCRIPTION  
FOR CASCADA NORTH, COMMON AREA B-2**

All of Common Area B-2 of Cascada North, Blocks I through IV and Common Areas "A" and "B" recorded in Sequence No. 20122330029, Records of Pima County, Arizona, located within Sections 9 of Township 12 South, Range 12 East, Gila and Salt River Meridian, Pima County, Arizona.

Containing 1.330 acres of land, more or less.

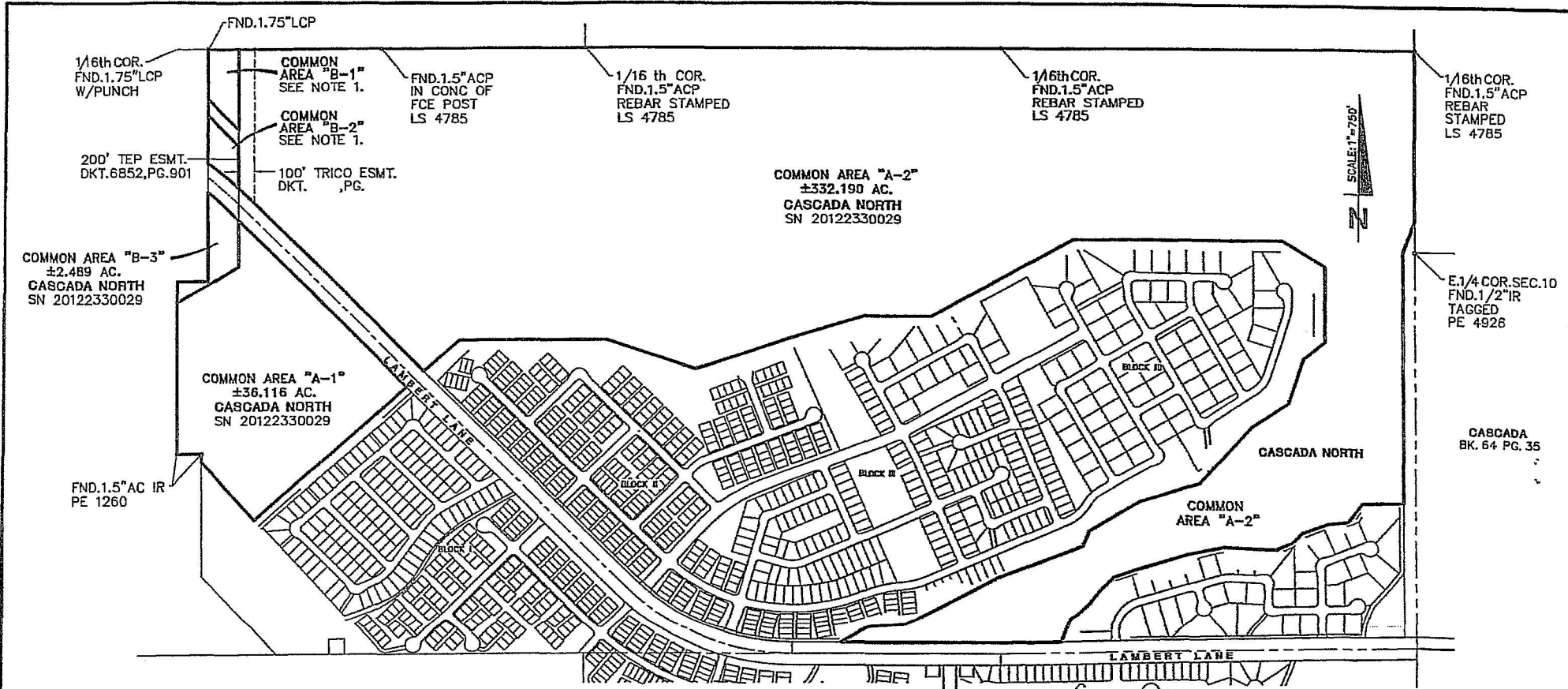
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Prepared by:  
AMERSON SURVEYING, INC.

  
MICHAEL K. AMERSON, PLS



EXPIRES 03/31/ 20



Camp Lowell Corporate Center  
 4552 East Camp Lowell Drive  
 Tucson, Arizona, 85712  
 Fax: 325-8703  
 520-325-5883

**LEGEND:**

- FOUND AS NOTED.
- FOUND 1/2" IR, TAG 22245

**NOTES:**

1. AREA OF COMMON AREA "A-1" = ±36.116 AC.  
 AREA OF COMMON AREA "A-2" = ±332.190 AC.  
 AREA OF COMMON AREA "B-1" = ±1.981 AC.  
 AREA OF COMMON AREA "B-2" = ±1.330 AC.  
 AREA OF COMMON AREA "B-3" = ±2.489 AC.



DEPICTION OF EXHIBIT "A" TO ACCOMPANY  
 A LEGAL DESCRIPTION FOR  
 MITIGATION FOR A PORTION OF  
**CASCADE NORTH**  
 RECORDED IN SN 20122330029  
 IN SECTIONS 9&10  
 T-12-S, R-12-E,  
 G & SRM, PIMA COUNTY, ARIZONA  
 ASI 12001, REV. MAY, 23, 2017, PM, SHEET 2 OF 2



May 22, 2017  
ASI 12001 (Red Point Development)


### LEGAL DESCRIPTION FOR CASCADA NORTH, COMMON AREA B-3

All of Common Area B-3 of Cascada North, Blocks I through IV and Common Areas "A" and "B" recorded in Sequence No. 20122330029, Records of Pima County, Arizona, located within Sections 9 of Township 12 South, Range 12 East, Gila and Salt River Meridian, Pima County, Arizona.

Containing 2.489 acres of land, more or less.

*The Basis of Bearing for this Legal Description is the south line of the northeast quarter of Section 15, Township 12 South, Range 12 East as shown on the Plat of Camino de Manana Estates recorded in Book 27 of Maps and Plats at Page 79, the bearing being N 89 °50'29" E. This is the basis of bearing as shown on both Cascada, Book 64 of Maps and Plats at Page 35 and Cascada North, Sequence No. 20122330029.*

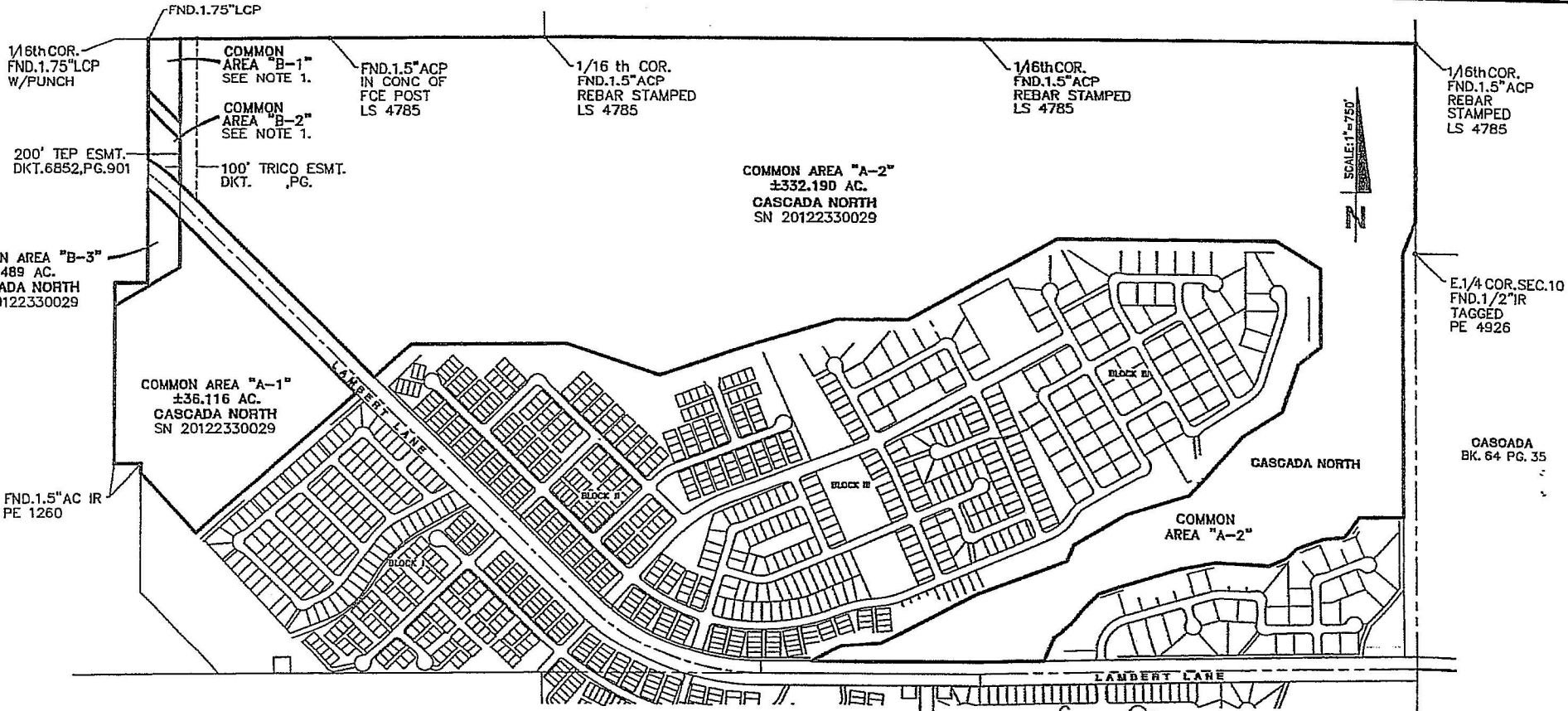
Prepared by:  
AMERSON SURVEYING, INC.

  
MICHAEL K. AMERSON, PLS



EXPIRES 03/31/ 26

220



COMMON AREA "A-2"  
 ±332.190 AC.  
 CASCADA NORTH  
 SN 20122330029

COMMON AREA "B-3"  
 ±2.489 AC.  
 CASCADA NORTH  
 SN 20122330029

COMMON AREA "A-1"  
 ±36.116 AC.  
 CASCADA NORTH  
 SN 20122330029

COMMON AREA "B-1"  
 SEE NOTE 1.

COMMON AREA "B-2"  
 SEE NOTE 1.

FND.1.5" ACP  
 IN CONC OF  
 FCE POST  
 LS 4785

1/16th COR.  
 FND.1.5" ACP  
 REBAR STAMPED  
 LS 4785

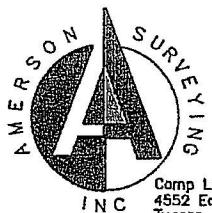
1/16th COR.  
 FND.1.5" ACP  
 REBAR STAMPED  
 LS 4785

1/16th COR.  
 FND.1.5" ACP  
 REBAR  
 STAMPED  
 LS 4785

E.1/4 COR. SEC.10  
 FND.1/2" IR  
 TAGGED  
 PE 4926

CASCADA  
 BK. 64 PG. 35

SCALE: 1" = 75'



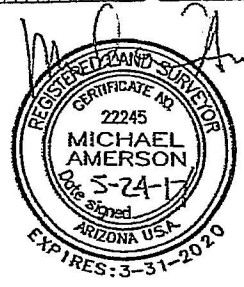
Camp Lowell Corporate Center  
 4552 East Camp Lowell Drive  
 Tucson, Arizona, 85712  
 Fax: 325-8703  
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**LEGEND.**

- o FOUND AS NOTED.
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 G & SRM, PIMA COUNTY, ARIZONA  
 ASI 12001, REV. MAY, 23, 2017, PM, SHEET 2 OF 2



## EXHIBIT B TO SPECIAL WARRANTY DEED

### RESTRICTIVE COVENANT

This Restrictive Covenant ("**Restrictive Covenant**") is attached to and incorporated in the Special Warranty Deed (the "**Deed**") entered into by Fidelity National Title Agency, Trust 60327, as "**Grantor**", and Pima County, a political subdivision of the State of Arizona, as "**County**" (Grantor and County being collectively the "**Parties**"), and effective on recording of the Deed.

#### 1. Background and Purpose

1.1. Grantor owns the real property described in Exhibit A to the Deed (the "**Property**"). There are no structures or other man-made improvements existing on the Property.

1.2. Grantor has agreed to convey the Property to County provided that it is subject to the terms contained in this Restrictive Covenant.

1.3. The United States Army Corps of Engineers ("**ACOE**") is the federal agency charged with the primary responsibility for regulating activities in waters of the United States, including wetlands, with regulatory authority over discharges of dredged and fill material into such waters pursuant to Section 404 of the Clean Water Act, and is a third party beneficiary ("**Beneficiary**") of this Restrictive Covenant.

1.4. The Parties intend that this Restrictive Covenant assure that the Property will be forever preserved as natural open space for wildlife, flood hazard reduction and natural recharge, and the protection of cultural resources (collectively the "**Conservation Values**").

#### 2. Nature of Restrictive Covenant

2.1. This Restrictive Covenant runs with the land and binds the County and its successors and assigns, and remains in perpetuity unless released by written consent of County and Beneficiary. The Property shall be held, transferred, conveyed, leased, occupied or otherwise disposed of and used subject to the terms and conditions of this Restrictive Covenant.

2.2. This Restrictive Covenant may not be amended or modified except upon written agreement of County and Beneficiary.

2.3. This Restrictive Covenant may be enforced by the Beneficiary as provided in Section 7 below.

3. **The Restrictions.** Except as provided in Section 4 of this Restrictive Covenant, the following uses of the Property are prohibited (collectively the “**Restrictions**”):

3.1. Development of the Property, including subdividing or lot splitting of the Property;

3.2. Construction or placement of new or additional buildings or structures on the Property, unless the construction supports the purposes for which the Property was originally intended and does not degrade the Property’s values as expressed in the purpose statement;

3.3. Alteration of the ground surface or natural vegetation, except as may be needed for habitat improvements, to promote the recovery or reestablishment of native species, fencing and maintenance of utility easements, and trail-based recreational uses;

3.4. Impoundment, diversion or alteration of any natural watercourse unless for watershed enhancement to improve species habitat or to maintain the Property’s natural and cultural values. Impoundment, diversion, or alteration may occur when necessary for flood-control purposes and approved by the Beneficiary;

3.5. Development of, or the granting of, access, rights-of-way or easements for new roads or new utilities, including telecommunications facilities, except where County has no discretion to prohibit the activity;

3.6. Filling, excavation, dredging, mining, drilling, exploration, or extraction of minerals, hydrocarbons, soils, sand, gravel, rock or other materials on or below the surface of the Property, except where County has no discretion to prohibit the activity;

3.7. Storage, accumulation or disposal of hazardous materials, trash, garbage, solid waste or other unsightly material on the Property;

3.8. Introduction of non-native fish or amphibians or other non-native animals to or from catchments, tanks, springs or creeks;

3.9. Storage and use of biocides and chemical fertilizers. Aerial application of biocide or other chemicals is prohibited except where County determines that it is an appropriate and necessary management technique to promote the recovery and reestablishment of native species, to reduce threats to ecosystem structure and function, or to protect public health, safety and welfare;

3.10. Pumping of water from existing diversions for purposes other than on-site wildlife, recreational, and habitat enhancement uses. Increases in the pumped amounts of surface or subsurface water as allowed by the Arizona Department of Water Resources are not permitted without joint approval from the County and Beneficiary;

3.11. Installation of underground storage tanks for petroleum or other polluting substances;

3.12. Confinement or grazing of livestock. This includes feeder cattle, dairy, pig, poultry and exotic animal farm operations;

3.13. Commercial enterprises inconsistent with the Conservation Values;

3.14. Residential use for mobile homes, travel trailers, tent trailers, self-propelled recreational vehicles and like structures or vehicles, except as needed to support the protection or enhancement of the Property's natural and cultural values;

3.15. Creation or maintenance of trails and roads, except as provided in Subsection 4.6;

3.16. Any modification of the topography of the Property through the placement of soil, dredging spoils, or other material, except for those uses permitted under this document, or to reduce soil erosion or to protect public health, safety and welfare;

3.17. Off-road vehicular travel except to facilitate permitted activities on the Property;

3.18. Removal of natural, mineral, or cultural resources not otherwise allowed by this Restrictive Covenant; and

3.19. Removal or disturbance of archaeological sites that is not authorized by this Restrictive Covenant.

**4. Exceptions to Restrictions.** Notwithstanding any other provision of this Restrictive Covenant, the following uses of the Property are not prohibited:

4.1. Any use of the Property which the County Board of Supervisors determines, based on clear and convincing evidence presented to said Board, is necessary to address the public health, safety or welfare;

4.2. Vegetation removal and/or alteration as reasonable and necessary for habitat improvements, to promote the recovery or reestablishment of native species, and/or for fencing and maintaining utility easements;

4.3. Use of surface or subsurface water from water developments or natural sources for on-site habitat improvements, wildlife waters, firefighting, or dust control;

4.4. Prescribed fire for areas of 10 acres or less;

4.5. Wildlife management activities carried out in cooperation with the Arizona Game and Fish Department; and/or

4.6. Construction and maintenance of trails for property maintenance and site inspections. Non-motorized recreation trails may be allowed on a limited basis to control the proliferation of wildcat trails and protect sensitive resources. Non-motorized trails will be sustainably designed, located, constructed, and maintained according to best management practices. Trails shall be unimproved (i.e., no hardened surfaces, concrete, or asphalt) and be no more than five (5) feet in width, except (i) for trails existing on the date this Restrictive Covenant is recorded, and (ii) unless otherwise required by law.

## 5. **Obligations of County**

5.1. Maintenance of Property. County, through its employees, agents and contractors, retains all responsibilities and will bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property, including but not limited to removal of trash. County remains solely responsible for obtaining any applicable governmental permits and approvals for any activity or use undertaken on the Property. All such activity shall comply with all applicable Federal, state, and local laws, regulations, and requirements.

5.2. Indemnification of ACOE. To the extent allowable by law, County will indemnify, defend and hold harmless ACOE and its respective directors, officers, employees, agents, contractors, and representatives and the heirs, personal representatives, successors and assigns of each of them (each a "**Third-Party Beneficiary Indemnified Party**" and collectively, "**Third-Party Beneficiary Indemnified Parties**") from and against any and all liabilities, penalties, costs, losses, damages, expenses (including, without limitation reasonable attorneys' fees and experts' fees), causes of action, claims, demands, orders, liens or judgments (each a "**Claim**" and, collectively, "**Claims**"), arising from or in any way connected with injury to or the death of any person, or physical damage to any property, regardless of cause; provided, however, that this indemnity will not extend to any claim, demand or cause of action relating to any negligence on the part of Beneficiary in the performance of its obligations under this Restrictive Covenant.

5.3. Inspections. County, through its employees, agents and contractors, at County's expense, will conduct an inspection of the Property at least annually to determine if there are any violations; will prepare an inspection report; and will make reports available to ACOE upon request.

6. **ACOE's Rights.** To accomplish the Purpose of this Restrictive Covenant, Grantor hereby grants and conveys the following rights to ACOE (but without obligation of the ACOE):

6.1. A non-exclusive easement on and over the Property to preserve and protect the Conservation Values of the Property; and

6.2. A non-exclusive easement on and over the Property to enter upon the Property to monitor County's compliance with and to otherwise enforce the terms of this Restrictive Covenant; and

6.3. A non-exclusive easement on and over the Property to prevent any activity on or use of the Property that is inconsistent with the Purpose of this Restrictive Covenant and to require the restoration of such areas or features of the Property that may be damaged by any act, failure to act, or any use that is inconsistent with the Purpose of this Restrictive Covenant; and

6.4. All present and future development rights allocated, implied, reserved or inherent in the Property; such rights are hereby terminated and extinguished, and may not be used on or transferred to any portion of the Property, nor any other property adjacent or otherwise; and

6.5. The right to enforce by any means, including, without limitation, injunctive relief, the terms and conditions of this Restrictive Covenant.

## 7. **Enforcement.**

7.1. Right to Enforce. County, its successors and assigns, grant to ACOE and U.S. Department of Justice a discretionary right to enforce this Restrictive Covenant in a judicial or administrative action against any person(s) or other entity (ies) violating or attempting to violate this Restrictive Covenant; provided, however, that no violation of this Restrictive Covenant shall result in a forfeiture or reversion of title. The U.S. Department of Justice shall have the same rights, remedies and limitations as ACOE under this Section 7. The rights under this Section are in addition to, and do not limit rights conferred in Section 6 above, the rights of enforcement against County, its successor or assigns under the Section 404 Permit, or any rights of the various documents created thereunder or referred to therein.

### 7.2. Notice.

7.2.1. If ACOE determines County is in violation of the terms of this Restrictive Covenant or that a violation is threatened, ACOE may demand the cure of such violation. In such a case, ACOE shall issue a written notice to County (hereinafter "**Notice of Violation**") informing County of the violation and demanding cure of such violation.

7.2.2. County shall cure the noticed violation within thirty (30) days of receipt of said written notice from ACOE. If said cure reasonably requires more than thirty (30) days, County shall, within the thirty (30) day period submit to ACOE for review and approval a plan and time schedule to diligently complete a cure. County shall complete

such cure in accordance with the approved plan. If County disputes the Notice of Violation, it shall issue a written notice of such dispute (hereinafter “**Notice of Dispute**”) to the ACOE within thirty (30) days of receipt of written Notice of Violation.

7.2.3. If County fails to cure the noticed violation(s) within the time period(s) described in Subsection 7.2.2 above, or Subsection 7.3 below, ACOE may bring an action at law or in equity in a court of competent jurisdiction to enforce compliance by County with the terms of this Restrictive Covenant. In such action, the ACOE may (i) recover any damages to which they may be entitled for violation by County of the terms of this Restrictive Covenant, (ii) enjoin the violation, *ex parte* if necessary, by temporary or permanent injunction without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies, or (iii) pursue other equitable relief, including, but not limited to, the restoration of the Property to the condition in which it existed prior to any such violation or injury. ACOE may apply any damages recovered to the cost of undertaking any corrective action on the Property.

7.2.4. If County provides ACOE with a Notice of Dispute, as provided herein, ACOE shall meet and confer with County at a mutually agreeable place and time, not to exceed thirty (30) days from the date that ACOE receives the Notice of Dispute. ACOE shall consider all relevant information concerning the disputed violation provided by County and shall determine whether a violation has in fact occurred and, if so, whether the Notice of Violation and demand for cure issued by ACOE is appropriate in light of the violation.

7.2.5. If, after reviewing County’s Notice of Dispute, conferring with County, and considering all relevant information related to the violation, ACOE determines that a violation has occurred, ACOE shall give County notice of such determination in writing. Upon receipt of such determination, County shall have thirty (30) days to cure the violation. If said cure reasonably requires more than thirty (30) days, County shall, within the thirty (30) day period submit to ACOE for review and approval a plan and time schedule to diligently complete a cure. County shall complete such cure in accordance with the approved plan.

7.3. Immediate Action. If ACOE determines that circumstances require immediate action to prevent or mitigate significant damage to the Conservation Values of the Property, ACOE may immediately pursue all available remedies, including injunctive relief, available pursuant to both this Restrictive Covenant and state and federal law after giving County at least twenty four (24) hours’ written notice before pursuing such remedies. So long as such twenty four (24) hours’ notice is given, ACOE may immediately pursue all available remedies without waiting for the expiration of the time periods provided for cure or Notice of Dispute as described in Subsection 7.2.2. The written notice pursuant to this paragraph may be transmitted to County by facsimile. The rights of ACOE under this paragraph apply equally to actual or threatened violations of the terms of this Restrictive Covenant. County agrees that the remedies at law for ACOE for any violation

of the terms of this Restrictive Covenant are inadequate and that ACOE shall be entitled to the injunctive relief described in this section, both prohibitive and mandatory, in addition to such other relief to which ACOE may be entitled, including specific performance of the terms of this Restrictive Covenant, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. The remedies described in this Subsection 7.3 shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

7.4. Costs of Enforcement. Any costs incurred by ACOE, as the prevailing party, in enforcing the terms of this Restrictive Covenant against County including, but not limited to, costs of suit and attorneys' fees, and any costs of restoration necessitated by County's negligence or breach of this Restrictive Covenant shall be borne by County.

7.5. Enforcement Discretion. Enforcement of the terms of this Restrictive Covenant shall be at the discretion of ACOE. Any forbearance by ACOE to exercise rights under this Restrictive Covenant in the event of any breach of any term of this Restrictive Covenant by County shall not be deemed or construed to be a waiver by ACOE of such term or of any subsequent breach of the same or any other term of this Restrictive Covenant or of any of the rights of ACOE under this Restrictive Covenant. No delay or omission by ACOE in the exercise of any right or remedy upon any breach by County shall impair such right or remedy or be construed as a waiver. Further, nothing in this Restrictive Covenant creates a non-discretionary duty upon ACOE to enforce its provisions, nor shall deviation from the terms and procedures or failures to enforce its provisions give rise to a private right of action against ACOE by any third party.

7.6. Acts Beyond County's Control. Nothing contained in this Restrictive Covenant shall be construed to entitle ACOE to bring any action against County for any injury to or change in the Property resulting from:

7.6.1. Any natural cause beyond County's control, including without limitation, fire not caused by County, flood, storm, and earth movement; or

7.6.2. Any prudent action taken by County under emergency conditions to prevent, abate, or mitigate significant injury to persons and/or the Property resulting from such causes, provided that once the emergency has abated, County, its successors or assigns promptly take all reasonable and necessary actions required to restore any damage caused by County's actions to the Property to the condition it was in immediately prior to the emergency; or

7.6.3. Acts of third parties (including any governmental agencies) that are beyond County's control.

Notwithstanding the foregoing, County must obtain any applicable governmental permits and approvals for any emergency activity or use permitted by this Restrictive Covenant

and undertake any activity or use in accordance with all applicable federal, state, local and administrative agency statutes, ordinances, rules, regulations, orders or requirements.

8. **Access.** This Restrictive Covenant does not convey a general right of access to the public.

9. **Notices.** Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and be served personally or sent by first class mail, postage prepaid, addressed as follows:

If to County: Natural Resources Parks and Recreation Department  
Attn: Director  
Pima County Public Works  
3500 W. River Road  
Tucson, Arizona 85741

With a copy to: Office of Sustainability and Conservation Land  
Attn: Director  
Pima County Public Works  
201 N Stone Ave., 6<sup>th</sup> Fl  
Tucson, Arizona 85701

To ACOE: District Counsel  
U.S. Army Corps of Engineers  
915 Wilshire Blvd, Room 1535  
Los Angeles, CA 90017-3401

or to such other address as either party shall designate by written notice to the other. Notice shall be deemed effective upon delivery in the case of personal delivery or, in the case of delivery by first class mail, five (5) days after deposit into the United States mail.

The parties agree to accept facsimile signed documents and agree to rely upon such documents as if they bore original signatures. Each party agrees to provide to the other parties, within seventy-two (72) hours after transmission of such a facsimile, the original documents that bear the original signatures.

10. **Amendment.** County may amend this Restrictive Covenant only after written concurrence by ACOE. Any such amendment shall be consistent with the Purpose of this Restrictive Covenant and shall not affect its perpetual duration. County shall record any amendments to this Restrictive Covenant approved by ACOE in the official records of Pima County, Arizona, and shall provide a copy of the recorded document to ACOE.



11. **Recordation.** County, its successor or assign shall promptly record the Deed and this instrument in the official records of Pima County, Arizona, and provide a copy of the recorded document to ACOE.

12. **Estoppel Certificate.** Upon request, ACOE shall within fifteen (15) days execute and deliver to County, its successor or assign a letter confirming that (a) this Restrictive Covenant is in full force and effect, and has not been altered, amended, or otherwise modified (except as specifically noted in the letter), (b) there are no pending or threatened enforcement actions against County except as disclosed in the letter, (c) to the knowledge of the ACOE, there are no uncured violations under the Restrictive Covenant, and no facts or circumstances exist that, with the passage of time, could constitute a violation under the Restrictive Covenant, except as disclosed in the letter.

13. **No Hazardous Materials Liability.**

13.1. Grantor represents and warrants that to Grantor's actual knowledge there has been no release or threatened release of Hazardous Materials (defined below) or underground storage tanks existing, generated, treated, stored, used, released, disposed of, deposited or abandoned in, on, under, or from the Property, or transported to or from or affecting the Property. Without limiting the obligations of County under Subsection 5.2 herein, County hereby releases and agrees to indemnify, protect and hold harmless the Third Party Beneficiary Indemnified Parties (defined in Subsection 5.2) against any and all Claims (defined in Subsection 5.2) arising from or connected with any Hazardous Materials present, or otherwise alleged to be present, on the Property at any time, except that this release and indemnification shall be inapplicable to the Third Party Beneficiary Indemnified Parties with respect to any Hazardous Materials placed, disposed or released by third party beneficiaries, their employees or agents. This release and indemnification includes, without limitation, Claims for (i) injury to or death of any person or physical damage to any property; and (ii) the violation or alleged violation of, or other failure to comply with, any Environmental Laws (defined below).

13.2. Despite any contrary provision of this Restrictive Covenant, the Parties do not intend this Restrictive Covenant to be, and this Restrictive Covenant shall not be, construed such that it creates in or gives ACOE any of the following:

13.2.1. The obligations or liabilities of an "owner" or "operator," as those terms are defined and used in Environmental Laws (defined below), including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. Section 9601 et seq.; hereinafter, "**CERCLA**"); or

13.2.2. The obligations or liabilities of a person described in 42 U.S.C. Section 9607(a)(3) or (4); or

13.2.3. The obligations of a responsible person under any applicable Environmental Laws; or

13.2.4. The right to investigate and remediate any Hazardous Materials associated with the Property; or

13.2.5. Any control over County's ability to investigate, remove, remediate or otherwise clean up any Hazardous Materials associated with the Property.

13.3. The term "**Hazardous Materials**" includes, without limitation, (i) material that is flammable, explosive or radioactive; (ii) petroleum products, including by-products and fractions thereof; and (iii) hazardous materials, hazardous wastes, hazardous or toxic substances, or related materials defined in CERCLA, the Resource Conservation and Recovery Act (42 U.S.C. Section 6901 et seq.); the Hazardous Materials Transportation Act (49 U.S.C. Section 5101 et seq.); Title 49 of Arizona Revised Statutes, and in the regulations adopted and publications promulgated pursuant to them, or any other applicable federal, state or local laws, ordinances, rules, regulations or orders now in effect or enacted after the date of this Restrictive Covenant.

13.4. The term "**Environmental Laws**" includes, without limitation, any federal, state, local or administrative agency statute, ordinance, rule, regulation, order or requirement relating to pollution, protection of human health or safety, the environment or Hazardous Materials. County represents, warrants and covenants to ACOE that activities upon and use of the Property by County, its agents, employees, invitees and contractors will comply with all Environmental Laws.

14. **Extinguishment.** If circumstances arise in the future that render the Purpose of the Restrictive Covenant impossible to accomplish, the Restrictive Covenant can only be terminated or extinguished, in whole or in part, by judicial proceedings in a court of competent jurisdiction.

15. **Change of Conditions.** If one or more of the Purpose of this Restrictive Covenant may no longer be accomplished, such failure of purpose shall not be deemed sufficient cause to terminate the entire Restrictive Covenant as long as any other purpose of the Restrictive Covenant may be accomplished. In addition, the inability to carry on any or all of the permitted uses, or the unprofitability of doing so, shall not impair the validity of this Restrictive Covenant or be considered grounds for its termination or extinguishment. County agrees that global warming and climate change-caused effects shall not be a basis for termination of this Restrictive Covenant.

16. **Assignment and Subsequent Transfers.**

16.1. County agrees to incorporate the terms of this Restrictive Covenant in any deed or other legal instrument by which County divests itself of any interest in all or a portion of the Property. County, its successor or assign agrees to (i) incorporate by reference to the title of and the recording information for this Restrictive Covenant in any deed or other legal instrument by which each divests itself of any interest in all or a portion of the Property, including, without limitation, a leasehold interest and (ii) give actual notice to any such transferee or lessee of the existence of this Restrictive Covenant. County, its

successor or assign, agrees to give written notice to ACOE of the intent to transfer any interest at least sixty (60) days prior to the date of such transfer. Any subsequent transferee shall be deemed to have assumed the obligations of this Restrictive Covenant and to have accepted the restrictions contained herein. The failure of County, its successor or assign to perform any act provided in this Section shall not impair the validity of this Restrictive Covenant or limit its enforceability in any way.

16.2. From and after the date of any transfer of all or any portion of the Property by County and each transfer thereafter, (i) the transferee shall be deemed to have assumed all of the obligations of County as to the portion transferred, as set forth in this Restrictive Covenant, (ii) the transferee shall be deemed to have accepted the restrictions contained herein as to the portion transferred, (iii) the transferor, as applicable, shall have no further obligations hereunder, and (iv) all references to County in this Restrictive Covenant shall thereafter be deemed to refer to such transferee.

## **17. General Provisions**

17.1. The laws and regulations of the State of Arizona govern this Restrictive Covenant. Any action relating to this Restrictive Covenant must be brought in a court of the State of Arizona in Pima County.

17.2. Unless the context requires otherwise, the term "including" means "including but not limited to."

17.3. Each provision of this Restrictive Covenant stands alone, and any provision of this Restrictive Covenant found to be prohibited by law is ineffective only to the extent of such prohibition without invalidating the remainder of this Restrictive Covenant.

17.4. This instrument sets forth the entire agreement of the County and Beneficiary with respect to this Restrictive Covenant.



**BOARD OF SUPERVISORS AGENDA ITEM REPORT  
CONTRACTS / AWARDS / GRANTS**

Award  Contract  Grant

Requested Board Meeting Date: July 11, 2017

\* = Mandatory, information must be provided

or Procurement Director Award

**\*Contractor/Vendor Name/Grantor (DBA):**

Fidelity National Title Agency, Inc., as Trustee under Trust 60,327 ("Fidelity")

**\*Project Title/Description:**

Acceptance by County of 374 acres of open space property from Fidelity. Acq-0610. Supervisor District 1.

**\*Purpose:**

Pima County, as Donee, wishes to enter into a Donation Agreement with Fidelity, as "Donor", for the donation of 374 acres located generally northwest of Twin Peaks Road and east of Interstate 10 in Marana (the "Property"). The donation has been structured to close on or before July 31, 2017. Donor will pay County's escrow fees and closing costs at closing and the donation will come at no cost to County. Donor was granted a rezoning for three (3) projects it wishes to develop upon the condition that it conserve land of similar habitat value at another location to mitigate impacts its development will have on lands located in the Conservation Lands System. Donor does not wish to retain ownership of the Property and has offered to donate the Property to the County. County will take the Property subject to certain conservation restrictions as set forth in the Deed pursuant to which the US Army Corps of Engineers will be named as Third-Party Beneficiary with the right to enforce said restrictions.

**\*Procurement Method:**

Exempt pursuant to Pima County Code 11.04.020.

**\*Program Goals/Predicted Outcomes:**

CLS mitigation required by rezonings P15RZ00001, P15RZ00003, and P15RZ00004 will be fulfilled. The County's acceptance of this 374-acre natural open space donation will conserve important saguaro-ironwood habitat within the Conservation Lands System and protect the Avra Valley/I-10 Critical Landscape Linkage.

**\*Public Benefit:**

CLS mitigation required by rezonings P15RZ00001, P15RZ00003, and P15RZ00004 will be fulfilled. The County's acceptance of this 374-acre natural open space donation will conserve important saguaro-ironwood habitat within the Conservation Lands System and protect the Avra Valley/I-10 Critical Landscape Linkage.

**\*Metrics Available to Measure Performance:**

County Appraiser issued a budget estimate estimating the fair market value of the Property to be \$937,500.00. Consequently, County will obtain a Standard Owner's Title Insurance Policy at Closing, insuring title in the amount of \$937,500.00, and Donor will pay the title insurance premium on County's behalf. The Property, once acquired, will be managed by Pima County Natural Resources Parks and Recreation as part of the County's Parks system.

**\*Retroactive:**

No.

To: COB 7-3-17 (1)  
vers: 1  
pg.: 31

APPENDUM

JUL 03 17 10:09:43 PC CLK OF BD  
AFS

**Contract / Award Information**

Document Type: CTN Department Code: PW Contract Number (i.e.,15-123): 17\*0233

Effective Date: 7/11/2017 Termination Date: 7/10/2022 Prior Contract Number (Synergen/CMS): \_\_\_\_\_

Expense Amount: \$\* -0-  Revenue Amount: \$ -0-

**\*Funding Source(s) required:**

Funding from General Fund?  Yes  No If Yes \$ \_\_\_\_\_ % \_\_\_\_\_

Contract is fully or partially funded with Federal Funds?  Yes  No

**\*Is the Contract to a vendor or subrecipient?** \_\_\_\_\_

Were insurance or indemnity clauses modified?  Yes  No

*If Yes, attach Risk's approval*

Vendor is using a Social Security Number?  Yes  No

*If Yes, attach the required form per Administrative Procedure 22-73.*

**Amendment / Revised Award Information**

Document Type: \_\_\_\_\_ Department Code: \_\_\_\_\_ Contract Number (i.e.,15-123): \_\_\_\_\_

Amendment No.: \_\_\_\_\_ AMS Version No.: \_\_\_\_\_

Effective Date: \_\_\_\_\_ New Termination Date: \_\_\_\_\_

Prior Contract No. (Synergen/CMS): \_\_\_\_\_

Expense or  Revenue  Increase  Decrease Amount This Amendment: \$ \_\_\_\_\_

Is there revenue included?  Yes  No If Yes \$ \_\_\_\_\_

**\*Funding Source(s) required:**

Funding from General Fund?  Yes  No If Yes \$ \_\_\_\_\_ % \_\_\_\_\_

**Grant/Amendment Information** (for grants acceptance and awards)  Award  Amendment

Document Type: \_\_\_\_\_ Department Code: \_\_\_\_\_ Grant Number (i.e.,15-123): \_\_\_\_\_

Effective Date: \_\_\_\_\_ Termination Date: \_\_\_\_\_ Amendment Number: \_\_\_\_\_

Match Amount: \$ \_\_\_\_\_  Revenue Amount: \$ \_\_\_\_\_

**\*All Funding Source(s) required:**

\*Match funding from General Fund?  Yes  No If Yes \$ \_\_\_\_\_ % \_\_\_\_\_

\*Match funding from other sources?  Yes  No If Yes \$ \_\_\_\_\_ % \_\_\_\_\_

**\*Funding Source:** \_\_\_\_\_

**\*If Federal funds are received, is funding coming directly from the Federal government or passed through other organization(s)?** \_\_\_\_\_

Contact: Michael D. Stofko

Department: Real Property Telephone: 520-624-6667

Department Director Signature/Date:  6/23/17

Deputy County Administrator Signature/Date:  6/30/17

County Administrator Signature/Date:  6/30/17

*(Required for Board Agenda/Addendum Items)*

|                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                       |                 |                          |                     |                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------------------|---------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <p><b>PIMA COUNTY DEPARTMENT OF:<br/>REAL PROPERTY SERVICES</b></p> <p><b>PROJECT: Accept Donation of Real Property<br/>Consisting of Approximately 374 Fee Acres</b></p> <p><b>DONOR: Fidelity National Title Agency<br/>Trust 60,327</b></p> <p><b>AMOUNT: \$0.00</b></p> | <table border="1"> <tr> <td align="center"><b>CONTRACT</b></td> </tr> <tr> <td>NO. <u>CTN-PW-17-233</u></td> </tr> <tr> <td>AMENDMENT NO. _____</td> </tr> <tr> <td><small>This number must appear on all<br/>invoices, correspondence and<br/>documents pertaining to this<br/>contract.</small></td> </tr> </table> | <b>CONTRACT</b> | NO. <u>CTN-PW-17-233</u> | AMENDMENT NO. _____ | <small>This number must appear on all<br/>invoices, correspondence and<br/>documents pertaining to this<br/>contract.</small> |
| <b>CONTRACT</b>                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                       |                 |                          |                     |                                                                                                                               |
| NO. <u>CTN-PW-17-233</u>                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                       |                 |                          |                     |                                                                                                                               |
| AMENDMENT NO. _____                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                       |                 |                          |                     |                                                                                                                               |
| <small>This number must appear on all<br/>invoices, correspondence and<br/>documents pertaining to this<br/>contract.</small>                                                                                                                                               |                                                                                                                                                                                                                                                                                                                       |                 |                          |                     |                                                                                                                               |

**AGREEMENT TO DONATE REAL PROPERTY**

1. **Parties; Effective Date.** This agreement ("**Agreement**") is entered into by and between Fidelity National Title Agency, Trust 60,327 ("**Donor**") and Pima County, a political subdivision of the State of Arizona ("**Donee**"). Donor and Donee are hereinafter referred to collectively as the "**Parties**". This Agreement shall be effective on the date Donor and Donee have executed this Agreement (the "**Effective Date**"). The date Donee signs is the date this Agreement is signed by the Chair of the Pima County Board of Supervisors.

2. **Background & Purpose.**

2.1. Donor is the owner of certain real property in Pima County, Arizona consisting of approximately three-hundred seventy-four (374) acres, legally described and depicted, collectively, on **Exhibit A** attached hereto, and commonly known as a portion of Assessor's Tax Parcel 216-19-6020, including all structures and improvements situated thereon, if any (the "**Property**");

2.2. Donor desires to donate the Property to Donee, subject to those terms and conditions as set forth with specificity in this Agreement; and

2.3. Donee desires to accept the Property, subject to the express terms and conditions of this Agreement.

3. **Donation.**

3.1. Donor agrees to donate the Property, including all wells, water rights and mineral rights appurtenant to the Property, if any, to the extent, if any, that Donor has

an interest therein, to Donee, free and clear of all liens and encumbrances, except as set forth on **Exhibit B** attached hereto.

3.2. Donor will execute a Special Warranty Deed (the "**Deed**") and any and all related documents conveying the Property to Donee upon presentation of said documents to Donor by Donee's agents or representatives.

3.3. Donor acknowledges and agrees that the decision to donate the Property was made without any undue influence or coercive action of any nature and that the right to an appraisal and to just compensation is hereby waived.

#### 4. **Inspection and Access.**

4.1. Inspection Period. For a period of forty-five (45) days commencing on the Effective Date (the "**Inspection Period**"), Donee (and its respective employees, agents, representatives and contractors) shall have the right to enter upon the Property at reasonable times and from time to time, upon forty-eight (48) hours notice by telephone to Donor, for the purpose of viewing, inspecting, testing, appraising, surveying and studying the Property ("**Inspection**"). Donee shall, promptly following any such Inspection, return the Property to the condition it was in immediately prior to such Inspection. Donee shall, and does hereby agree, to the extent permitted by law, to indemnify and defend Donor and the owner of the Property (if not Donor) against, and hold Donor and the owner of the Property (if not Donor) harmless from, all claims, damages, expenses, and actions arising from any negligence or wrongful misconduct of Donee or Donee's employees or agents, as a result of such Inspection.

4.2. Reports. Within ten (10) days after the Effective Date, Donor shall provide copies to Donee of the following, to the extent such exist and are in Donor's possession or control, use agreements regarding the Property; service, management and other agreements regarding the Property whose terms do not expire prior to the date of the Closing; permits, certificates, plans or specifications regarding the Property; soils reports, property inspections, hazardous/toxic material or environmental reports regarding the Property; surveys of the Property; and registrations, test results and studies regarding any wells located on the Property (all of which shall hereinafter be referred to as the "**Donor Documents**"). If this Agreement is terminated for any reason, all of Donor's Documents and any copies made by Donee of Donor's Documents shall be returned to Donor. During the term of this Agreement, Donee shall deliver to Donor copies of all non-proprietary third party reports, studies, surveys, plats, engineering data or work product or other work product pertaining to the Property as the same are prepared. If Donee terminates this Agreement for any reason, all such third party reports, studies,

surveys, plats or other work product shall be returned to Donee. The delivery by Donor or Donee to the other Party of any such third party reports, studies, surveys, plats, engineering data or work product or other work product shall be without any representation or warranty.

4.3. Environmental Inspection. If an environmental inspection recommends further testing or inspection, Donee may elect, by giving written notice to Donor, to extend the Inspection Period for an additional twenty (20) days, to conduct further investigations. If the Inspection Period is extended, the term "**Inspection Period**" shall then include the additional period.

4.4. Objection Notice. Donee shall provide written notice to Donor, prior to expiration of the Inspection Period, of any items disapproved by Donee as a result of Donee's inspections (including environmental conditions) (the "**Objection Notice**"). If Donee sends an Objection Notice, Donor may, within ten (10) business days of receipt of the Objection Notice, notify Donee if Donor is willing to cure any of the items to which Donee objected (the "**Cure Notice**"). If Donor elects not to send Donee a Cure Notice or if Donor's Cure Notice is not acceptable to Donee, then Donee may elect to terminate this Agreement in which case the Agreement shall be terminated and of no further force and effect. If Donee fails to give the Objection Notice to Donor on or before the expiration of the Inspection Period, Donee shall be deemed to have waived the right to give the Objection Notice.

4.5. Closing Before Inspection Period Expires. Nothing in this Agreement shall preclude Donee from electing to proceed with Closing prior to the expiration of the Inspection Period.

## 5. **Donor's Covenants.**

5.1. No Salvage. Donor shall not salvage or remove any fixtures, improvements, or vegetation from the Property, but this shall not prohibit Donor from removing personal property prior to the Closing. In addition, prior to Closing, the Property shall not be materially degraded by Donor or otherwise changed in any material aspect by Donor.

5.2. Use of Property by Donor. Donor shall, during the term of this Agreement, use the Property on a basis substantially comparable to Donor's historical use thereof. Donor shall make no use of the Property other than the use being made of the Property as of the date this Agreement is signed by the Parties. Donor shall maintain the Property in substantially the same condition as it is presently in, ordinary wear and tear excepted,



and without liens or encumbrances that Donor will be able to cause to be released before the Closing.

5.3. No Encumbrances. Donor shall not encumber the Property with any lien that Donor will be unable to cause to be released before Closing. Donor covenants and agrees that from and after that Agreement Date through the Closing, Donor shall not enter into, execute or record any covenant, deed restriction, or any other encumbrance against the Property.

6. **No Personal Property.** The Parties acknowledge that no personal property is being transferred pursuant to this Agreement, and Donor represent that there is now, or as of Closing will be, no personal property located on Property.

7. **Closing.**

7.1 Closing. The Closing shall take place at Stewart Title and Trust of Tucson, Kim Moss, Escrow Agent, after completion of the Inspection Period, but no later than July 31, 2017, unless otherwise agreed to by the Parties.

7.2 Prorations. The date of closing shall be used for proration of rents, property taxes and other similar costs; assessments due for improvement districts shall be paid in full by the Donor prior to closing; and property taxes shall be prorated based upon the date of closing.

7.3 Deliveries by Donor at Closing. At Closing, Donor shall deliver to Donee the following:

7.3.1 an executed Special Warranty Deed ("**Deed**") in the form of **Exhibit C** attached, conveying fee simple title to the Property subject only to the Permitted Exceptions and to the Deed Restrictions expressly set forth therein;

7.3.2 one or more assignments of all the water rights and well registrations, certificated or claimed, in which Donor has an interest and appurtenant to the Property, if any, and all certificated or claimed Type 2 water rights related to the Property which Donor owns, if any; and

7.3.3 possession of the Property.

7.4 Closing Costs. Donor shall pay all closing costs, including but not limited

to title insurance premium, escrow fees and recording fees.

9. **Binding Agreement.** All provisions set forth herein are binding upon the heirs, successors and assigns of the Parties.

10. **Governing Law.** This Agreement shall be construed under the laws of the State of Arizona.

11. **Conflict of Interest.** This Agreement is subject to cancellation within three (3) years after its execution pursuant to A.R.S. § 38-511 if any person significantly involved in initiating, negotiating, securing, drafting or creating this Agreement on behalf of the County is, at any time while this Agreement or any extension of the Agreement is in effect, an employee or agent of any other party to the Agreement with respect to the subject matter of the Agreement.

The Parties have signed this Agreement on the dates set forth below.

**Donor: Fidelity National Title Agency, Trust 60,327:**

FIDELITY NATIONAL TITLE AGENCY, INC.  
an Arizona corporation as TRUSTEE Under  
TRUST NO. 60,327 and not in its  
corporate capacity.

By: [Signature]  
Name [Signature] Its Trust Officer

Date: 6.14.17

Its: TRUST OFFICER

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**Donee: Pima County, a body politic and corporate of the State of Arizona:**

Sharon Benson  
Chair, Pima County Board of Supervisors

JUL 11 2017  
Date

**Attest:**

M. Maniguez, Deputy  
Julie Castaneda, Clerk of the Board

JUL 11 2017  
Date

APPROVED AS TO CONTENT:

Neil J. Konigsberg  
Neil J. Konigsberg, Manager,  
Real Property Services Department

6/20/17  
Date

Chris Cawein  
Chris Cawein, Director  
Pima County Natural Resources Parks & Recreation

6/22/17  
Date

APPROVED AS TO FORM:

Tobin Rosen 6/23/17  
Tobin Rosen, Deputy County Attorney, Civil Division

TAX PARCEL NUMBER: A portion of 216-19-6020




May 22, 2017  
ASI 12001 (Red Point Development)

**LEGAL DESCRIPTION  
FOR CASCADA NORTH, COMMON AREA A-1**

All of Common Area A-1 of Cascada North, Blocks I through IV and Common Areas "A" and "B" recorded in Sequence No. 20122330029, Records of Pima County, Arizona, located within Section 9 of Township 12 South, Range 12 East, G1a and Salt River Meridian, Pima County, Arizona.

Containing 36.116 acres of land, more or less.

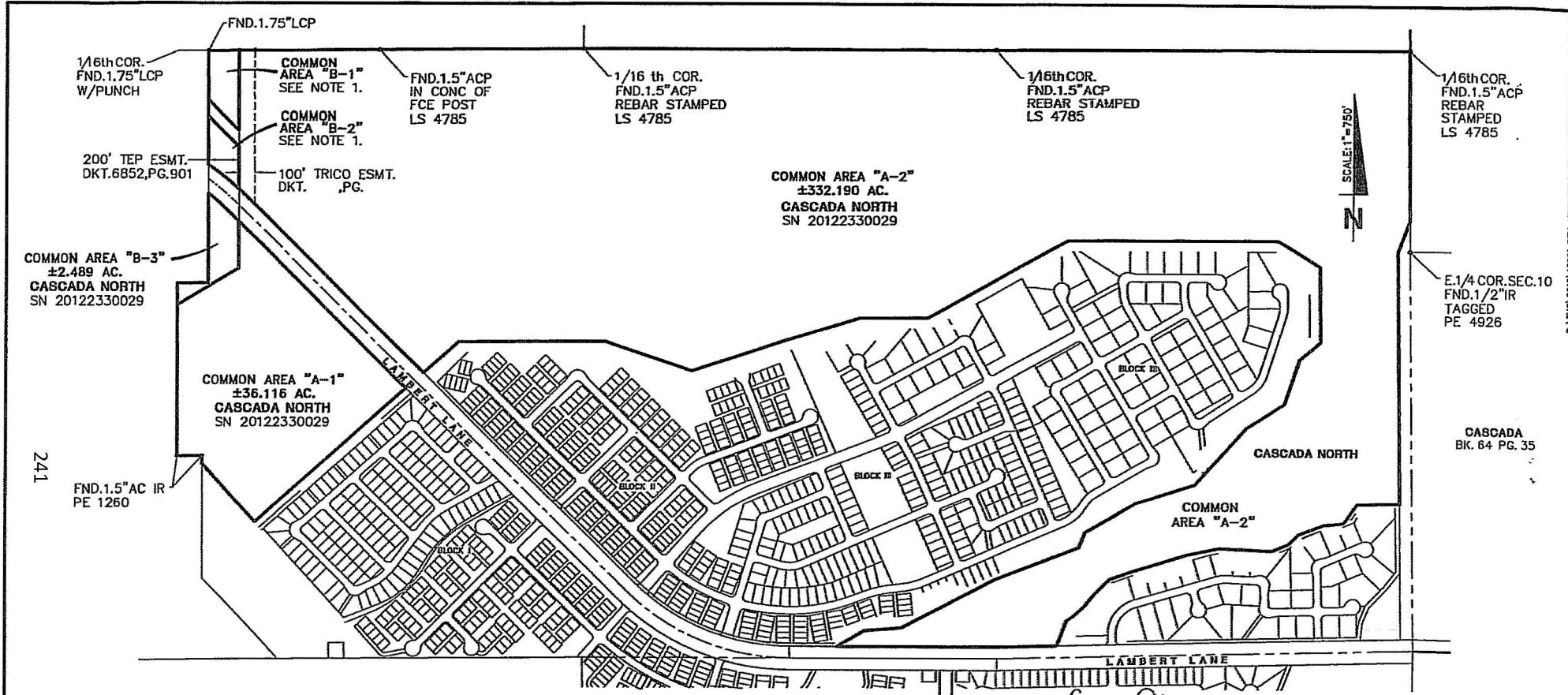
*The Basis of Bearing for this Legal Description is the south line of the northeast quarter of Section 15, Township 12 South, Range 12 East as shown on the Plat of Camino de Manana Estates recorded in Book 27 of Maps and Plats at Page 79, the bearing being N 89 °50'29" E. This is the basis of bearing as shown on both Cascada, Book 64 of Maps and Plats at Page 35 and Cascada North, Sequence No. 20122330029.*

Prepared by:  
AMERSON SURVEYING, INC  
  
MICHAEL K. AMERSON, PLS



EXPIRES 03/31/ 20

C:\YUC\2017\2001 REV. MITIGATION LEGAL COMMON AREAS.dwg 5-21-17



241



Camp Lowell Corporate Center  
 4552 East Camp Lowell Drive  
 Tucson, Arizona, 85712  
 Fax: 325-8703  
 520-325-5883

**LEGEND:**

- FOUND AS NOTED.
- FOUND 1/2" IR, TAG 22245

**NOTES:**

1. AREA OF COMMON AREA "A-1" = ±36.116 AC.  
 AREA OF COMMON AREA "A-2" = ±332.190 AC.  
 AREA OF COMMON AREA "B-1" = ±1.981 AC.  
 AREA OF COMMON AREA "B-2" = ±1.330 AC.  
 AREA OF COMMON AREA "B-3" = ±2.489 AC.



DEPICTION OF EXHIBIT "A" TO ACCOMPANY  
 A LEGAL DESCRIPTION FOR  
 MITIGATION FOR A PORTION OF  
**CASCADA NORTH**  
 RECORDED IN SN 20122330029  
 IN SECTIONS 9&10  
 T-12-S, R-12-E,  
 G & SRM, PIMA COUNTY, ARIZONA  
 ASI 12001, REV. MAY, 23, 2017, PM, SHEET 2 OF 2



May 22, 2017  
ASI 12001 (Red Point Development)

## LEGAL DESCRIPTION FOR CASCADA NORTH, COMMON AREA A-2

All of Common Area A-2 of Cascada North, Blocks I through IV and Common Areas "A" and "B" recorded in Sequence No. 20122330029, Records of Pima County, Arizona, located within Section 9 of Township 12 South, Range 12 East, Gila and Salt River Meridian, Pima County, Arizona.

Containing 332.190 acres of land, more or less.

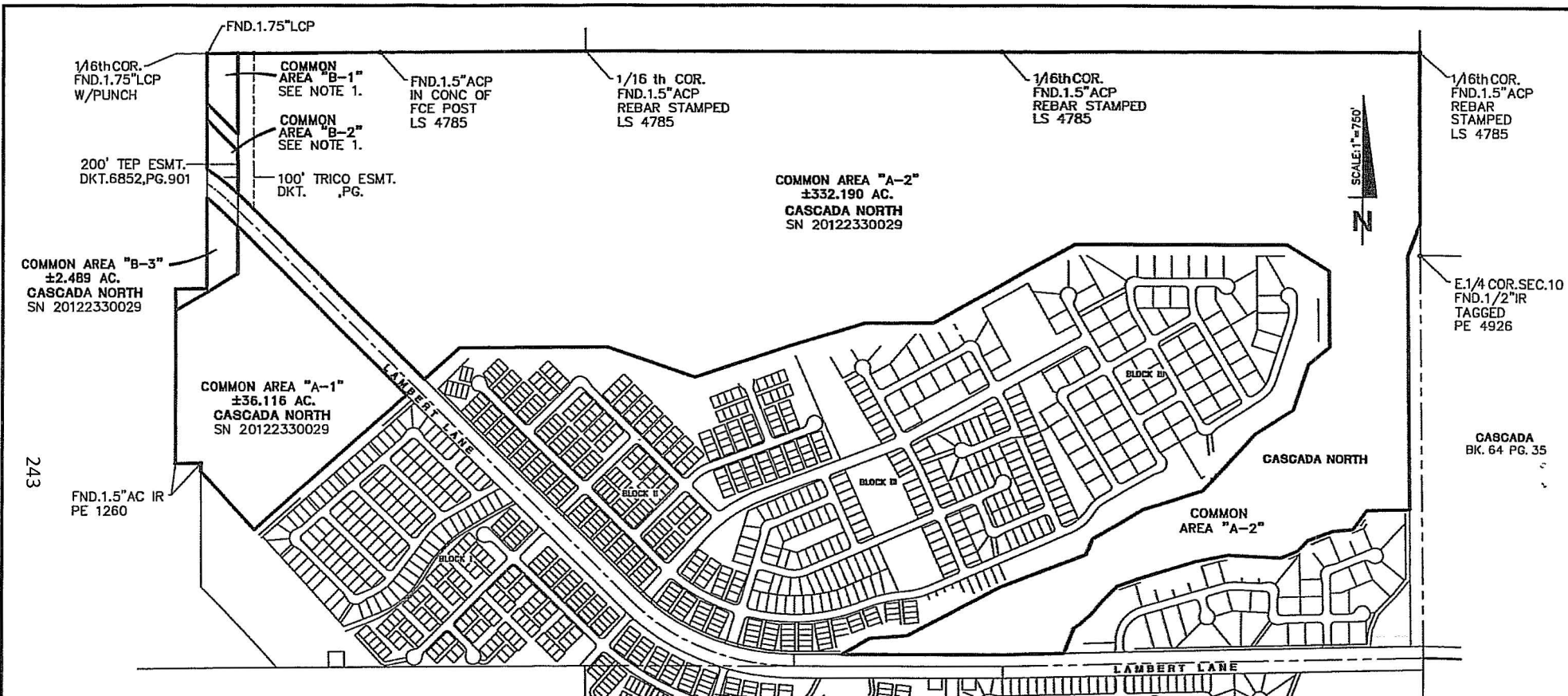
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Prepared by:  
AMERSON SURVEYING, INC.

  
MICHAEL K. AMERSON, PLS



C:\TUC\2012\2001 REV. MITIGATION LEGAL COMMON AREAS.dwg, 5-21-17



Camp Lowell Corporate Center  
 4552 East Camp Lowell Drive  
 Tucson, Arizona, 85712  
 Fax: 325-8703  
 520-325-5883

**LEGEND:**

- FOUND AS NOTED.
- FOUND 1/2" IR, TAG 22245

**NOTES:**

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 AREA OF COMMON AREA "A-2" = ±332.190 AC.  
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 AREA OF COMMON AREA "B-2" = ±1.330 AC.  
 AREA OF COMMON AREA "B-3" = ±2.489 AC.



DEPICTION OF EXHIBIT "A" TO ACCOMPANY  
 A LEGAL DESCRIPTION FOR  
 MITIGATION FOR A PORTION OF  
**CASCADA NORTH**  
 RECORDED IN SN 20122330029  
 IN SECTIONS 9&10  
 T-12-S, R-12-E,  
 G & SRM, PIMA COUNTY, ARIZONA  
 ASI 12001, REV. MAY, 23, 2017, PM, SHEET 2 OF 2



May 22, 2017  
ASI 12001 (Red Point Development)

### LEGAL DESCRIPTION FOR CASCADA NORTH, COMMON AREA B-1

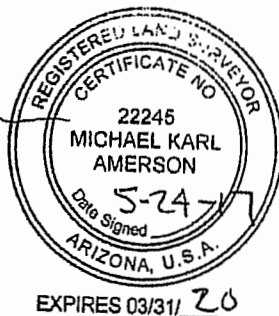
All of Common Area B-1 of Cascada North, Blocks I through IV and Common Areas "A" and "B" recorded in Sequence No. 20122330029, Records of Pima County, Arizona, located within Section 9 of Township 12 South, Range 12 East, Gila and Salt River Meridian, Pima County, Arizona.

Containing 1.981 acres of land, more or less.

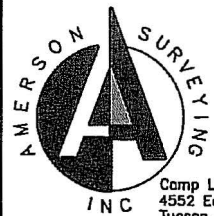
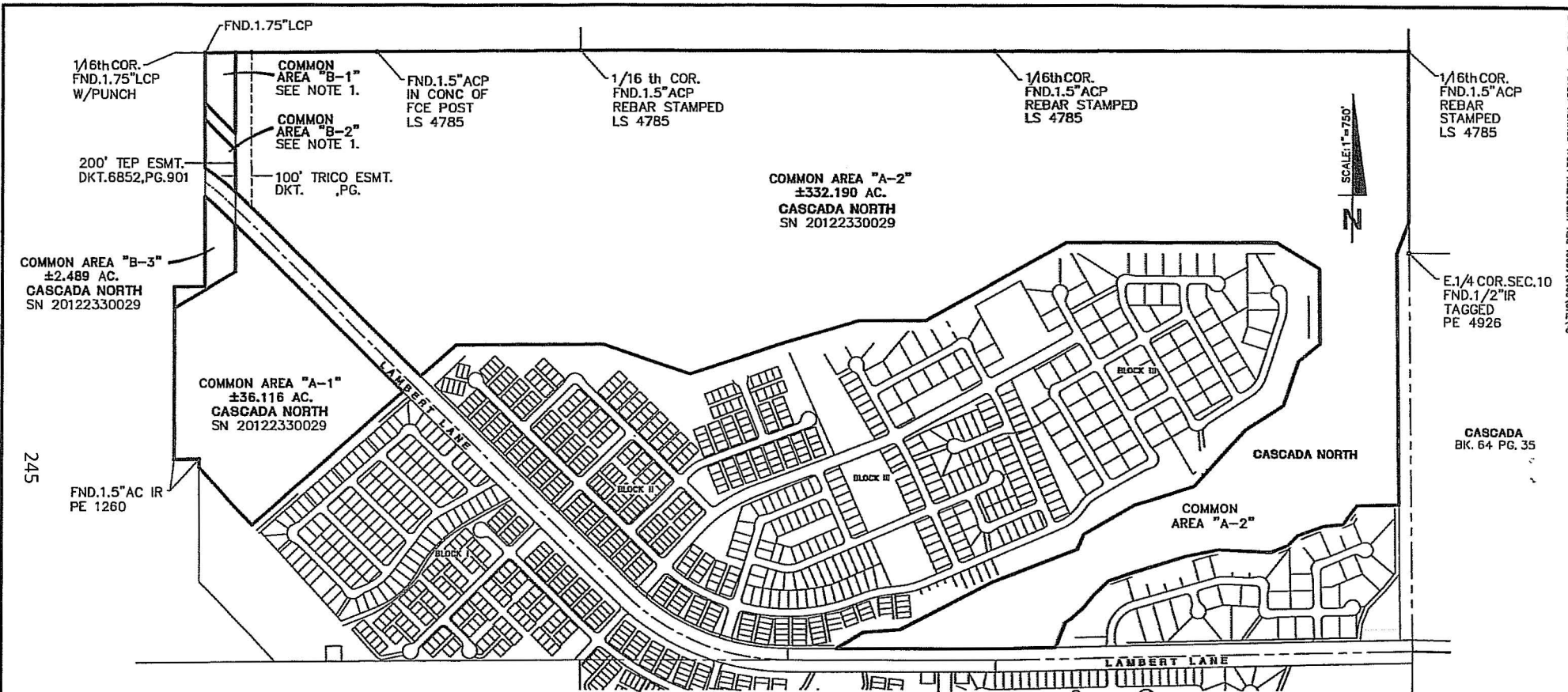
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Prepared by:  
AMERSON SURVEYING, INC.

  
MICHAEL K. AMERSON, PLS







Camp Lowell Corporate Center  
4552 East Camp Lowell Drive  
Tucson, Arizona, 85712  
Fax: 325-8703  
520-325-5883

**LEGEND:**

- FOUND AS NOTED.
- FOUND 1/2" IR, TAG 22245

**NOTES:**

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DEPICTION OF EXHIBIT "A" TO ACCOMPANY  
A LEGAL DESCRIPTION FOR  
MITIGATION FOR A PORTION OF  
**CASCADA NORTH**  
RECORDED IN SN 20122330029  
IN SECTIONS 9&10  
T-12-S, R-12-E,  
G & SRM, PIMA COUNTY, ARIZONA  
ASI 12001, REV. MAY, 23, 2017, PM, SHEET 2 OF 2



May 22, 2017  
ASI 12001 (Red Point Development)

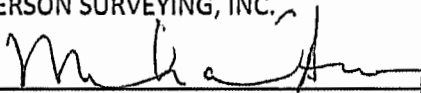
### LEGAL DESCRIPTION FOR CASCADA NORTH, COMMON AREA B-2

All of Common Area B-2 of Cascada North, Blocks I through IV and Common Areas "A" and "B" recorded in Sequence No. 20122330029, Records of Pima County, Arizona, located within Sections 9 of Township 12 South, Range 12 East, Gila and Salt River Meridian, Pima County, Arizona.

Containing 1.330 acres of land, more or less.

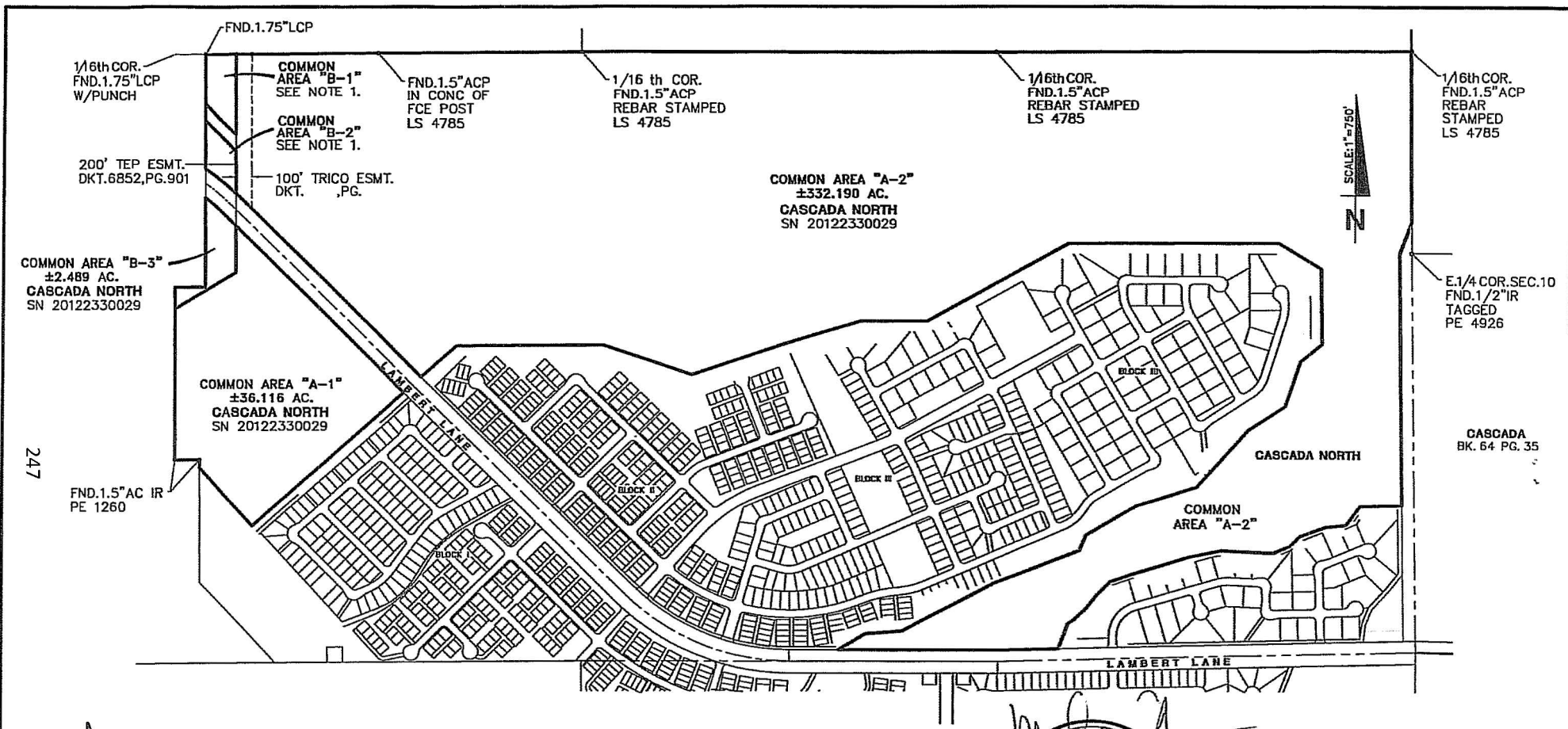
*The Basis of Bearing for this Legal Description is the south line of the northeast quarter of Section 15, Township 12 South, Range 12 East as shown on the Plat of Camino de Manana Estates recorded in Book 27 of Maps and Plats at Page 79, the bearing being N 89°50'29" E. This is the basis of bearing as shown on both Cascada, Book 64 of Maps and Plats at Page 35 and Cascada North, Sequence No. 20122330029.*

Prepared by:  
AMERSON SURVEYING, INC.

  
MICHAEL K. AMERSON, PLS



EXPIRES 03/31/20



**AMERSON SURVEYING**  
INC

Camp Lowell Corporate Center  
4552 East Camp Lowell Drive  
Tucson, Arizona, 85712  
Fax: 325-8703  
520-325-5883

- LEGEND:**
- FOUND AS NOTED.
  - FOUND 1/2" IR, TAG 22245

- NOTES:**
1. AREA OF COMMON AREA "A-1" = ±36.116 AC.  
 AREA OF COMMON AREA "A-2" = ±332.190 AC.  
 AREA OF COMMON AREA "B-1" = ±1.981 AC.  
 AREA OF COMMON AREA "B-2" = ±1.330 AC.  
 AREA OF COMMON AREA "B-3" = ±2.489 AC.



DEPICTION OF EXHIBIT "A" TO ACCOMPANY  
 A LEGAL DESCRIPTION FOR  
 MITIGATION FOR A PORTION OF  
**CASCADA NORTH**  
 RECORDED IN SN 20122330029  
 IN SECTIONS 9&10  
 T-12-S, R-12-E,  
 G & SRM, PIMA COUNTY, ARIZONA  
 ASI 12001, REV. MAY, 23, 2017, PM, SHEET 2 OF 2



May 22, 2017  
ASI 12001 (Red Point Development)


## LEGAL DESCRIPTION FOR CASCADA NORTH, COMMON AREA B-3

All of Common Area B-3 of Cascada North, Blocks I through IV and Common Areas "A" and "B" recorded in Sequence No. 20122330029, Records of Pima County, Arizona, located within Sections 9 of Township 12 South, Range 12 East, Gila and Salt River Meridian, Pima County, Arizona.

Containing 2.489 acres of land, more or less.

*The Basis of Bearing for this Legal Description is the south line of the northeast quarter of Section 15, Township 12 South, Range 12 East as shown on the Plat of Camino de Manana Estates recorded in Book 27 of Maps and Plats at Page 79, the bearing being N 89°50'29" E. This is the basis of bearing as shown on both Cascada, Book 64 of Maps and Plats at Page 35 and Cascada North, Sequence No. 20122330029.*

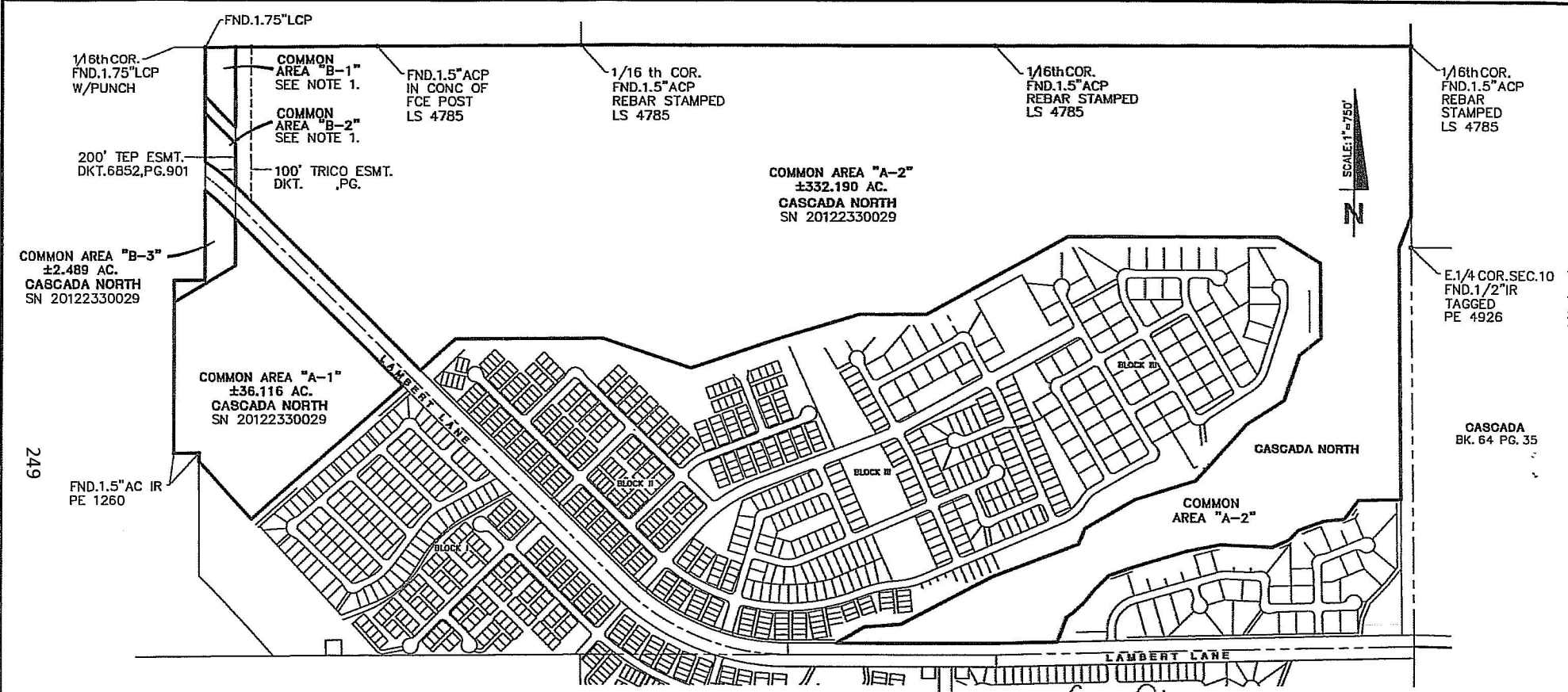
Prepared by:  
AMERSON SURVEYING, INC.

  
MICHAEL K. AMERSON, PLS

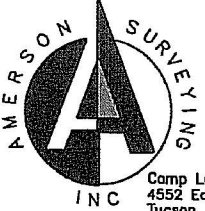


EXPIRES 03/31/ 26

C:\YUC\2017\2001 REV. MITIGATION LEGAL COMMON AREAS.dwg 5-21-17



249



Camp Lowell Corporate Center  
 4552 East Camp Lowell Drive  
 Tucson, Arizona, 85712  
 Fax: 325-8703  
 520-325-5883

**LEGEND:**

- FOUND AS NOTED.
- FOUND 1/2" IR, TAG 22245

**NOTES:**

1. AREA OF COMMON AREA "A-1" = ±36.116 AC.  
 AREA OF COMMON AREA "A-2" = ±332.190 AC.  
 AREA OF COMMON AREA "B-1" = ±1.981 AC.  
 AREA OF COMMON AREA "B-2" = ±1.330 AC.  
 AREA OF COMMON AREA "B-3" = ±2.489 AC.



DEPICTION OF EXHIBIT "A" TO ACCOMPANY  
 A LEGAL DESCRIPTION FOR  
 MITIGATION FOR A PORTION OF  
**CASCADA NORTH**  
 RECORDED IN SN 20122330029  
 IN SECTIONS 9&10  
 T-12-S, R-12-E,  
 G & SRM, PIMA COUNTY, ARIZONA  
 ASI 12001, REV. MAY, 23, 2017, PM, SHEET 2 OF 2

COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B

File No.: 05504-32060

Showing matters which will be excepted in the Policy unless the same are disposed of to the satisfaction of the Company.

- i. Defects, liens, encumbrances, adverse claims or other matters, if any, created first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
- ii. Subject to the usual printed exclusions and exceptions contained in the regular form of policy, reprinted for reference on the Addendum attached hereto.

The following matters will be excepted in Schedule B of the policy to be issued:

1. Taxes and assessments collectible by the County Treasurer, not yet due and payable for the year 2017.
2. Any action by the County Assessor and/or Treasurer, altering the current or prior tax assessment, subsequent to the date of the Policy of Title Insurance.
3. Water rights, claims or title to water, and agreements, covenants, conditions or rights incident thereto, whether or not shown by the public records.
4. Reservations or exceptions in Patents or in Acts authorizing the issuance thereof.
5. Easements, restrictions, reservations and conditions as set forth on the recorded plat of said subdivision recorded in Book 27 of Maps and Plats at page 78; effect of instrument recorded in Docket 8096, page 1795 and re-recorded in Docket 8511, page 789; and in Book 64 of Maps and Plats at page 35 and in Sequence No. 2012-2330029.
6. Easement for telephone and telegraph lines and rights incident thereto, as set forth in instrument recorded in Book 103 of Miscellaneous Records, page 225 ; Partial Release in Docket 10957, page 843.
7. Conveyance of all underground or percolating waters, except such water as may be used by the owners and inhabitants of said land for domestic purposes in deed recorded in Book 314 of Deeds, page 445.
8. Easement for electric transmission and distribution lines and rights incident thereto, as set forth in instrument recorded in Docket 6852, page 901.
9. Restrictions, Conditions, Covenants, Reservations, including but not limited to any recitals creating easements, liabilities, obligations or party walls, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin contained in instrument recorded in Docket 7649, page 1138. (MP 27-78)
10. Any private rights or easements within the road, street or alley abandoned by Resolution or Ordinance recorded in Docket 8096, page 1795 and re-recorded in Docket 8511, page 789.
11. Terms, conditions, covenants, restrictions, easements, liabilities and obligations as set forth in Development Agreement recorded in Docket 9038, page 353.(166 pages)
12. Survey matters as disclosed in deed recorded in Docket 9383, page 700.
13. Provisions within Resolution No 1996-FC-6 re: condemn of real property for improvements for flood control recorded in Docket 10325, page 1238.

COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B

File No.: 05504-32060

14. Provisions within Marana Ordinance No. 97.23 recorded in Docket 10626, page 609.
15. Provisions within Resolution No. 2007-82 recorded in Docket 13057, page 671.
16. Terms, conditions, covenants, restrictions, easements, liabilities and obligations as set forth in Cascada Specific Plan Development Agreement recorded in Docket 13057, page 673.
17. Provisions within Ordinance No. 2006-23 re: rezoning in Docket 12945, page 5279 and re-recorded in Docket 13063, page 4204.
18. Restrictions, Conditions, Covenants, Reservations, including but not limited to any recitals creating easements, liabilities, obligations or party walls, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin contained in instrument recorded in Docket 13480, page 1394. (MP 64/35)
19. Certificate of Grandfathered Groundwater Right #55-604339 recorded in Docket 13514, page 174.
20. Provisions within Marana Ordinance No. 2011-31 re: rezoning recorded in Sequence No. 2011-3250231.
21. Liabilities and obligations imposed upon said land by reason of its inclusion within Cortaro Marana Irrigation District and Cortaro Marana Water Users Association.
22. Liabilities and obligations imposed upon said land by reason of its inclusion within Marana General Plan.
23. Liabilities and obligations imposed upon said land by reason of its inclusion within Cascada North Specific Plan.
24. Liabilities and obligations imposed upon said land by reason of its inclusion within Northwest Fire District.
25. Any adverse claim to any portion of said land which has been created by artificial means or which is accretion, alluvion, dereliction or avulsion with particular reference to that portion of the subject property lying within any wash or arroyo and its tributaries, or flood prone areas.
26. Any easements or rights of way not disclosed by those public records which impart constructive notice and which are not visible and apparent from an inspection of the surface of said land.

## EXHIBIT B TO SPECIAL WARRANTY DEED

### RESTRICTIVE COVENANT

This Restrictive Covenant (“**Restrictive Covenant**”) is attached to and incorporated in the Special Warranty Deed (the “**Deed**”) entered into by Fidelity National Title Agency, Trust 60327, as “**Grantor**”, and Pima County, a political subdivision of the State of Arizona, as “**County**” (Grantor and County being collectively the “**Parties**”), and effective on recording of the Deed.

#### 1. Background and Purpose

1.1. Grantor owns the real property described in Exhibit A to the Deed (the “**Property**”). There are no structures or other man-made improvements existing on the Property.

1.2. Grantor has agreed to convey the Property to County provided that it is subject to the terms contained in this Restrictive Covenant.

1.3. The United States Army Corps of Engineers (“**ACOE**”) is the federal agency charged with the primary responsibility for regulating activities in waters of the United States, including wetlands, with regulatory authority over discharges of dredged and fill material into such waters pursuant to Section 404 of the Clean Water Act, and is a third party beneficiary (“**Beneficiary**”) of this Restrictive Covenant.

1.4. The Parties intend that this Restrictive Covenant assure that the Property will be forever preserved as natural open space for wildlife, flood hazard reduction and natural recharge, and the protection of cultural resources (collectively the “**Conservation Values**”).

#### 2. Nature of Restrictive Covenant

2.1. This Restrictive Covenant runs with the land and binds the County and its successors and assigns, and remains in perpetuity unless released by written consent of County and Beneficiary. The Property shall be held, transferred, conveyed, leased, occupied or otherwise disposed of and used subject to the terms and conditions of this Restrictive Covenant.

2.2. This Restrictive Covenant may not be amended or modified except upon written agreement of County and Beneficiary.

2.3. This Restrictive Covenant may be enforced by the Beneficiary as provided in Section 7 below.



3. **The Restrictions.** Except as provided in Section 4 of this Restrictive Covenant, the following uses of the Property are prohibited (collectively the “**Restrictions**”):

3.1. Development of the Property, including subdividing or lot splitting of the Property;

3.2. Construction or placement of new or additional buildings or structures on the Property, unless the construction supports the purposes for which the Property was originally intended and does not degrade the Property’s values as expressed in the purpose statement;

3.3. Alteration of the ground surface or natural vegetation, except as may be needed for habitat improvements, to promote the recovery or reestablishment of native species, fencing and maintenance of utility easements, and trail-based recreational uses;

3.4. Impoundment, diversion or alteration of any natural watercourse unless for watershed enhancement to improve species habitat or to maintain the Property’s natural and cultural values. Impoundment, diversion, or alteration may occur when necessary for flood-control purposes and approved by the Beneficiary;

3.5. Development of, or the granting of, access, rights-of -way or easements for new roads or new utilities, including telecommunications facilities, except where County has no discretion to prohibit the activity;

3.6. Filling, excavation, dredging, mining, drilling, exploration, or extraction of minerals, hydrocarbons, soils, sand, gravel, rock or other materials on or below the surface of the Property, except where County has no discretion to prohibit the activity;

3.7. Storage, accumulation or disposal of hazardous materials, trash, garbage, solid waste or other unsightly material on the Property;

3.8. Introduction of non-native fish or amphibians or other non-native animals to or from catchments, tanks, springs or creeks;

3.9. Storage and use of biocides and chemical fertilizers. Aerial application of biocide or other chemicals is prohibited except where County determines that it is an appropriate and necessary management technique to promote the recovery and re-establishment of native species, to reduce threats to ecosystem structure and function, or to protect public health, safety and welfare;

3.10. Pumping of water from existing diversions for purposes other than on-site wildlife, recreational, and habitat enhancement uses. Increases in the pumped amounts of surface or subsurface water as allowed by the Arizona Department of Water Resources are not permitted without joint approval from the County and Beneficiary;

- 3.11. Installation of underground storage tanks for petroleum or other polluting substances;
- 3.12. Confinement or grazing of livestock. This includes feeder cattle, dairy, pig, poultry and exotic animal farm operations;
- 3.13. Commercial enterprises inconsistent with the Conservation Values;
- 3.14. Residential use for mobile homes, travel trailers, tent trailers, self-propelled recreational vehicles and like structures or vehicles, except as needed to support the protection or enhancement of the Property's natural and cultural values;
- 3.15. Creation or maintenance of trails and roads, except as provided in Subsection 4.6;
- 3.16. Any modification of the topography of the Property through the placement of soil, dredging spoils, or other material, except for those uses permitted under this document, or to reduce soil erosion or to protect public health, safety and welfare;
- 3.17. Off-road vehicular travel except to facilitate permitted activities on the Property;
- 3.18. Removal of natural, mineral, or cultural resources not otherwise allowed by this Restrictive Covenant; and
- 3.19. Removal or disturbance of archaeological sites that is not authorized by this Restrictive Covenant.

4. **Exceptions to Restrictions.** Notwithstanding any other provision of this Restrictive Covenant, the following uses of the Property are not prohibited:

- 4.1. Any use of the Property which the County Board of Supervisors determines, based on clear and convincing evidence presented to said Board, is necessary to address the public health, safety or welfare;
- 4.2. Vegetation removal and/or alteration as reasonable and necessary for habitat improvements, to promote the recovery or reestablishment of native species, and/or for fencing and maintaining utility easements;
- 4.3. Use of surface or subsurface water from water developments or natural sources for on-site habitat improvements, wildlife waters, firefighting, or dust control;
- 4.4. Prescribed fire for areas of 10 acres or less;

4.5. Wildlife management activities carried out in cooperation with the Arizona Game and Fish Department; and/or

4.6. Construction and maintenance of trails for property maintenance and site inspections. Non-motorized recreation trails may be allowed on a limited basis to control the proliferation of wildcat trails and protect sensitive resources. Non-motorized trails will be sustainably designed, located, constructed, and maintained according to best management practices. Trails shall be unimproved (i.e., no hardened surfaces, concrete, or asphalt) and be no more than five (5) feet in width, except (i) for trails existing on the date this Restrictive Covenant is recorded, and (ii) unless otherwise required by law.

## 5. **Obligations of County**

5.1. Maintenance of Property. County, through its employees, agents and contractors, retains all responsibilities and will bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property, including but not limited to removal of trash. County remains solely responsible for obtaining any applicable governmental permits and approvals for any activity or use undertaken on the Property. All such activity shall comply with all applicable Federal, state, and local laws, regulations, and requirements.

5.2. Indemnification of ACOE. To the extent allowable by law, County will indemnify, defend and hold harmless ACOE and its respective directors, officers, employees, agents, contractors, and representatives and the heirs, personal representatives, successors and assigns of each of them (each a “**Third-Party Beneficiary Indemnified Party**” and collectively, “**Third-Party Beneficiary Indemnified Parties**”) from and against any and all liabilities, penalties, costs, losses, damages, expenses (including, without limitation reasonable attorneys' fees and experts' fees), causes of action, claims, demands, orders, liens or judgments (each a “**Claim**” and, collectively, “**Claims**”), arising from or in any way connected with injury to or the death of any person, or physical damage to any property, regardless of cause; provided, however, that this indemnity will not extend to any claim, demand or cause of action relating to any negligence on the part of Beneficiary in the performance of its obligations under this Restrictive Covenant.

5.3. Inspections. County, through its employees, agents and contractors, at County's expense, will conduct an inspection of the Property at least annually to determine if there are any violations; will prepare an inspection report; and will make reports available to ACOE upon request.

6. **ACOE's Rights.** To accomplish the Purpose of this Restrictive Covenant, Grantor hereby grants and conveys the following rights to ACOE (but without obligation of the ACOE):

6.1. A non-exclusive easement on and over the Property to preserve and protect the Conservation Values of the Property; and

6.2. A non-exclusive easement on and over the Property to enter upon the Property to monitor County's compliance with and to otherwise enforce the terms of this Restrictive Covenant; and

6.3. A non-exclusive easement on and over the Property to prevent any activity on or use of the Property that is inconsistent with the Purpose of this Restrictive Covenant and to require the restoration of such areas or features of the Property that may be damaged by any act, failure to act, or any use that is inconsistent with the Purpose of this Restrictive Covenant; and

6.4. All present and future development rights allocated, implied, reserved or inherent in the Property; such rights are hereby terminated and extinguished, and may not be used on or transferred to any portion of the Property, nor any other property adjacent or otherwise; and

6.5. The right to enforce by any means, including, without limitation, injunctive relief, the terms and conditions of this Restrictive Covenant.

## 7. **Enforcement.**

7.1. Right to Enforce. County, its successors and assigns, grant to ACOE and U.S. Department of Justice a discretionary right to enforce this Restrictive Covenant in a judicial or administrative action against any person(s) or other entity (ies) violating or attempting to violate this Restrictive Covenant; provided, however, that no violation of this Restrictive Covenant shall result in a forfeiture or reversion of title. The U.S. Department of Justice shall have the same rights, remedies and limitations as ACOE under this Section 7. The rights under this Section are in addition to, and do not limit rights conferred in Section 6 above, the rights of enforcement against County, its successor or assigns under the Section 404 Permit, or any rights of the various documents created thereunder or referred to therein.

### 7.2. Notice.

7.2.1. If ACOE determines County is in violation of the terms of this Restrictive Covenant or that a violation is threatened, ACOE may demand the cure of such violation. In such a case, ACOE shall issue a written notice to County (hereinafter "**Notice of Violation**") informing County of the violation and demanding cure of such violation.

7.2.2. County shall cure the noticed violation within thirty (30) days of receipt of said written notice from ACOE. If said cure reasonably requires more than thirty (30) days, County shall, within the thirty (30) day period submit to ACOE for review and approval a plan and time schedule to diligently complete a cure. County shall complete

such cure in accordance with the approved plan. If County disputes the Notice of Violation, it shall issue a written notice of such dispute (hereinafter “**Notice of Dispute**”) to the ACOE within thirty (30) days of receipt of written Notice of Violation.

7.2.3. If County fails to cure the noticed violation(s) within the time period(s) described in Subsection 7.2.2 above, or Subsection 7.3 below, ACOE may bring an action at law or in equity in a court of competent jurisdiction to enforce compliance by County with the terms of this Restrictive Covenant. In such action, the ACOE may (i) recover any damages to which they may be entitled for violation by County of the terms of this Restrictive Covenant, (ii) enjoin the violation, *ex parte* if necessary, by temporary or permanent injunction without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies, or (iii) pursue other equitable relief, including, but not limited to, the restoration of the Property to the condition in which it existed prior to any such violation or injury. ACOE may apply any damages recovered to the cost of undertaking any corrective action on the Property.

7.2.4. If County provides ACOE with a Notice of Dispute, as provided herein, ACOE shall meet and confer with County at a mutually agreeable place and time, not to exceed thirty (30) days from the date that ACOE receives the Notice of Dispute. ACOE shall consider all relevant information concerning the disputed violation provided by County and shall determine whether a violation has in fact occurred and, if so, whether the Notice of Violation and demand for cure issued by ACOE is appropriate in light of the violation.

7.2.5. If, after reviewing County’s Notice of Dispute, conferring with County, and considering all relevant information related to the violation, ACOE determines that a violation has occurred, ACOE shall give County notice of such determination in writing. Upon receipt of such determination, County shall have thirty (30) days to cure the violation. If said cure reasonably requires more than thirty (30) days, County shall, within the thirty (30) day period submit to ACOE for review and approval a plan and time schedule to diligently complete a cure. County shall complete such cure in accordance with the approved plan.

7.3. Immediate Action. If ACOE determines that circumstances require immediate action to prevent or mitigate significant damage to the Conservation Values of the Property, ACOE may immediately pursue all available remedies, including injunctive relief, available pursuant to both this Restrictive Covenant and state and federal law after giving County at least twenty four (24) hours’ written notice before pursuing such remedies. So long as such twenty four (24) hours’ notice is given, ACOE may immediately pursue all available remedies without waiting for the expiration of the time periods provided for cure or Notice of Dispute as described in Subsection 7.2.2. The written notice pursuant to this paragraph may be transmitted to County by facsimile. The rights of ACOE under this paragraph apply equally to actual or threatened violations of the terms of this Restrictive Covenant. County agrees that the remedies at law for ACOE for any violation

of the terms of this Restrictive Covenant are inadequate and that ACOE shall be entitled to the injunctive relief described in this section, both prohibitive and mandatory, in addition to such other relief to which ACOE may be entitled, including specific performance of the terms of this Restrictive Covenant, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. The remedies described in this Subsection 7.3 shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

7.4. Costs of Enforcement. Any costs incurred by ACOE, as the prevailing party, in enforcing the terms of this Restrictive Covenant against County including, but not limited to, costs of suit and attorneys' fees, and any costs of restoration necessitated by County's negligence or breach of this Restrictive Covenant shall be borne by County.

7.5. Enforcement Discretion. Enforcement of the terms of this Restrictive Covenant shall be at the discretion of ACOE. Any forbearance by ACOE to exercise rights under this Restrictive Covenant in the event of any breach of any term of this Restrictive Covenant by County shall not be deemed or construed to be a waiver by ACOE of such term or of any subsequent breach of the same or any other term of this Restrictive Covenant or of any of the rights of ACOE under this Restrictive Covenant. No delay or omission by ACOE in the exercise of any right or remedy upon any breach by County shall impair such right or remedy or be construed as a waiver. Further, nothing in this Restrictive Covenant creates a non-discretionary duty upon ACOE to enforce its provisions, nor shall deviation from the terms and procedures or failures to enforce its provisions give rise to a private right of action against ACOE by any third party.

7.6. Acts Beyond County's Control. Nothing contained in this Restrictive Covenant shall be construed to entitle ACOE to bring any action against County for any injury to or change in the Property resulting from:

7.6.1. Any natural cause beyond County's control, including without limitation, fire not caused by County, flood, storm, and earth movement; or

7.6.2. Any prudent action taken by County under emergency conditions to prevent, abate, or mitigate significant injury to persons and/or the Property resulting from such causes, provided that once the emergency has abated, County, its successors or assigns promptly take all reasonable and necessary actions required to restore any damage caused by County's actions to the Property to the condition it was in immediately prior to the emergency; or

7.6.3. Acts of third parties (including any governmental agencies) that are beyond County's control.

Notwithstanding the foregoing, County must obtain any applicable governmental permits and approvals for any emergency activity or use permitted by this Restrictive Covenant

and undertake any activity or use in accordance with all applicable federal, state, local and administrative agency statutes, ordinances, rules, regulations, orders or requirements.

8. **Access.** This Restrictive Covenant does not convey a general right of access to the public.

9. **Notices.** Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and be served personally or sent by first class mail, postage prepaid, addressed as follows:

If to County: Natural Resources Parks and Recreation Department  
Attn: Director  
Pima County Public Works  
3500 W. River Road  
Tucson, Arizona 85741

With a copy to: Office of Sustainability and Conservation Land  
Attn: Director  
Pima County Public Works  
201 N Stone Ave., 6<sup>th</sup> Fl  
Tucson, Arizona 85701

To ACOE: District Counsel  
U.S. Army Corps of Engineers  
915 Wilshire Blvd, Room 1535  
Los Angeles, CA 90017-3401

or to such other address as either party shall designate by written notice to the other. Notice shall be deemed effective upon delivery in the case of personal delivery or, in the case of delivery by first class mail, five (5) days after deposit into the United States mail.

The parties agree to accept facsimile signed documents and agree to rely upon such documents as if they bore original signatures. Each party agrees to provide to the other parties, within seventy-two (72) hours after transmission of such a facsimile, the original documents that bear the original signatures.

10. **Amendment.** County may amend this Restrictive Covenant only after written concurrence by ACOE. Any such amendment shall be consistent with the Purpose of this Restrictive Covenant and shall not affect its perpetual duration. County shall record any amendments to this Restrictive Covenant approved by ACOE in the official records of Pima County, Arizona, and shall provide a copy of the recorded document to ACOE.

11. **Recordation.** County, its successor or assign shall promptly record the Deed and this instrument in the official records of Pima County, Arizona, and provide a copy of the recorded document to ACOE.

12. **Estoppel Certificate.** Upon request, ACOE shall within fifteen (15) days execute and deliver to County, its successor or assign a letter confirming that (a) this Restrictive Covenant is in full force and effect, and has not been altered, amended, or otherwise modified (except as specifically noted in the letter), (b) there are no pending or threatened enforcement actions against County except as disclosed in the letter, (c) to the knowledge of the ACOE, there are no uncured violations under the Restrictive Covenant, and no facts or circumstances exist that, with the passage of time, could constitute a violation under the Restrictive Covenant, except as disclosed in the letter.

13. **No Hazardous Materials Liability.**

13.1. Grantor represents and warrants that to Grantor's actual knowledge there has been no release or threatened release of Hazardous Materials (defined below) or underground storage tanks existing, generated, treated, stored, used, released, disposed of, deposited or abandoned in, on, under, or from the Property, or transported to or from or affecting the Property. Without limiting the obligations of County under Subsection 5.2 herein, County hereby releases and agrees to indemnify, protect and hold harmless the Third Party Beneficiary Indemnified Parties (defined in Subsection 5.2) against any and all Claims (defined in Subsection 5.2) arising from or connected with any Hazardous Materials present, or otherwise alleged to be present, on the Property at any time, except that this release and indemnification shall be inapplicable to the Third Party Beneficiary Indemnified Parties with respect to any Hazardous Materials placed, disposed or released by third party beneficiaries, their employees or agents. This release and indemnification includes, without limitation, Claims for (i) injury to or death of any person or physical damage to any property; and (ii) the violation or alleged violation of, or other failure to comply with, any Environmental Laws (defined below).

13.2. Despite any contrary provision of this Restrictive Covenant, the Parties do not intend this Restrictive Covenant to be, and this Restrictive Covenant shall not be, construed such that it creates in or gives ACOE any of the following:

13.2.1. The obligations or liabilities of an "owner" or "operator," as those terms are defined and used in Environmental Laws (defined below), including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. Section 9601 et seq.; hereinafter, "**CERCLA**"); or

13.2.2. The obligations or liabilities of a person described in 42 U.S.C. Section 9607(a)(3) or (4); or

13.2.3. The obligations of a responsible person under any applicable Environmental Laws; or



13.2.4. The right to investigate and remediate any Hazardous Materials associated with the Property; or

13.2.5. Any control over County's ability to investigate, remove, remediate or otherwise clean up any Hazardous Materials associated with the Property.

13.3. The term "**Hazardous Materials**" includes, without limitation, (i) material that is flammable, explosive or radioactive; (ii) petroleum products, including by-products and fractions thereof; and (iii) hazardous materials, hazardous wastes, hazardous or toxic substances, or related materials defined in CERCLA, the Resource Conservation and Recovery Act (42 U.S.C. Section 6901 et seq.); the Hazardous Materials Transportation Act (49 U.S.C. Section 5101 et seq.); Title 49 of Arizona Revised Statutes, and in the regulations adopted and publications promulgated pursuant to them, or any other applicable federal, state or local laws, ordinances, rules, regulations or orders now in effect or enacted after the date of this Restrictive Covenant.

13.4. The term "**Environmental Laws**" includes, without limitation, any federal, state, local or administrative agency statute, ordinance, rule, regulation, order or requirement relating to pollution, protection of human health or safety, the environment or Hazardous Materials. County represents, warrants and covenants to ACOE that activities upon and use of the Property by County, its agents, employees, invitees and contractors will comply with all Environmental Laws.

14. **Extinguishment.** If circumstances arise in the future that render the Purpose of the Restrictive Covenant impossible to accomplish, the Restrictive Covenant can only be terminated or extinguished, in whole or in part, by judicial proceedings in a court of competent jurisdiction.

15. **Change of Conditions.** If one or more of the Purpose of this Restrictive Covenant may no longer be accomplished, such failure of purpose shall not be deemed sufficient cause to terminate the entire Restrictive Covenant as long as any other purpose of the Restrictive Covenant may be accomplished. In addition, the inability to carry on any or all of the permitted uses, or the unprofitability of doing so, shall not impair the validity of this Restrictive Covenant or be considered grounds for its termination or extinguishment. County agrees that global warming and climate change-caused effects shall not be a basis for termination of this Restrictive Covenant.

#### 16. **Assignment and Subsequent Transfers.**

16.1. County agrees to incorporate the terms of this Restrictive Covenant in any deed or other legal instrument by which County divests itself of any interest in all or a portion of the Property. County, its successor or assign agrees to (i) incorporate by reference to the title of and the recording information for this Restrictive Covenant in any deed or other legal instrument by which each divests itself of any interest in all or a portion of the Property, including, without limitation, a leasehold interest and (ii) give actual notice to any such transferee or lessee of the existence of this Restrictive Covenant. County, its

successor or assign, agrees to give written notice to ACOE of the intent to transfer any interest at least sixty (60) days prior to the date of such transfer. Any subsequent transferee shall be deemed to have assumed the obligations of this Restrictive Covenant and to have accepted the restrictions contained herein. The failure of County, its successor or assign to perform any act provided in this Section shall not impair the validity of this Restrictive Covenant or limit its enforceability in any way.

16.2. From and after the date of any transfer of all or any portion of the Property by County and each transfer thereafter, (i) the transferee shall be deemed to have assumed all of the obligations of County as to the portion transferred, as set forth in this Restrictive Covenant, (ii) the transferee shall be deemed to have accepted the restrictions contained herein as to the portion transferred, (iii) the transferor, as applicable, shall have no further obligations hereunder, and (iv) all references to County in this Restrictive Covenant shall thereafter be deemed to refer to such transferee.

## **17. General Provisions**

17.1. The laws and regulations of the State of Arizona govern this Restrictive Covenant. Any action relating to this Restrictive Covenant must be brought in a court of the State of Arizona in Pima County.

17.2. Unless the context requires otherwise, the term "including" means "including but not limited to."

17.3. Each provision of this Restrictive Covenant stands alone, and any provision of this Restrictive Covenant found to be prohibited by law is ineffective only to the extent of such prohibition without invalidating the remainder of this Restrictive Covenant.

17.4. This instrument sets forth the entire agreement of the County and Beneficiary with respect to this Restrictive Covenant.

**RESOLUTION OF THE PIMA COUNTY BOARD OF  
SUPERVISORS ACCEPTING A DONATION OF A 374 ACRE  
PARCEL OF UNDEVELOPED REAL PROPERTY FROM  
FIDELITY NATIONAL TITLE AGENCY, TRUST NO. 60,327  
AND DESIGNATING THE DONATION PARCEL AS PART  
OF THE COUNTY PARKS SYSTEM**

**The Board of Supervisors of Pima County, Arizona finds:**

1. Fidelity National Title Agency, Inc., an Arizona Corporation, in its capacity as Trustee under Trust Number 60,327, and not in its corporate capacity ("Donor") owns a parcel of undeveloped land consisting of approximately three-hundred seventy-four (374) acres and located east of Interstate 10 and northwest of Twin Peaks Road in the Town of Marana (the "Donation Parcel");
2. Donor is desirous of conveying to the County, by donation, the entirety of the Donation Parcel in fee;
3. County is desirous of accepting the donation of the Donation Parcel from Donor;
4. County and Donor have agreed upon the terms of a Donation Agreement to effectuate the conveyance of the Donation Parcel to the County;
5. County has the authority under A.R.S. Section 11-932 to acquire lands and dedicate the same as Parks; and
6. The Donation Parcel is being acquired for open space and conservation values and will be administered by the Pima County Department of Natural Resources, Parks and Recreation;

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Donation Agreement is hereby approved.

2. The Chair is hereby authorized and directed to sign the Donation Agreement on behalf of the Pima County Board of Supervisors accepting title to the Donation Parcel.


3. The Chair is also hereby authorized to sign any and all additional documents related to the acquisition of the Donation Parcel for the Pima County Board of Supervisors.

4. The Pima County Board of Supervisors hereby designates the Donation Parcel, as and when the Deed is recorded, as part of the Pima County Parks System.

5. The various officers and employees of Pima County are hereby authorized and directed to perform all acts necessary and desirable to give effect to this Resolution.

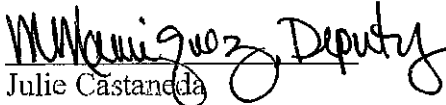
PASSED, ADOPTED AND APPROVED this 11th day of July, 2017.

**PIMA COUNTY BOARD OF SUPERVISORS:**

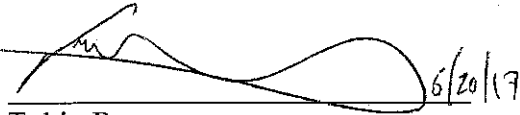
  
Sharon Bronson, Chair

JUL 11 2017  
Date

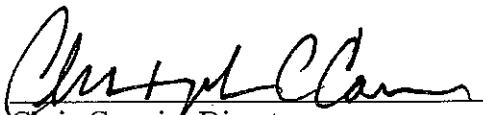
ATTEST:

  
Julie Castaneda  
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

  
Tobin Rosen  
Deputy County Attorney

APPROVED AS TO CONTENT:

  
Chris Cawein, Director  
Pima County Natural Resources  
Parks and Recreation Department

**ATTACHMENT 2G.**

F. ANN RODRIGUEZ, RECORDER  
Recorded By: JAL  
DEPUTY RECORDER  
4916

PCREA  
PIMA CO REAL PROPERTY SERVICES  
PICKUP



SEQUENCE: 20163370055  
NO. PAGES: 36  
RES 12/02/2016  
9:13:59  
PICK UP  
AMOUNT PAID: \$0.00

WHEN RECORDED RETURN TO:  
PIMA COUNTY REAL PROPERTY SERVICES  
ATTN.: MICHAEL D. STOFKO  
201 N. STONE, 6<sup>TH</sup> FLOOR  
TUCSON, AZ 85701-1215

**DOCUMENT TITLE: CITY OF TUCSON MAYOR AND COUNCIL  
RESOLUTION APPROVING GRANT OF RESTRICTIVE  
COVENANT IN FAVOR OF PIMA COUNTY**

**Exempt per ARS Section 11-1134 (A) (2)**

**CERTIFICATE OF CLERK**  
**City of Tucson**

**State of Arizona** }  
**County of Pima** } ss

*I, Roger W. Randolph, the duly appointed and qualified City Clerk of the City of Tucson, Arizona, do hereby certify pursuant to Tucson Code § 2-102, that the following is a true and correct copy of Mayor and Council Resolution No. 22637, which was passed and adopted by the Mayor and Council of the City of Tucson, Arizona, at a meeting held on September 20, 2016, at which a quorum was present.*

*In Witness Whereof, I have hereunto set my hand and affixed the seal of the City of Tucson, Arizona on September 29, 2016.*

*Total of 3 pages certified.  
(Exhibits not included)*

  
City Clerk



ADOPTED BY THE  
MAYOR AND COUNCIL

September 20, 2016

RESOLUTION NO. 22637

RELATING TO TUCSON WATER (TW) AND REAL PROPERTY; AUTHORIZING AND APPROVING THE RECORDING OF A RESTRICTIVE COVENANT ON CENTRAL AVRA VALLEY STORAGE AND RECOVERY PROJECT (CAVSARP) PROPERTY; AND DECLARING AN EMERGENCY.

WHEREAS, prior to construction of the CAVSARP facilities, TW engaged SWCA Environmental Consultants (SWCA) to perform a comprehensive Biological Assessment (BA) of the CAVSARP project area to assess possible impacts to the Cactus Ferruginous Pygmy Owl (CFPO); and

WHEREAS, the BA and a supplemental addendum thereto were submitted to the Army Corps of Engineers as a requirement of TW obtaining a Section 404 permit; and

WHEREAS, the resulting Biological Opinion proposed TW set aside multiple areas of land designated for critical habitat to mitigate any effects on the CFPO, the intent being to protect the set aside with a restrictive covenant in perpetuity; and

WHEREAS, TW and SWCA developed a Management Plan (MP) for the long-term management of mitigation lands in consultation with U.S. Fish and Wildlife



Services (FWS), including all the set aside proposed in the BA, as well as addition set aside recommended by FWS; and

WHEREAS, TW was granted a Section 404 permit and EPA approval to proceed with CAVSARP construction as a direct result of the commitments agreed to in the BA and MP; and

WHEREAS, TW is now required to formalize the commitments made in the BA and MP and, specifically, record the restrictive covenant on CAVSARP property in perpetuity.

THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Restrictive Covenant, attached to this Resolution as Exhibit 1, is authorized and approved.

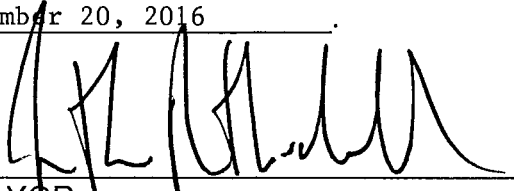
SECTION 2. The Mayor is hereby authorized and directed to execute, and the City Clerk is hereby authorized and directed to attest to, the aforementioned Exhibit 1, and any and all documents necessary to effectuate the above-contemplated action for and on behalf of the City of Tucson.

SECTION 3. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Resolution.


SECTION 4. WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Tucson that this Resolution become immediately

effective, an emergency is hereby declared to exist and this Resolution shall be effective immediately upon its passage and adoption.


PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COUNCIL OF  
THE CITY OF TUCSON, ARIZONA, September 20, 2016.

  
\_\_\_\_\_  
MAYOR

ATTEST:


  
\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY

REVIEWED BY:

  
\_\_\_\_\_  
CITY MANAGER

  
LF/mg  
8/30/16

---

When Recorded, Please Return To:

Michael D. Stofko  
Pima County Real Property Services  
201 North Stone Avenue, 6th Floor  
Tucson, AZ 85701-1215

---

## RESTRICTIVE COVENANT

1. **PARTIES.** This Restrictive Covenant is made by THE CITY OF TUCSON, a municipal corporation ("**Declarant**" or "**City**") in favor of PIMA COUNTY, a body politic and corporate of the State of Arizona ("**County**").

2. **BACKGROUND AND PURPOSE.**

2.1. Declarant is the owner of that certain real property located in Pima County, legally described in the attached **Exhibit A** and depicted in **Exhibit A-1** (the "**Avra Valley Property**"), consisting of approximately 3,615 acres.

2.2. Declarant has constructed, according to plans previously identified in the U.S. Fish and Wildlife Environmental Assessment, the Central Avra Valley Storage and Recovery Project (the "**Project**") upon a portion of the Avra Valley Property. That portion of the Avra Valley Property upon which the Project was constructed is depicted in **Exhibit B** (the "**Project Parcel**").

2.3. The Army Corps of Engineers has granted Declarant a Section 404 Permit (the "**Permit**") to construct the Project upon the Project Parcel. As a condition of the Permit, Declarant is required to provide on-site mitigation land (the "**Mitigation Land**"). The Mitigation Land is intended to remain in an undeveloped natural state to comply with the U.S. Fish and Wildlife Biological Assessment, Supplements, and associated Management Plan.

2.4. Pursuant to the terms of the Permit, Declarant has agreed to designate the following property as Mitigation Land:

2.4.1. Those portions of the Avra Valley Property described in **Exhibit C** and depicted in **Exhibit C-1** consisting of approximately 213.3 acres.

2.5. The Mitigation Land may at times be referred to hereinafter, as the “***Restricted Property.***”

2.6. The restrictions on development imposed upon the Restricted Property by this Covenant (the “Restrictions”) are intended to fulfill the conditions of the Permit, and are being imposed for the protection of the cactus ferruginous pygmy-owl and related habitat.

### 3. NATURE OF COVENANT.

3.1. This Covenant is effective when it is executed by Declarant and County, and, subject to the terms of Section 6.1, will run with the Restricted Property in perpetuity and be binding on all successor owners of any interest in the Restricted Property.

3.2. The Restrictions will remain in effect notwithstanding any future annexation of all or any portion of the Restricted Property by a municipality.

### 4. DECLARANT’S COVENANTS.

4.1. Restrictions on Development of the Restricted Property. The Restricted Property has no existing dwellings and is in an undeveloped natural state as of the date of this Covenant. The Restricted Property must be maintained as natural open space in its undeveloped natural state. No improvements may be constructed on the Restricted Property. All lot splitting of the Restricted Property is expressly prohibited.

4.2. Restoration Enhancement Not Prohibited. The Restrictions set forth in Paragraph 4.1 above shall not be interpreted to prohibit any activities by Declarant or Declarant’s assignee to restore, improve, or otherwise enhance the conservation values of the Restricted Property. Such activities include, but are not limited to, removal of non-native or invasive species, riparian restoration, improving habitat conditions for endangered species and managed burns.

4.3. Management. Declarant must take all reasonable and necessary steps to maintain the Restricted Property as natural open space.

4.4. Waiver of Claim. Declarant, for themselves and their successors and assigns, hereby waives any claim for diminution in value, including any claim under A.R.S. § 12-1134, arising out of any action by County in connection with or related to this Covenant. Declarant hereby agrees to indemnify, defend, and hold County, and its officers, employees and agents harmless from and against any and all claims, causes of action, demands, losses, costs, and expenses related to the imposition of the Covenant or any enforcement of it against Declarant or its successors and assigns by County or its successors or assigns.

**5. COUNTY RIGHT TO ENFORCE.**

5.1. Enforcement by County. This Covenant may be enforced by County against Declarant and any successor owner of any interest in the Restricted Property.

5.2. Access by County. County, including all employees, contractors, subcontractors, agents and representatives of County, shall have the right to enter the Restricted Property at any time in order to monitor compliance with, and to enforce the terms of, this Covenant. County, including all employees, contractors, subcontractors, agents and representatives of County, as the agent of Declarant, shall have the right of ingress and egress to the Restricted Property.

5.3. Hold Harmless. Declarant will not be liable for any injury to County employees or agents occurring on the Restricted Property in the course of an entry to the Restricted Property, unless such injury results from the negligent acts or omissions or from the intentionally tortious conduct of Declarant, or a City employee, contractor, subcontractor, agent or representative. County hereby agrees to indemnify, defend, and hold Declarant, and its officers, employees and agents harmless from and against any and all claims, causes of action, demands, losses, costs, and expenses arising out of County's exercise of its right of access to the Restricted Property, but only to the extent they result from the negligent acts or omissions or from the intentionally tortious conduct of a County employee, contractor, subcontractor, agent or representative in the course of such an entry.

5.4. Remedies. County may enforce the terms of this Covenant through any available legal or equitable remedy, including but not limited to damages, injunctive relief, and specific performance requiring Declarant to cease and desist all activity in violation of this Covenant.

5.5. No Waiver. The failure of County to insist upon the full and complete performance of any of the terms and conditions of this Covenant, or to take any action permitted as a result the failure, will not be construed as a waiver or relinquishment of County's right to insist upon full and complete performance of the terms and conditions of this Covenant, either in the past or in the future.

**6. MISCELLANEOUS AND GENERAL PROVISIONS.**

6.1. Termination. If the Permit terminates according to its terms, then this Covenant will be deemed terminated and of no further force or effect. If this Covenant is terminated pursuant to this section 6.1, County will execute and record a release of this Covenant upon request by Declarant.

6.2. Governing Law. The laws and regulations of the State of Arizona govern this

Covenant, and any disputes under this Covenant. Any action relating to this Covenant will be brought in a court of the State of Arizona in Pima County.

6.3. Recordation. This Covenant will be recorded in the office of the Pima County Recorder and County may re-record it at any time.

6.4. Severability. Each provision of this Covenant stands alone, and any provision of this Covenant found to be prohibited by law will be ineffective to the extent of the prohibition without invalidating the remainder of this Covenant.

6.5. Notice. Any notice required or permitted to be given under this Covenant must be in writing and must be served by delivery or by certified mail upon the other party as follows:

If to Declarant:

Director  
Tucson Water Department  
P.O. Box 27210  
Tucson, AZ 85726-7210

If to County:

Attn: Chris Cawein, Director  
Natural Resources Parks & Recreation Department  
3500 W. River Road  
Tucson, AZ 85741  
Phone: 520-724-5256  
Email: [chris.cawein@pima.gov](mailto:chris.cawein@pima.gov)

*with a copy to:*

Pima County Real Property Services  
201 N Stone Ave, 6th Flr  
Tucson, AZ 85701-1207  
Facsimile: 520-740-6763

or any other address that a party designates by written notice to the other party.

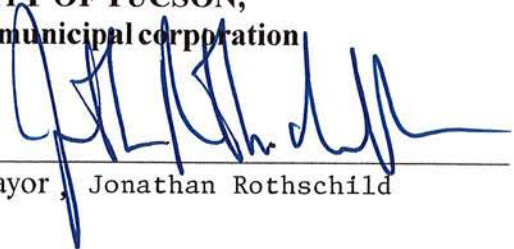
6.6 Attorney's Fees. In the event of litigation regarding this Covenant, the prevailing party shall be entitled to receive its reasonable attorney's fees and costs of suit.

[Signature Page to Follow]


The parties have executed this Covenant as of the dates set forth below.

**DECLARANT:**

**CITY OF TUCSON,  
A municipal corporation**

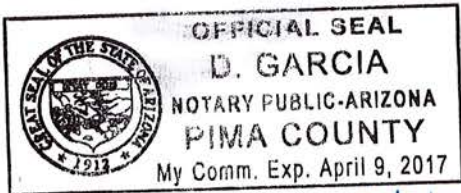
  
\_\_\_\_\_  
Mayor, Jonathan Rothschild

ATTEST:

  
\_\_\_\_\_  
City Clerk, Roger W. Randolph

STATE OF ARIZONA     )  
                                          ) ss.  
County of Pima         )

The foregoing instrument was acknowledged before me this 20th day of September, 2016 by Jonathan Rothschild, Mayor of the City of Tucson, a municipal corporation.



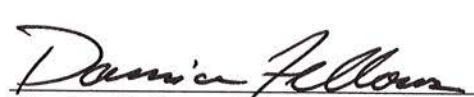
  
\_\_\_\_\_  
Notary Public

My Commission Expires: 4/9/17

APPROVED AS TO CONTENT

  
\_\_\_\_\_  
Timothy Thomure, P.E., Director  
Tucson Water

APPROVED AS TO FORM

  
\_\_\_\_\_  
Damian Fellows, Principal Assistant  
City Attorney, City of Tucson

PIMA COUNTY, a body politic and corporate of the State of Arizona:

Sharon Bronson  
Chair, Pima County Board of Supervisors

NOV 22 2016  
Date

ATTEST:

Robert Brigode  
Clerk of the Board

NOV 22 2016  
Date

APPROVED AS TO FORM:

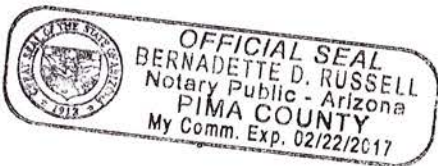
Tobin Rosen 10/5/16  
Deputy County Attorney

APPROVED AS TO CONTENT:

Chris Cawein  
Chris Cawein, Director  
Natural Resources Parks & Recreation

State of Arizona )  
County of Pima ) ss

This instrument was acknowledged before me this 22nd day of November,  
2016, by Sharon Bronson, as Chair of Pima County  
Board of Supervisors  
(Seal) Bernadette Russell  
Notary Public





**EXHIBIT A**

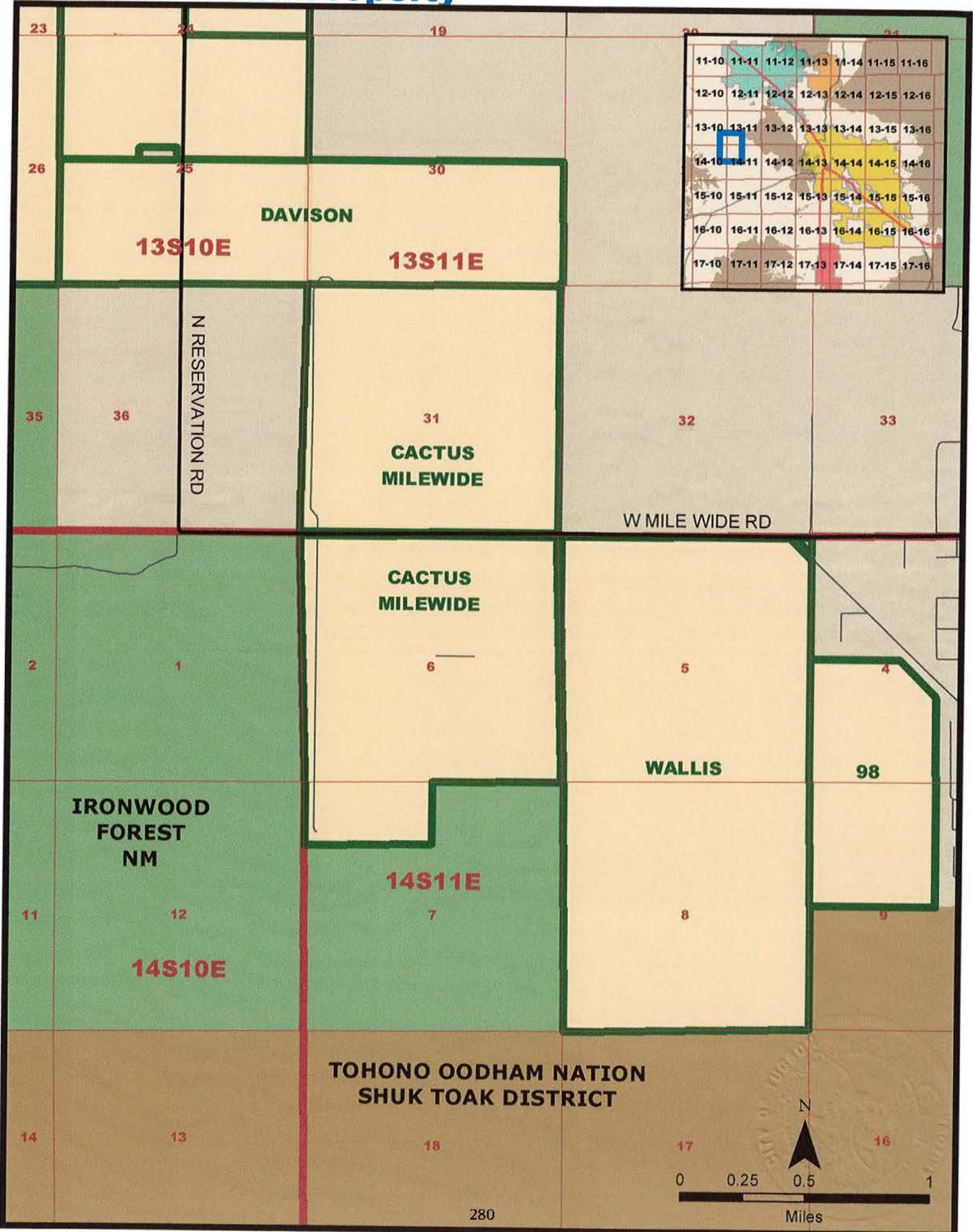
Exhibit A

Legal description of real properties located in Pima County owned by Declarant

| Retired Farm    | Parcel Number | Section, Township, Range | Legal Description                                                                                                               |
|-----------------|---------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| 98              | 21110050      | 041411                   | S2 SW4 & S2 S2 N2 SW4 F 50 AC R 50 AC SEC 4 T14S R11E                                                                           |
|                 | 21100010      | 041411                   | N2 N2 SW4 & N2 S2 N2 SW4 EXC TRI PAR IN NE4 SW4 R 53.15 AC P 4-4-14-11                                                          |
|                 | 21117010B     | 091411                   | S80' W374' N2 S2 NE4 .69 AC SEC 9-14-11                                                                                         |
|                 | 21117015A     | 091411                   | NW4 R 160 AC SEC 9 T14S R11E                                                                                                    |
| Wallis          | 21113006B     | 051411                   | TRI PCL ADJ TO NE COR NE4 NE4 SEC 5-14-11 2.11 AC                                                                               |
|                 | 21116006A     | 051411                   | ALL OF SEC 5 EXC RDS & EXC TRI PCL ADJ TO NE COR 635.26 AC;<br>ALL OF SEC 8 640 AC T14S R11E                                    |
| Cactus Milewide | 21114007C     | 061411                   | ALL OF SEC 6 EXC N449' OF NE4 OF LOT 3 & LOT 1 & NE4 NW4 OF SEC 7 ALL IN T14S R11E EXC SAN JOAQUIN RD 734.01 AC SEC 6 T14S R11E |
|                 | 21114007D     | 061411                   | N449' OF NE4 OF LOT 3 OF SEC 6                                                                                                  |
|                 | 213320250     | 311311                   | ALL 635.04 AC AVID 635.04 AC SEC 31 T13S R11E                                                                                   |
| Davison         | 208450060     | 251310                   | SE4 EXC SE4 SW4 SE4 150 AC AVID 150 AC SEC 25 T13S R10E                                                                         |
|                 | 208450070     | 251310                   | SE4 SW4 SE4 10 AC AVID 10 AC SEC 25 T13S R11E                                                                                   |
|                 | 208450080     | 251310                   | E2 SW4 & SW4 SW4 120 AC AVID 120 AC SEC 25 T13S R11E                                                                            |
|                 | 208450090     | 251310                   | NW4 SW4 40 AC AVID 40 AC SEC 25 T13S R10E                                                                                       |
|                 | 213310240     | 301311                   | S2 329.31 AC SEC 30 T13S R11E                                                                                                   |

**EXHIBIT A-1**

# CAVSARP Farm Property



**EXHIBIT B**

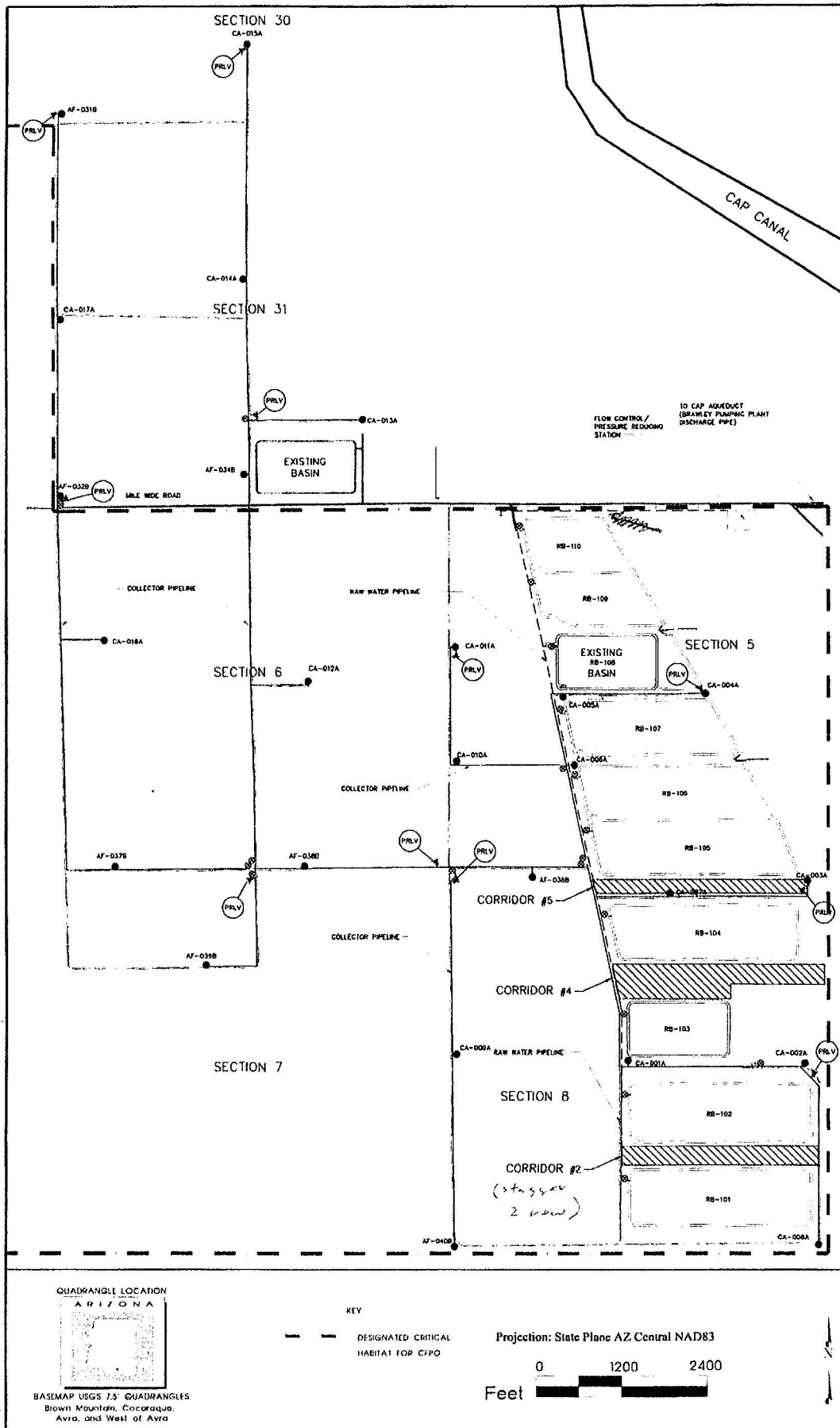


Figure 1. Site plan for CAVSARP recharge-recovery project.

**EXHIBIT C**



CITY OF  
TUCSON  
Tucson Water Department  
Planning and Engineering

August 25, 2016  
SR 2941  
Section 5  
Set Aside  
Page 1

**DESCRIPTION OF  
CONSERVATION SET ASIDE**

That portion of Section 5, Township 14 South, Range 11 East, Gila and Salt River Meridian, Pima County, Arizona, lying Easterly of the following described line:

**COMMENCING** at a ½” rebar, the location being described as the Northwest corner of Section 4 of said Township 14 South, Range 11 East in Book 37, Page 12, Record of Surveys recorded in the Pima County Recorder’s office, Pima County, Arizona, from which a ¾” open pipe described as being the Southwest corner of Section 9 of said Township 14 South, Range 11 East in said Book 37, Page 12, Record of Surveys bears South 00°30’01” East, a distance of 10,514.83 feet, the line between said monuments hereinafter called the ‘Monument Line’;

THENCE North 90°00’00” West, 2,837.75 feet to the **POINT OF BEGINNING**;

THENCE South 00°00’00” E, 86.02 feet;

THENCE South 04°53’03” East, 94.73 feet;

THENCE South 22°29’45” East, 108.95 feet;

THENCE South 29°40’13” East, 3,725.80 feet;

THENCE South 27°48’40” East, 1,038.45 feet;

THENCE South 24°12’47” East, 427.18 feet;

THENCE South 19°13’35” East, 348.01 feet;

THENCE South 11°10’34” East a distance of 91.19 feet, more or less to the South line of the Southeast One-Quarter (SE1/4) of said Section 5 for a **POINT OF TERMINUS**.

**EXCEPT:**

The North 80.00 feet of said Section 5;

310 W. Alameda • P.O. Box 27210 • Tucson, AZ 85726  
(520) 791-4361 • FAX (520) 791-5426  
Skip.pomeroy@tucsonaz.gov • www.tucsonaz.gov





CITY OF  
TUCSON  
Tucson Water Department  
Planning and Engineering

August 25, 2016  
SR 2941  
Section 5  
Set Aside  
Page 2

**ALSO EXCEPT:**

That portion of San Joaquin Road Right of Way lying within said Section 5.

Containing 171.81 acres, more or less.

Prepared for and on behalf of:

CITY OF TUCSON WATER DEPT.-  
PLANNING AND ENGINEERING.

*Donald P. Pomeroy Jr.*

Donald P. Pomeroy Jr.,  
AZ RLS 35544



Expires 12/31/18

310 W. Alameda • P.O. Box 27210 • Tucson, AZ 85726  
(520) 791-4361 • FAX (520) 791-5426  
Skip.pomeroy@tucsonaz.gov • www.tucsonaz.gov



CITY OF  
TUCSON  
Tucson Water Department  
Planning and Engineering

**DESCRIPTION OF  
CONSERVATION SET ASIDE**

All of that portion of the Northwest One-Quarter (NW1/4) of Section 9, Township 14 South, Range 11 East, Gila and Salt River Meridian, Pima County, Arizona,

**EXCEPT** The North 80.00 feet of the South 739.43 feet of the Northwest One-Quarter (NW1/4) of said Section 9.

The included portion containing 155.351 acres, more or less.

Prepared for and on behalf of:

CITY OF TUCSON WATER DEPT.-  
PLANNING AND ENGINEERING.

Donald P. Pomeroy Jr.,  
AZ RLS 35544



Expires 12/31/18



CITY OF  
TUCSON  
Tucson Water Department  
Planning and Engineering

**DESCRIPTION OF  
CONSERVATION SET ASIDE**

All of that portion of the Southwest One-Quarter (SW1/4) of Section 4, Township 14 South, Range 11 East, Gila and Salt River Meridian, Pima County, Arizona,

**EXCEPT:**

**BEGINNING** at a lead capped pipe, the location being described as the Center of said Section 4 in Book 37, Page 12, Record of Surveys recorded in the Pima County Recorder's office, Pima County, Arizona, from which a 1/2" rebar LS bears South 89°34'00" West, a distance of 2,648.83 feet;

THENCE South 89°34'00" West, along the North line of said Southwest One-Quarter (SW1/4), a distance of 739.02 feet;

THENCE South 43°03'22" East, a distance of 1,093.69 feet more or less to the East Line of said Southwest One-Quarter (SW1/4);

THENCE North 00°32'52" West along said East line, a distance of 804.78 feet to the **POINT OF BEGINNING**.

The included portion containing 153.481 acres, more or less.

Prepared for and on behalf of:

CITY OF TUCSON WATER DEPT.-  
PLANNING AND ENGINEERING.

Donald P. Pomeroy Jr.,  
AZ RLS 35544



Expires 12/31/18



CITY OF  
TUCSON  
Tucson Water Department  
Planning and Engineering

**DESCRIPTION OF  
CONSERVATION SET ASIDE**

That portion of Section 8, Township 14 South, Range 11 East, Gila and Salt River Meridian, Pima County, Arizona, described as follows:

**COMMENCING** at a ½” rebar, the location being described as the Northwest corner of Section 4 of said Township 14 South, Range 11 East in Book 37, Page 12, Record of Surveys recorded in the Pima County Recorder’s office, Pima County, Arizona, from which a ¾” open pipe described as being the Southwest corner of Section 9 of said Township 14 South, Range 11 East in said Book 37, Page 12, Record of Surveys bears South 00°30’01” East, a distance of 10,514.83 feet, the line between said monuments hereinafter called the ‘Monument Line’;

THENCE South 00°30’01” East along said Monument Line’, a distance of 8,938.99 feet;

THENCE North 90°00’00” West, 204.45 feet to the **POINT OF BEGINNING**;

THENCE South 00°48’35” East, 259.01 feet;

THENCE North 89°49’19” West, 2,706.50 feet;

THENCE North 00°02’42” East, 257.04 feet;

THENCE South 89°51’47” East, 2,702.63 feet to the **POINT OF BEGINNING**.

Containing 16.019 acres, more or less.

Prepared for and on behalf of:

CITY OF TUCSON WATER DEPT.-  
PLANNING AND ENGINEERING.

Donald P. Pomeroy Jr.,  
AZ RLS 35544



Expires 12/31/18



CITY OF  
TUCSON  
Tucson Water Department  
Planning and Engineering

**DESCRIPTION OF  
CONSERVATION SET ASIDE**

That portion of Section 8, Township 14 South, Range 11 East, Gila and Salt River Meridian, Pima County, Arizona, described as follows:

**COMMENCING** at a ½” rebar, the location being described as the Northwest corner of Section 4 of said Township 14 South, Range 11 East in Book 37, Page 12, Record of Surveys recorded in the Pima County Recorder’s office, Pima County, Arizona, from which a ¾” open pipe described as being the Southwest corner of Section 9 of said Township 14 South, Range 11 East in said Book 37, Page 12, Record of Surveys bears South 00°30’01” East, a distance of 10,514.83 feet, the line between said monuments hereinafter called the ‘Monument Line’;

THENCE South 00°30’01” East along said Monument Line’, a distance of 6,436.30 feet;

THENCE North 90°00’00” West, 407.83 feet to the **POINT OF BEGINNING**;

THENCE South 00°06’26” West, 252.50 feet;

THENCE South 89°58’55” West, 899.76 feet;

THENCE South 00°06’26” West, 174.73 feet;

THENCE South 89°48’43” West, 1,567.23 feet;

THENCE North 12°20’06” West, 443.35 feet;

THENCE South 89°59’23” East, 2,562.49 feet to the **POINT OF BEGINNING**.

Containing 21.180 acres, more or less.

Prepared for and on behalf of:

CITY OF TUCSON WATER DEPT.-  
PLANNING AND ENGINEERING.

*Donald P. Pomeroy Jr.*

Donald P. Pomeroy Jr.,  
AZ RLS 35544



Expires 12/31/18

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CITY OF  
TUCSON  
Tucson Water Department  
Planning and Engineering

**DESCRIPTION OF  
CONSERVATION SET ASIDE**

That portion of Section 8, Township 14 South, Range 11 East, Gila and Salt River Meridian, Pima County, Arizona, described as follows:

**COMMENCING** at a ½” rebar, the location being described as the Northwest corner of Section 4 of said Township 14 South, Range 11 East in Book 37, Page 12, Record of Surveys recorded in the Pima County Recorder’s office, Pima County, Arizona, from which a ¾” open pipe described as being the Southwest corner of Section 9 of said Township 14 South, Range 11 East in said Book 37, Page 12, Record of Surveys bears South 00°30’01” East, a distance of 10,514.83 feet, the line between said monuments hereinafter called the ‘Monument Line’;

THENCE South 00°30’01” East along said Monument Line’, a distance of 5,391.61 feet;

THENCE North 90°00’00” West, 332.44 feet to the **POINT OF BEGINNING**;

THENCE South 03°01’15” West, 145.35 feet;

THENCE South 89°59’45” West, 2,817.38 feet;

THENCE North 12°33’41” West, 164.76 feet;

THENCE South 89°41’26” East, 2,860.91 feet to the **POINT OF BEGINNING**.

Containing 9.968 acres, more or less.

Prepared for and on behalf of:

CITY OF TUCSON WATER DEPT.-  
PLANNING AND ENGINEERING.

Donald P. Pomeroy Jr.,  
AZ RLS 35544



Expires 12/31/18



CITY OF  
TUCSON  
Tucson Water Department  
Planning and Engineering

August 25, 2016  
SR 2941  
Corridor 6  
Set Aside  
Page 1

**DESCRIPTION OF  
CONSERVATION SET ASIDE**

That portion of Section 5, Township 14 South, Range 11 East, Gila and Salt River Meridian, Pima County, Arizona, described as follows:

**COMMENCING** at a ½” rebar, the location being described as the Northwest corner of Section 4 of said Township 14 South, Range 11 East in Book 37, Page 12, Record of Surveys recorded in the Pima County Recorder’s office, Pima County, Arizona, from which a ¾” open pipe described as being the Southwest corner of Section 9 of said Township 14 South, Range 11 East in said Book 37, Page 12, Record of Surveys bears South 00°30’01” East, a distance of 10,514.83 feet, the line between said monuments hereinafter called the ‘Monument Line’;

THENCE South 00°30’01” East along said Monument Line’, a distance of 3,554.95 feet;

THENCE North 90°00’00” West, 1,076.39 feet to the **POINT OF BEGINNING**;

THENCE South 29°27’34” East, 129.31 feet;

THENCE South 89°45’33” West, 2,536.28 feet;

THENCE North 12°23’11” West, 114.74 feet;

THENCE North 88°25’11” East, 548.18 feet;

THENCE South 89°53’04” East, 1,949.31 feet to the **POINT OF BEGINNING**.

Containing 6.864 acres, more or less.

Prepared for and on behalf of:

CITY OF TUCSON WATER DEPT.-  
PLANNING AND ENGINEERING.

*Donald P. Pomeroy Jr.*

Donald P. Pomeroy Jr.,  
AZ RLS 35544



Expires 12/31/18

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CITY OF  
TUCSON  
Tucson Water Department  
Planning and Engineering

August 25, 2016  
SR 2941  
Corridor 7  
Set Aside  
Page 1

**DESCRIPTION OF  
CONSERVATION SET ASIDE**

That portion of Section 5, Township 14 South, Range 11 East, Gila and Salt River Meridian, Pima County, Arizona, described as follows:

**COMMENCING** at a 1/2" rebar, the location being described as the Northwest corner of Section 4 of said Township 14 South, Range 11 East in Book 37, Page 12, Record of Surveys recorded in the Pima County Recorder's office, Pima County, Arizona, from which a 3/4" open pipe described as being the Southwest corner of Section 9 of said Township 14 South, Range 11 East in said Book 37, Page 12, Record of Surveys bears South 00°30'01" East, a distance of 10,514.83 feet, the line between said monuments hereinafter called the 'Monument Line';

THENCE South 00°30'01" East along said Monument Line', a distance of 1,743.52 feet;

THENCE North 90°00'00" West, 2,085.78 feet to the **POINT OF BEGINNING**;

THENCE South 09°05'32" East, 49.36 feet;

THENCE North 89°51'39" West, 1,869.49 feet;

THENCE North 12°20'13" West, 110.68 feet;

THENCE South 89°25'55" East, 607.42 feet

THENCE South 89°18'14" East, a distance of 1,279.94 feet to the **POINT OF BEGINNING**.

Containing 2.765 acres, more or less.

Prepared for and on behalf of:

CITY OF TUCSON WATER DEPT.-  
PLANNING AND ENGINEERING.

*Donald P. Pomeroy Jr.*

Donald P. Pomeroy Jr.,  
AZ RLS 35544



Expires 12/31/18

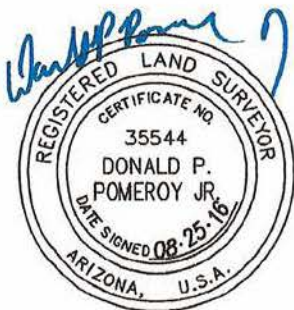
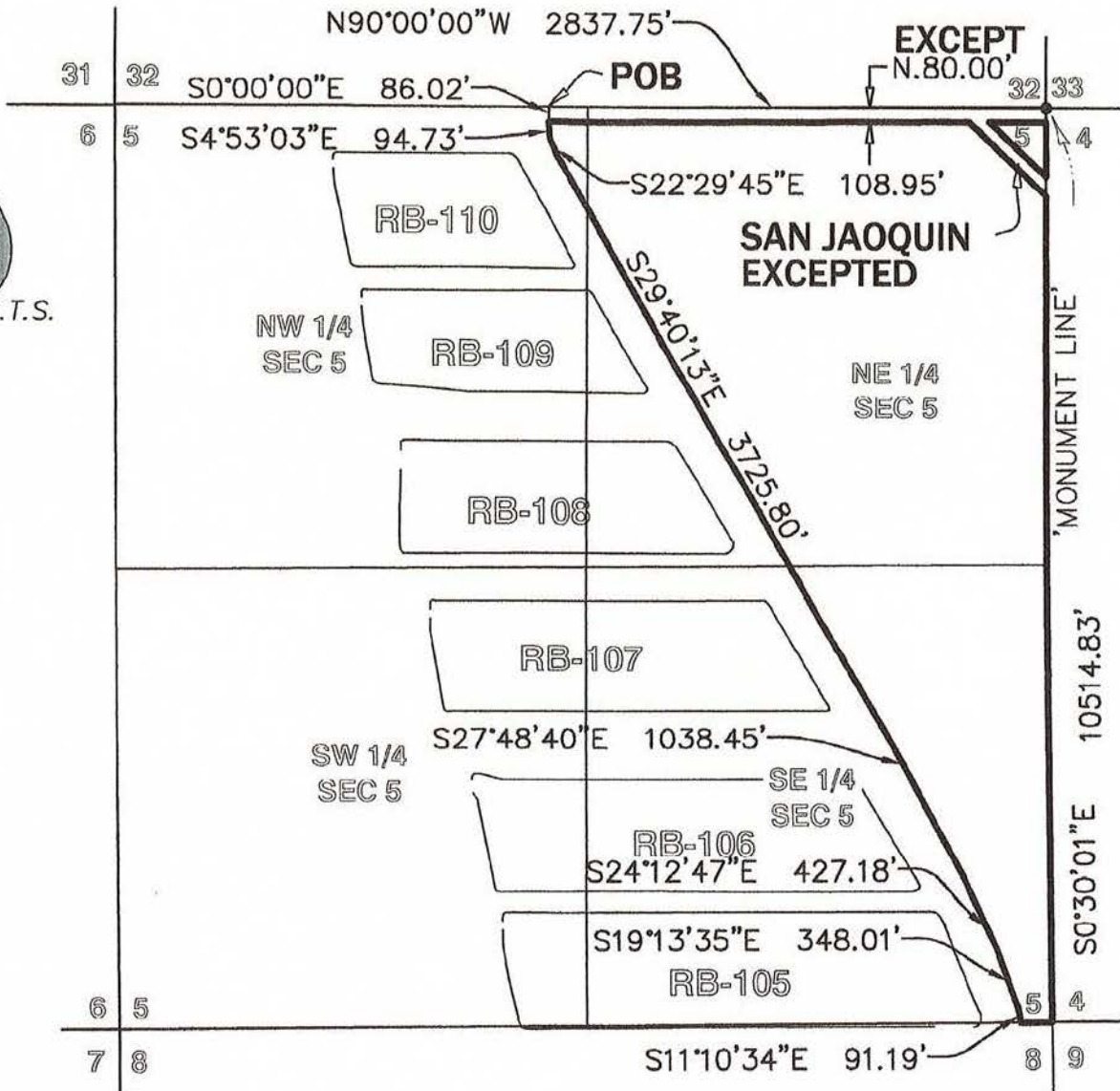
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**EXHIBIT C-1**



Scale: N.T.S.



Expires 12/31/2018

3/4" OPEN PIPE  
BK 37, PG 12 ROS



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(520)791-4361 FAX 791-5426

SECTION 5  
DATE: 08/25/2016  
DRAWN BY: DPP

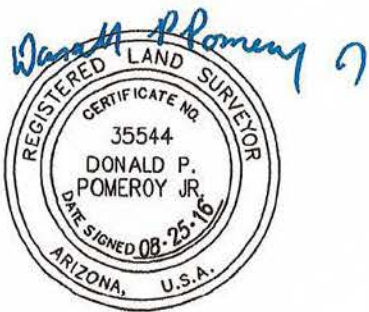
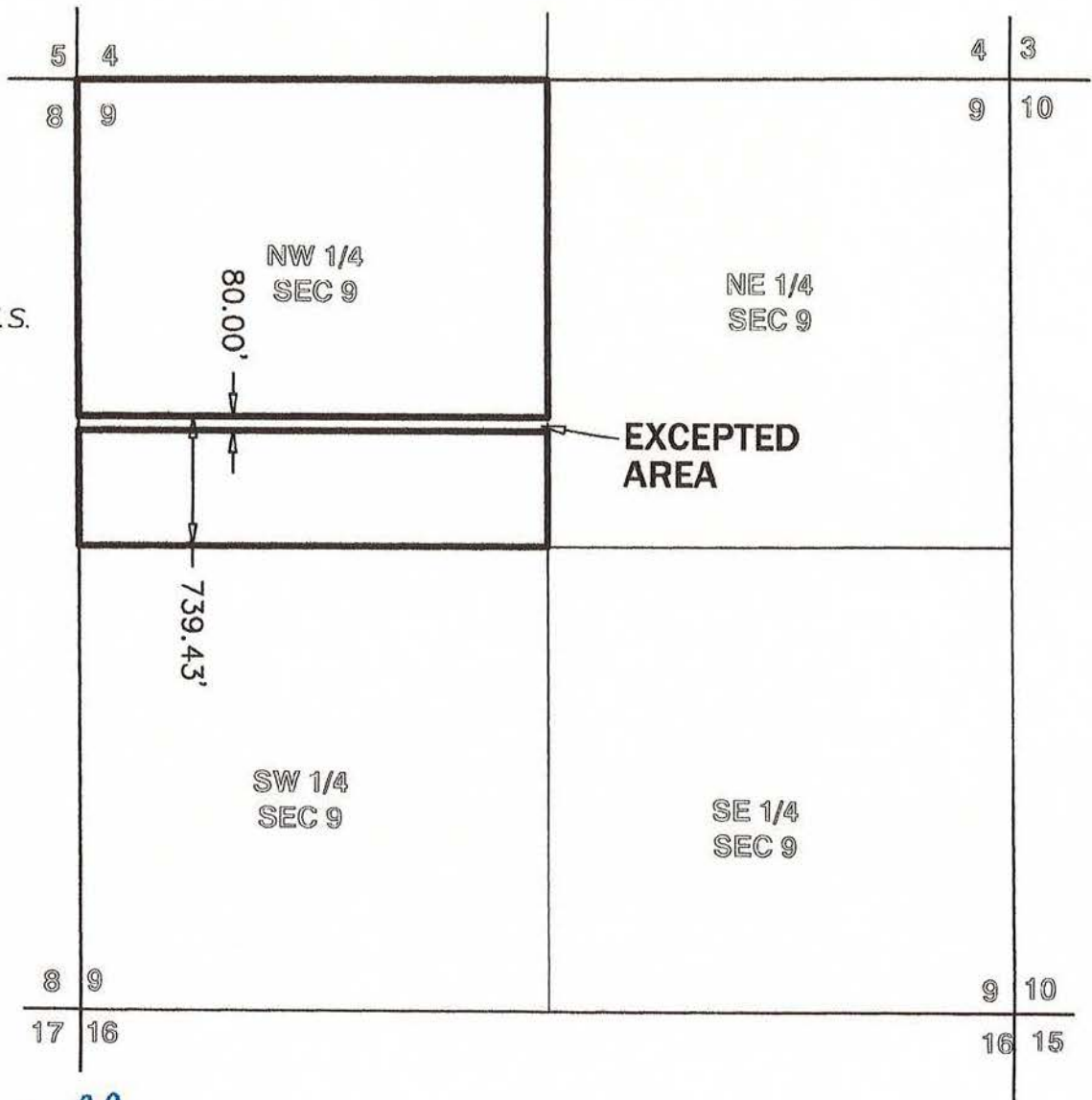
### A DEPICTION OF CONSERVATION SET-ASIDE AREA

SECTION 05, TOWNSHIP 14 SOUTH,  
RANGE 11 EAST G&SRM, PIMA  
COUNTY, ARIZONA

SR 2941  
SHEET 1 OF 1



Scale: N.T.S.



Expires 12/31/2018



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SECTION 9  
 DATE: 08/25/2016  
 DRAWN BY: DPP

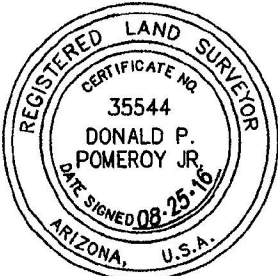
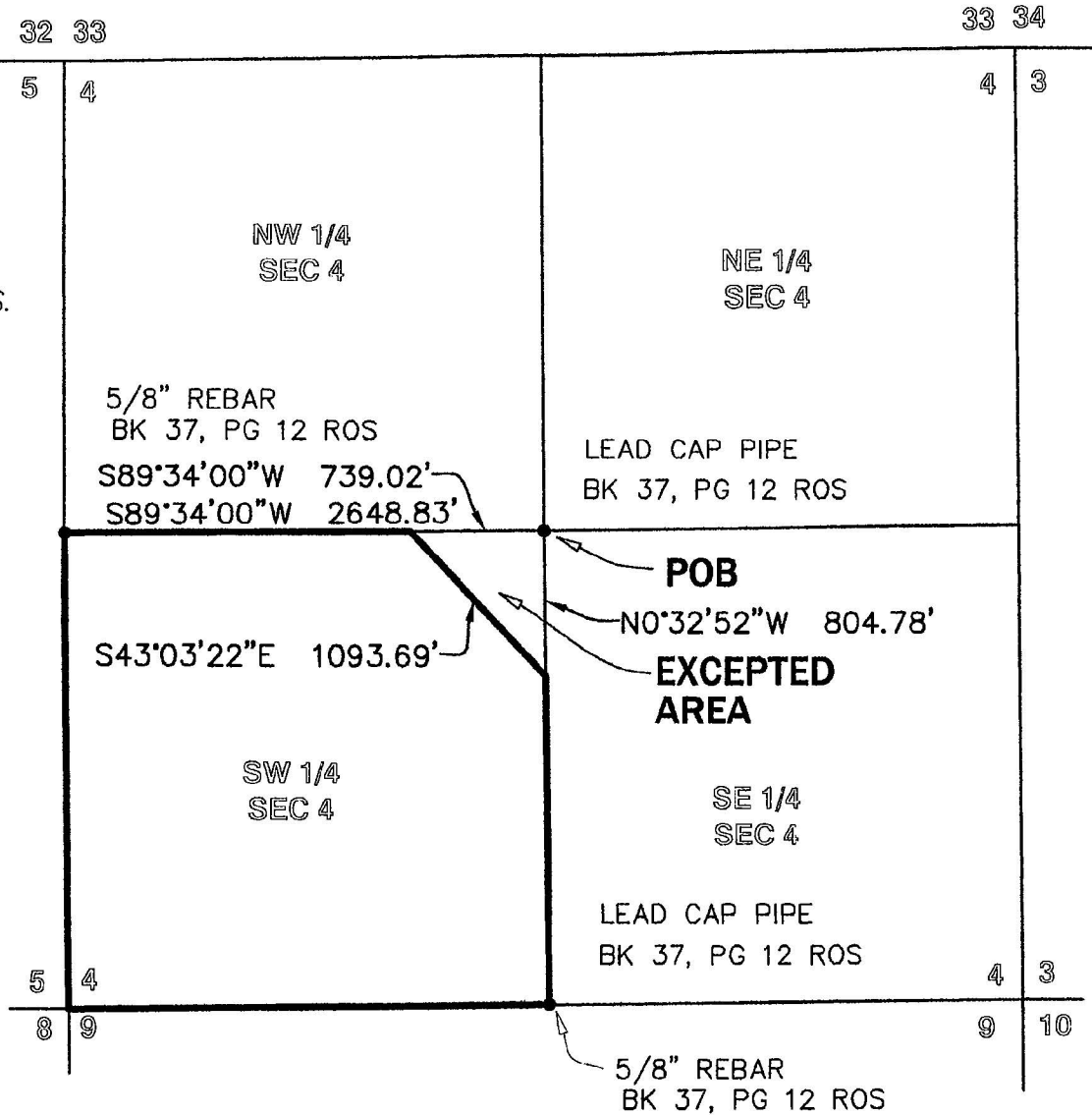
A DEPICTION OF  
**CONSERVATION SET-ASIDE  
 AREA**

SECTION 09, TOWNSHIP 14 SOUTH,  
 RANGE 11 EAST G&SRM, PIMA  
 COUNTY, ARIZONA

SR 2941  
 SHEET 1 OF 1



Scale: N.T.S.



Expires 12/31/2018

AREA = 153.481 ACRES ±



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SECTION 4  
DATE: 08/25/2016  
DRAWN BY: DPP

### A DEPICTION OF CONSERVATION SET-ASIDE AREA

SECTION 04, TOWNSHIP 14 SOUTH,  
RANGE 11 EAST G&SRM, PIMA  
COUNTY, ARIZONA

SR 2941  
SHEET 1 OF 1



Scale: N.T.S.

1/2" REBAR  
BK 37, PG 12 ROS

8938.99'  
MONUMENT LINE

RB-102

N90°00'00"W  
204.45'  
POB

S89°51'47"E 2702.63'

10514.83'

N0°02'42"E 257.04'

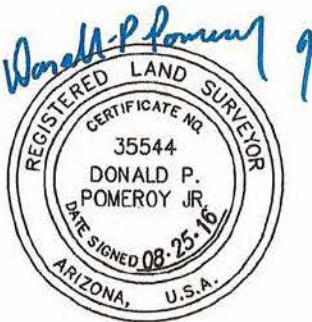
S0°48'35"E 259.01'

N89°49'19"W 2706.50'

RB-101

S0°30'01"E

AREA = 16.019 AC ±



Expires 12/31/2018

3/4" OPEN PIPE  
BK 37, PG 12 ROS



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CORRIDOR 2  
DATE: 08/25/2016  
DRAWN BY: DPP

### A DEPICTION OF CONSERVATION SET-ASIDE AREA

SECTION 08, TOWNSHIP 14 SOUTH,  
RANGE 11 EAST G&SRM, PIMA  
COUNTY, ARIZONA

SR 2941  
SHEET 1 OF 1



Scale: N.T.S.

1/2" REBAR  
BK 37, PG 12 ROS

6436.30'

MONUMENT LINE

10514.83'

S0°30'01"E

RB-104

N90°00'00"W  
407.83'

S89°59'23"E 2562.49'

N12°20'06"W 443.35'

S0°06'26"W 252.50'

POB

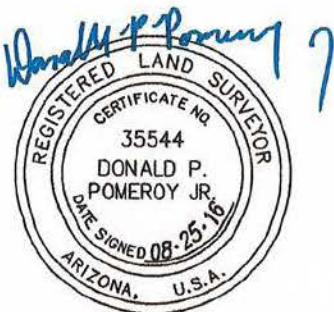
S89°58'55"W 899.76'

S89°48'43"W 1567.23'

S0°06'26"W 174.73'

RB-103

AREA = 21.180 AC ±



Expires 12/31/2018

3/4" OPEN PIPE  
BK 37, PG 12 ROS



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CORRIDOR 4  
DATE: 08/25/2016  
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### A DEPICTION OF CONSERVATION SET-ASIDE AREA

SECTION 08, TOWNSHIP 14 SOUTH,  
RANGE 11 EAST G&SRM, PIMA  
COUNTY, ARIZONA

SR 2941  
SHEET 1 OF 1



Scale: N.T.S.

1/2" REBAR  
BK 37, PG 12 ROS

5391.61'  
'MONUMENT LINE'

RB-105

POB

S89°41'26"E 2860.91'

N90°00'00"W

332.44'

10514.83'

S89°59'45"W 2817.38'

S3°01'15"W

145.35'

N12°33'41"W 164.76'

RB-104

S0°30'01"E

AREA = 9.968 AC ±



Expires 12/31/2018

3/4" OPEN PIPE  
BK 37, PG 12 ROS



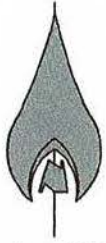
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CORRIDOR 5  
DATE: 08/25/2016  
DRAWN BY: DPP

### A DEPICTION OF CONSERVATION SET-ASIDE AREA

SECTION 08, TOWNSHIP 14 SOUTH,  
RANGE 11 EAST G&SRM, PIMA  
COUNTY, ARIZONA

SR 2941  
SHEET 1 OF 1



Scale: N.T.S.

1/2" REBAR  
BK 37, PG 12 ROS

3554.95'

'MONUMENT LINE'

10514.83'

S0°30'01"E

3/4" OPEN PIPE  
BK 37, PG 12 ROS

RB-107

N88°25'11"E 548.18'

S89°53'04"E 1949.31'

POB

N90°00'00"W

1076.39'

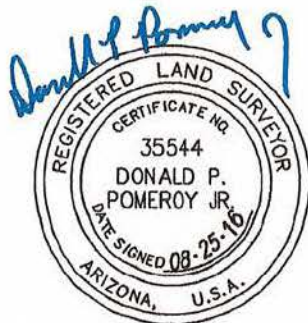
S29°27'34"E  
129.31'

S89°45'33"W 2536.28'

N12°23'11"W 114.74'

RB-106

AREA = 6.864 AC ±



Expires 12/31/2018



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CORRIDOR 6  
DATE: 08/25/2016  
DRAWN BY: DPP

### A DEPICTION OF CONSERVATION SET-ASIDE AREA

SECTION 05, TOWNSHIP 14 SOUTH,  
RANGE 11 EAST G&SRM, PIMA  
COUNTY, ARIZONA

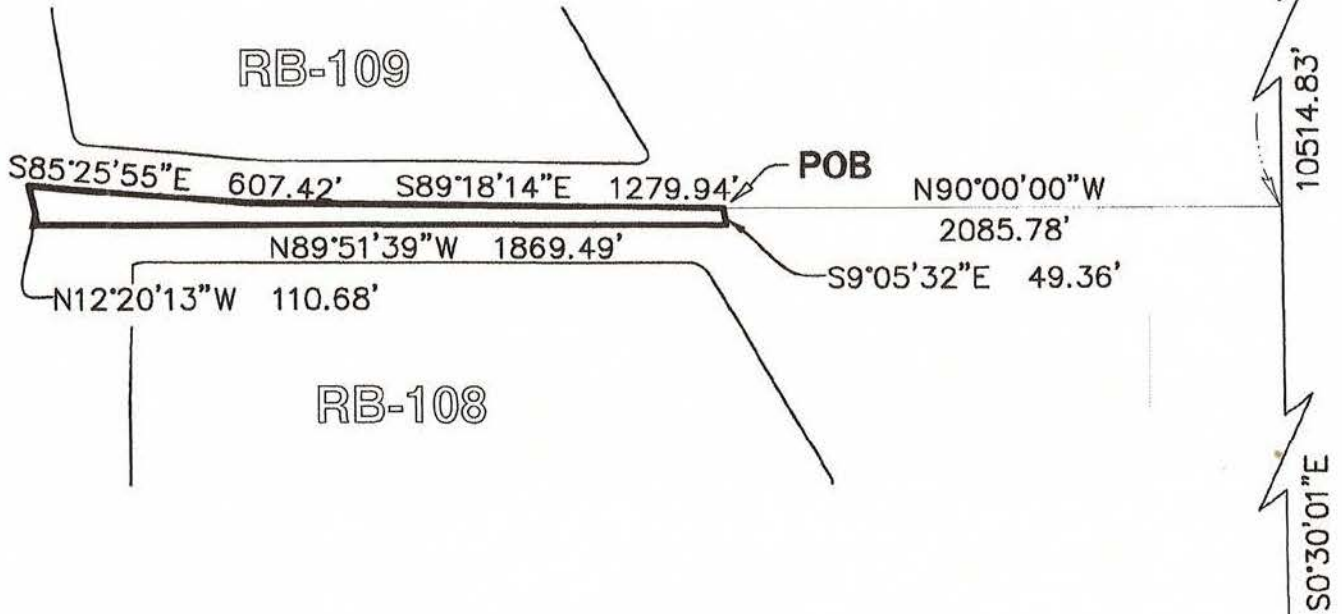
SR 2941  
SHEET 1 OF 1



1/2" REBAR  
BK 37, PG 12 ROS



Scale: N.T.S.



AREA = 2.765 AC ±

*Donald P. Pomeroy Jr*



Expires 12/31/2018

3/4" OPEN PIPE  
BK 37, PG 12 ROS



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CORRIDOR 7  
DATE: 08/25/2016  
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### A DEPICTION OF CONSERVATION SET-ASIDE AREA

SECTION 05, TOWNSHIP 14 SOUTH,  
RANGE 11 EAST G&SRM, PIMA  
COUNTY, ARIZONA

SR 2941  
SHEET 1 OF 1

**ATTACHMENT 2H.**

## Bond Improvement Plan

### ORDINANCE NO. 2004-18

(As Amended October 11, 2005 by Ordinance Number 2005 - 92; and April 4, 2006 by Ordinance Number 2006-21; and October 17, 2006 by Ordinance Number 2006-84; and April 10, 2007 by Ordinance Number 2007-33; and November 6, 2007 by Ordinance Number 2007-95; and April 1, 2008 by Ordinance Number 2008-25; and November 18, 2008 by Ordinance Number 2008-106; and April 21, 2009 by Ordinance Number 2009-40; and October 6, 2009 by Ordinance Number 2009-92; and April 13, 2010 by Ordinance Number 2010-24; and October 19, 2010 by Ordinance Number 2010-63; and December 7, 2010 by Ordinance Number 2010-70; and April 5, 2011 by Ordinance Number 2011-21; and October 18, 2011 by Ordinance Number 2011-79; and April 17, 2012 by Ordinance 2012-20; and November 13, 2012 by Ordinance 2012-66 ; and May 7, 2013 by Ordinance 2013-24; and October 15, 2013 by Ordinance 2013-45; and April 8, 2014 by Ordinance 2014-15; and July 1, 2014 by Ordinance 2014-31; and April 7, 2015 by Ordinance 2015-11; and April 5, 2016 by Ordinance 2016-20; and April 4, 2017 by Ordinance 2017-9 and April 17, 2018 by Ordinance 2018-8)

**ORDINANCE NO. 2018-8**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY ARIZONA RELATING TO GENERAL OBLIGATION AND SEWER REVENUE BOND PROJECTS AMENDING ORDINANCE NUMBER 2004-18 BOND IMPLEMENTATION PLAN, MAY 18, 2004 SPECIAL ELECTION (AS PREVIOUSLY AMENDED) FOR THE PURPOSE OF REALLOCATING BOND FUNDS AND AMENDING THE SCOPE, OTHER FUNDING AND IMPLEMENTATION PERIODS FOR CERTAIN PROJECTS.**

**The Board of Supervisors of Pima County (the “Board”) finds that:**

- A. The Board of Supervisors adopted Chapter 3.06 of the Pima County Code titled “Bonding Disclosure, Accountability and Implementation;” and
- B. In compliance with Chapter 3.06, the Board of Supervisors adopted Ordinance Number 2004-18, the “Bond Implementation Plan, May 18, 2004 Special Election;” and
- C. The Board of Supervisors, has previously amended the Bond Implementation Plan a number of times in compliance with provisions of Chapter 3.06; and
- D. The Board of Supervisors desires to further amend Ordinance Number 2004-18 (as previously amended) in compliance with provisions of Chapter 3.06;

**BE IT ORDAINED by the Board of Supervisors of Pima County, Arizona that:**

Ordinance Number 2004-18 (as previously amended) is hereby amended as follows:

**Bond Implementation Plan  
May 18, 2004 Special Election**

**ORDINANCE NO. 2016-20**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA  
ADOPTING THE BOND IMPLEMENTATION PLAN FOR THE  
MAY 18, 2004 SPECIAL BOND ELECTION.**

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**Bond Implementation Plan  
May 18, 2004 Special Election**

**ORDINANCE NO. 2014-31**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA  
ADOPTING THE BOND IMPLEMENTATION PLAN FOR THE  
MAY 18, 2004 SPECIAL BOND ELECTION.**

**Be it ordained by the Board of Supervisors of Pima County, Arizona, as follows:**

**I. Purpose**

The purpose of this ordinance is to comply with Chapter 3.06 of the Pima County Code (as amended) regarding bonding disclosure, accountability and implementation. On January 20, 2004, the Pima County Board of Supervisors passed and adopted Resolution Number 2004-18, ordering and calling for a special bond election to be held in Pima County, Arizona, on May 18, 2004, and approved a list of bond categories and specific programs and projects (Attachment One). Included in the resolution were six questions to be submitted to the electors. The first five questions, if approved, will authorize general obligation bonds of the County in the amount of \$582,250,000 for various purposes. The sixth question, if approved, will authorize sewer system revenue bonds in the amount of \$150,000,000. This Bond Implementation Plan sets forth the particulars regarding each project proposed to be constructed or developed in each question, setting forth the amount of bond funds to be allocated to each project, along with an estimated time frame for implementing the particular project.

This Bond Implementation Plan is to be adopted by the Board of Supervisors prior to the start of early voting for the special bond election, which is April 15, 2004, and may require modification in conformance with 3.06.050 of the County Code, if any question submitted to the qualified electorate of the County does not receive a majority of votes cast during the special election of May 18, 2004.

**II. Secondary Property Tax Impact and Wastewater Management Fee Impact of Issuing New General Obligation and Revenue Bond Debt**

The total value of general obligation bonds being submitted to the voters for approval is \$582,250,000. In addition, \$150,000,000 of sewer revenue bonds will also be subject to voter authorization. If all bonds are authorized for sale, actual sale of both general obligation and revenue bonds will be scheduled over nine years. All projects should be completed twelve years from the date of voter authorization. This section discusses issues relating to the issuance and management of general obligation bond debt and sewer revenue bond debt, focusing on the impacts of issuing new debt on secondary property taxes and wastewater user and connection fees.

**A. General Obligation Bond Debt Service** - General obligation bond debt authorized by the voters is secured by the "full faith and credit" of Pima County, which means the County pledges to retire the debt in an agreed upon number of years through an annual levy of a secondary property tax assessed against the value of all property in Pima County. Voting for bonds at the May 18, 2004 election does not incur debt, but only authorizes the County to issue bonds and incur new debt. This section provides information as to how the County plans to issue debt and how these plans will impact secondary property tax rates.

1. Secondary Property Tax Rate Not to Exceed \$0.8150 per \$100 Assessed Value

Prior to the last County general obligation bond election, May 20, 1997, the Board of Supervisors pledged that “the secondary property tax rate shall not exceed, during the term of debt retirement for general obligation bonds authorized at the May 20, 1997 election, \$1 per \$100 of assessed value.” As Table 1 reports, actual secondary property taxes have declined every year since the 1997 bond elections and stands, for fiscal year 2003/04, at \$0.8150 per \$100 of assessed valuation, an 18.5 percent reduction. In the six years since the May 1997 elections, Pima County has issued almost \$192 million of new general obligation bonds as approved by voters and has still been able to reduce the secondary property tax rate by 18.5 percent, primarily because interest rates in municipal bond markets have been significantly lower than anticipated and assessed valuation for the County increased at a higher rate than originally projected.

**Table 1**

**Secondary Property Tax Rates Since Fiscal Year 1996/97**

| <b><u>Fiscal Year</u></b> | <b><u>Secondary Property Tax Rate</u></b> |
|---------------------------|-------------------------------------------|
| 1996/97                   | \$0.9701                                  |
| 1997/98                   | \$1.0000                                  |
| 1998/99                   | \$0.9650                                  |
| 1999/2000                 | \$0.9350                                  |
| 2000/01                   | \$0.9350                                  |
| 2001/02                   | \$0.8950                                  |
| 2002/03                   | \$0.8150                                  |
| 2003/04                   | \$0.8150                                  |

Because this tax rate is \$0.8150 cents per \$100 assessed value for fiscal year 2003/04 and in order not to cause significant year-to-year variation in the secondary property taxes paid for debt service purposes by Pima County property owners, the Board of Supervisors now pledges that the secondary property tax rate shall not exceed \$0.8150 per \$100 of assessed value during the term of debt retirement for general obligation bonds if authorized at the May 18, 2004 election.

2. Management of Debt and Secondary Property Taxes

Debt service for new general obligation bonds is determined by a number of factors, including but not limited to existing debt service requirements, interest rates in the municipal bond market, and growth in secondary assessed value of all property in Pima County, all of which impact the amount of new bonds sold and the term of the debt at a later date.

a. Debt Service on Existing General Obligation Bonds

Table 2 shows the annual payments and secondary property tax rates necessary over the next fifteen years to retire Pima County's existing outstanding general obligation debt from prior voter authorizations, including the May 1997 authorizations. Since the May 1997 bond election, Pima County has held five sales of general obligation bonds, totaling almost \$192 million. The analysis in Table 2 makes a conservative assumption that Pima County sells the remaining \$65 million in voter authorized bonds by June 2004, which is unlikely to occur. As Table 2 shows, Pima County maintains an aggressive schedule of debt retirement, so that in fiscal

year 2004/05, the secondary property tax rate necessary to make the required payment could be set as low as \$0.6806, well below the cap of \$0.8150 for incurring new debt.

**Table 2**

**Annual Debt Service Payments and Annual Tax Rates  
for Outstanding General Obligation Debt**

| <b><u>Fiscal Year</u></b> | <b><u>Annual Payments</u></b> | <b><u>Necessary Tax Rate</u></b> |
|---------------------------|-------------------------------|----------------------------------|
| 2004/05                   | 38,339,318                    | 0.6806                           |
| 2005/06                   | 36,226,335                    | 0.6124                           |
| 2006/07                   | 34,161,635                    | 0.5500                           |
| 2007/08                   | 29,153,230                    | 0.4470                           |
| 2008/09                   | 23,317,330                    | 0.3405                           |
| 2009/10                   | 21,952,180                    | 0.3053                           |
| 2010/11                   | 18,477,400                    | 0.2448                           |
| 2011/12                   | 18,048,750                    | 0.2277                           |
| 2012/13                   | 17,627,200                    | 0.2118                           |
| 2013/14                   | 14,894,750                    | 0.1704                           |
| 2014/15                   | 11,530,250                    | 0.1257                           |
| 2015/16                   | 10,937,500                    | 0.1135                           |
| 2016/17                   | 10,565,500                    | 0.1044                           |
| 2017/18                   | 6,289,500                     | 0.0592                           |
| 2018/19                   | 6,284,250                     | 0.0563                           |

b. **Municipal Bond Market Interest Rates**

When projecting a schedule of general obligation bonds for the 1997 election, Pima County assumed that bond interest charged in the market would be 5.5 percent. In five sales of general obligation bonds since the 1997 election, the net interest cost on Pima County general obligation bonds has been below 5 percent per annum (Table 3).

**Table 3**

**Municipal Bond Market Interest Rates**

| <b><u>Date of Sale</u></b> | <b><u>Sale Amount</u></b> | <b><u>Interest Rates</u></b> |
|----------------------------|---------------------------|------------------------------|
| June 1998                  | \$35,000,000              | 4.5                          |
| October 1999               | \$45,000,000              | 4.9                          |
| August 2000                | \$50,000,000              | 4.7                          |
| January 2002               | \$16,000,000              | 4.1                          |
| January 2003               | \$45,000,000              | 3.7                          |

On January 6, 2004, Pima County refinanced some of the 1997 obligations at a net interest cost of 3.375 percent. Low interest rates moderate the magnitude of interest payments, helping the County to both maintain an aggressive schedule of sales while also reducing property tax rates.

For the 2004 bond elections, the schedule of sales set forth in Table 5 assumes that interest rates will be at 6 percent, a more conservative assumption than was made for the 1997 election.

c. Growth in Secondary Assessed Value of All Property in Pima County

Planning for the 1997 general obligation bond election assumed that secondary assessed value would increase by at least 3 percent per year. In fact, since fiscal year 1998/99, secondary assessed value has increased annually by anywhere from 3.84 percent to 7.98 percent, and at an average rate over that period of time of 6.28 percent (Table 4). From 1999 to 2003, an average of 71 percent of the increase in assessed value is the result of new growth, with the remainder reflecting increased value of existing property.

Planning for the 2004 general obligation bond election assumes that secondary assessed value will increase by 5 percent per year, which is reasonable, if not somewhat conservative, based upon trends of the past five years (an average growth of 6.28 percent per year) to ten years (an average growth of 5.8 percent per year).

**Table 4**

**Historical Yearly Secondary Assessed Value Since Fiscal Year 1998/99**

| <u>Fiscal Year</u> | <u>Secondary Assessed Value</u> | <u>Change In Value</u> | <u>Percent Change</u> |
|--------------------|---------------------------------|------------------------|-----------------------|
| 1998/99            | 3,853,000,000                   | ---                    | ---                   |
| 1999/2000          | 4,001,000,000                   | 148,000,000            | 3.84%                 |
| 2000/01            | 4,236,000,000                   | 235,000,000            | 5.87%                 |
| 2001/02            | 4,491,395,307                   | 255,395,307            | 6.03%                 |
| 2002/03            | 4,835,561,219                   | 344,165,912            | 7.66%                 |
| 2003/04            | 5,221,270,997                   | 385,709,778            | 7.98%                 |

3. Scheduling of Sales of General Obligation Bonds Approved at the May 18, 2004 Special Bond Election

Table 5 reports on a proposed schedule of nine sales of \$582,250,000 in general obligation bonds, if all the general obligation bond questions are approved by County voters at the May 18, 2004 bond election. As existing debt is retired, new bonds authorized at the May 2004 elections can be sold, starting with a sale in June 2004 of \$30,000,000, followed by annual sales starting in January 2005 of \$40,000,000, increasing in size until January 2008, with a sale of \$75,000,000 that remains steady through January 2012, with a final sale in January 2013 of the remaining \$22,250,000.

**Table 5**

**Planned Schedule of Sale of New General Obligation Bonds**

| <u>Date</u>  | <u>Issue Size</u> | <u>Cumulative Issue</u> |
|--------------|-------------------|-------------------------|
| June 2004    | \$30,000,000      | \$ 30,000,000           |
| January 2005 | \$40,000,000      | \$ 70,000,000           |
| January 2006 | \$50,000,000      | \$120,000,000           |
| January 2007 | \$65,000,000      | \$185,000,000           |
| January 2008 | \$75,000,000      | \$260,000,000           |
| January 2009 | \$75,000,000      | \$335,000,000           |

| <u>Date</u>  | <u>Issue Size</u> | <u>Cumulative Issue</u> |
|--------------|-------------------|-------------------------|
| January 2010 | \$75,000,000      | \$410,000,000           |
| January 2011 | \$75,000,000      | \$485,000,000           |
| January 2012 | \$75,000,000      | \$560,000,000           |
| January 2013 | \$22,250,000      | \$582,250,000           |

As noted above, the schedule of sales is premised on maintaining a cap on secondary property tax rates for debt service at the fiscal year 2003/04 rate of \$0.8150 per \$100 of assessed value (see Table 6) and assumes that bond market interest rates will be 6 percent and that secondary assessed value will increase at an average annual rate of 5 percent. The schedule also assumes that the term of debt for each of the sales is not longer than 15 years.

If increases in market interest rates or secondary assessed value are higher or lower than assumed, the scheduled issuance of new general obligation bond debt may be effected. For example, either higher municipal bond interest rates or lower growth in secondary assessed valuation, or both, could require less bonds to be issued. Conversely, lower interest rates and higher rates of growth in assessed value could permit the sale of more bonds in the early years or the same schedule to be issued at a lower secondary property tax rate.

These factors will be evaluated each year prior to the planned sale to determine actual amounts of general obligation bonds that can be sold in order to meet the base requirement that the secondary property tax rate used for debt service will not exceed \$0.8150 per \$100 of assessed value. As noted in Section VI, to ensure compliance with federal arbitrage requirements, Pima County will only sell bonds in amounts that the County and participating jurisdictions are prepared to expend in a timely fashion.

4. Cost Implications of Selling General Obligation Bonds Approved by Voters at the May 18, 2004 Bond Election

Table 6 reports on a projected debt service schedule through fiscal year 2026/27 for all general obligation debt, including existing general obligation indebtedness (see Table 2) and new general obligation debt from the sale of bonds if approved at the 2004 election (see Table 5). The total secondary property tax rate (Column 6) would remain at \$0.8150 per \$100 of assessed value for three years (through fiscal year 2006/07), approximately 8 years after the first sale of 2004 bonds, then begin a gradual decline to \$0.8138 per \$100 of assessed value by fiscal year 2013/14, after which the secondary property tax rate would decline significantly each year. The data in Table 6 demonstrates that Pima County has the capacity, similar to the 1997 general obligation bond program, to aggressively sell bonds within a limit on the secondary property tax rate of \$0.8150 per \$100 of assessed value.

**Table 6**

**Projected Debt Service (Principal and Interest) and Secondary Property Tax Rates on Existing and Projected 2004 General Obligation Bond Debt**

| <b>Fiscal Year</b> | <b>Debt Service Rate on Past Bond Authorizations</b> |                                            | <b>Debt Service Tax Rate on 2004 Authorization</b> |                                            | <b>Aggregate Debt Service/Tax Rate</b>         |                                            |
|--------------------|------------------------------------------------------|--------------------------------------------|----------------------------------------------------|--------------------------------------------|------------------------------------------------|--------------------------------------------|
|                    | <b>Column 1<br/>Planned<br/>Debt Service</b>         | <b>Column 2<br/>Projected<br/>Tax Rate</b> | <b>Column 3<br/>Projected<br/>Debt Service</b>     | <b>Column 4<br/>Projected<br/>Tax Rate</b> | <b>Column 5<br/>Aggregate<br/>Debt Service</b> | <b>Column 6<br/>Projected<br/>Tax Rate</b> |
| 2004/05            | 38,339,318                                           | 0.6806                                     | 7,570,000                                          | 0.1344                                     | 45,909,318                                     | 0.8150                                     |
| 2005/06            | 36,226,335                                           | 0.6124                                     | 11,978,100                                         | 0.2025                                     | 48,204,435                                     | 0.8150                                     |
| 2006/07            | 34,161,635                                           | 0.5500                                     | 16,456,750                                         | 0.2650                                     | 50,618,385                                     | 0.8150                                     |
| 2007/08            | 29,153,230                                           | 0.4470                                     | 23,990,650                                         | 0.3679                                     | 53,143,880                                     | 0.8149                                     |
| 2008/09            | 23,317,330                                           | 0.3405                                     | 32,481,400                                         | 0.4744                                     | 55,798,730                                     | 0.8149                                     |
| 2009/10            | 21,952,180                                           | 0.3053                                     | 36,625,950                                         | 0.5094                                     | 58,578,130                                     | 0.8148                                     |
| 2010/11            | 18,477,400                                           | 0.2448                                     | 43,033,250                                         | 0.5700                                     | 61,510,650                                     | 0.8148                                     |
| 2011/12            | 18,048,750                                           | 0.2277                                     | 46,535,350                                         | 0.5871                                     | 64,584,100                                     | 0.8148                                     |
| 2012/13            | 17,627,200                                           | 0.2118                                     | 50,168,600                                         | 0.6028                                     | 67,795,800                                     | 0.8146                                     |
| 2013/14            | 14,894,750                                           | 0.1704                                     | 56,222,000                                         | 0.6433                                     | 71,116,750                                     | 0.8138                                     |
| 2014/15            | 11,530,250                                           | 0.1257                                     | 61,736,050                                         | 0.6728                                     | 73,266,300                                     | 0.7984                                     |
| 2015/16            | 10,937,500                                           | 0.1135                                     | 63,056,500                                         | 0.6545                                     | 73,994,000                                     | 0.7680                                     |
| 2016/17            | 10,565,500                                           | 0.1044                                     | 63,239,000                                         | 0.6251                                     | 73,804,500                                     | 0.7295                                     |
| 2017/18            | 6,289,500                                            | 0.0592                                     | 63,229,350                                         | 0.5952                                     | 69,518,850                                     | 0.6545                                     |
| 2018/19            | 6,284,250                                            | 0.0563                                     | 63,245,050                                         | 0.5670                                     | 69,529,300                                     | 0.6234                                     |
| 2019/20            |                                                      |                                            | 56,545,700                                         | 0.4828                                     | 56,545,700                                     | 0.4828                                     |
| 2020/21            |                                                      |                                            | 51,420,600                                         | 0.4182                                     | 51,420,600                                     | 0.4182                                     |
| 2021/22            |                                                      |                                            | 44,720,200                                         | 0.3464                                     | 44,720,200                                     | 0.3464                                     |
| 2022/23            |                                                      |                                            | 36,993,000                                         | 0.2729                                     | 36,993,000                                     | 0.2729                                     |
| 2023/24            |                                                      |                                            | 29,355,800                                         | 0.2062                                     | 29,355,800                                     | 0.2062                                     |
| 2024/25            |                                                      |                                            | 20,668,000                                         | 0.1383                                     | 20,668,000                                     | 0.1383                                     |
| 2025/26            |                                                      |                                            | 11,598,300                                         | 0.0739                                     | 11,598,300                                     | 0.0739                                     |
| 2026/27            |                                                      |                                            | 2,655,300                                          | 0.0161                                     | 2,655,300                                      | 0.0161                                     |
| <b>Total</b>       | <b>297,805,128</b>                                   |                                            | <b>893,524,900</b>                                 |                                            | <b>1,191,330,028</b>                           |                                            |

While Pima County has demonstrated the capacity to maintain and actually lower secondary property tax rates while also aggressively implementing the sale of new general obligation bonds, the County also acknowledges that voters will experience some costs if they approve all of the 2004 bonds and Pima County sells them as scheduled in Table 5.

Table 7 provides a calculation of one measure of these costs for the first ten years of a 2004 bond program, for an owner-occupied residence with a full cash value of \$124,352 (the average taxable value of a home in Pima County). If no new bonds were sold, property homeowners would only be taxed to retire the existing general obligation bond debt, which allows a rapidly declining secondary property tax rate (Column 3). If voters approve all \$582,250,000 in general obligation bonds at the May 18, 2004 elections and if these bonds are sold as scheduled (Table 5), then secondary property tax rates will not decline as rapidly and will remain steady for several years (Column 1). The difference in property tax rates (Column 1 minus Column 2) is a

measure of the cost impacts on selling these new 2004 general obligation bonds (Column 3). Applying the secondary property tax rate differential in Column 3 to the average owner-occupied home results in increases in secondary property taxes actually paid (Column 4) because taxes are paid longer. In fiscal year 2004/05 this impact would be \$16.71. Over the first ten years, the impact would average \$54.18 per year, or \$4.51 per month. After the tenth year, tax rates will again drop rapidly as bonds are paid off, allowing a future Board to consider another general obligation bond proposal.

**Table 7**

**Tax Impacts of Selling New Bonds Over First Ten Years**

| <u>Fiscal Year</u>     | <u>Column 1<br/>Total Secondary Fiscal<br/>Property Tax Rate<br/>With Sale of New Bonds</u> | <u>Column 2<br/>Secondary Property<br/>Tax Rate on<br/>Existing<br/>Debt Service</u> | <u>Column 3<br/>Increase in Secondary<br/>Property Tax Rate<br/>From Sale of New<br/>Bonds</u> | <u>Column 4<br/>Increase in Property<br/>Taxes From<br/>Sale of New Bonds</u> |
|------------------------|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| 2004/05                | 0.8150                                                                                      | 0.6806                                                                               | 0.1344                                                                                         | 16.71                                                                         |
| 2005/06                | 0.8150                                                                                      | 0.6124                                                                               | 0.2025                                                                                         | 25.18                                                                         |
| 2006/07                | 0.8150                                                                                      | 0.5500                                                                               | 0.2650                                                                                         | 32.95                                                                         |
| 2007/08                | 0.8149                                                                                      | 0.4470                                                                               | 0.3679                                                                                         | 45.75                                                                         |
| 2008/09                | 0.8149                                                                                      | 0.3405                                                                               | 0.4744                                                                                         | 58.99                                                                         |
| 2009/10                | 0.8148                                                                                      | 0.3053                                                                               | 0.5094                                                                                         | 63.35                                                                         |
| 2010/11                | 0.8148                                                                                      | 0.2448                                                                               | 0.5700                                                                                         | 70.89                                                                         |
| 2011/12                | 0.8148                                                                                      | 0.2277                                                                               | 0.5871                                                                                         | 73.00                                                                         |
| 2012/13                | 0.8146                                                                                      | 0.2118                                                                               | 0.6028                                                                                         | 74.96                                                                         |
| 2013/14                | 0.8138                                                                                      | 0.1704                                                                               | 0.6433                                                                                         | 80.00                                                                         |
| Average Cost per Year  |                                                                                             |                                                                                      |                                                                                                | 54.18                                                                         |
| Average Cost per Month |                                                                                             |                                                                                      |                                                                                                | 4.51                                                                          |

This analysis does not attempt to factor in the impact of appreciation in assessed valuation over the course of the next ten years. Such appreciation will occur and it will be steepest for the high end of the market, which is most active and where value appreciates most quickly; moderate for the homes in the middle range; and minimal for homes at the low end of the market. There are no foolproof methodologies for estimating the pace of appreciation in assessed valuation across all segments of the housing market - this is driven primarily by the free market. The County acknowledges that appreciation will occur, but the basic conclusion from Table 7 is the best estimate of the costs to the existing resident taxpayer if all of the general obligation bond questions are approved.

This analysis assumes that interest rates in the municipal bond market will be 6 percent and that secondary assessed valuation of the County will increase on the average at 5 percent per year. The County's publicity pamphlet for the May 18, 2004 bond election also included a projection of secondary property tax rates and impacts that is different from the analysis in the Bond Implementation Plan ordinance. The difference is due to a requirement in Arizona Revised Statutes, §35-454.A(1)(d), which mandates that, for the purposes of the informational pamphlet, the County assume an annual increase in secondary assessed value of only 20 percent of the average of the annual percentage growth for the previous ten years. For Pima County, that represents a very conservative 1.7 percent growth in the years after 2009/10. For purposes of financial planning, the County is using a more realistic estimate of 5 percent.

**B. Sewer Revenue Bond Debt** - If the \$150 million of sewer revenue bonds are authorized at the May 18, 2004 election, sewer user and connections fees will increase, though it is not possible to specify with accuracy how much those fees will increase over the course of the bond program. Sewer user fees and connection fees are annually reviewed to insure fees are



adequate to support annual operating and maintenance costs. Once operating and maintenance costs are deducted from the annual projected revenues of the system, the remainder must be equal to 1.2 times the annual debt service payment requirement of the department, for both existing debt and any proposed new bond sales. If the coverage is less than 1.2 for existing debt than fees must be increased sufficient to bring in the necessary additional revenues. If the coverage is sufficient to cover existing debt but not the sale of new bonds, then the County has the option of postponing the sale or of raising fees to an amount sufficient to generate the additional revenues.

While a schedule of specific fee increases cannot be set at this time, it is possible to estimate that user fee increases related to debt from sale of these bonds could be up to 8 percent and connection fee increases up to 12 percent. Presently, the participating rate connection fee for residential units is \$101.72 per fixture unit and the typical single family residential monthly user fee is \$13.11. For the average single family home, the sewer connection fee equals \$2,441. Therefore, a user fee increase of 8 percent could increase payments from \$13.11 per month to \$14.16 per month, and a 12 percent connection fee increase could increase payments from \$2,441 per average new residential connection to \$2,734.

If the bonds are approved, sewer revenue bonds are scheduled to be sold over a period of eleven fiscal years beginning in 2004/05 and ending in fiscal year 2014/15, as reported in Table 8.

**Table 8**

**Projected Schedule of Sale of 2004 Sewer Revenue Bonds**

| <u>Year of Sale</u> | <u>Amount</u> |
|---------------------|---------------|
| 2004/05             | \$ 3,450,000  |
| 2005/06             | \$17,800,000  |
| 2006/07             | \$17,600,000  |
| 2007/08             | \$18,350,000  |
| 2008/09             | \$25,100,000  |
| 2009/10             | \$19,350,000  |
| 2010/11             | \$ 9,000,000  |
| 2011/12             | \$11,900,000  |
| 2012/13             | \$12,900,000  |
| 2013/14             | \$ 8,000,000  |
| 2014/15             | \$ 6,550,000  |

In addition to selling sewer revenue bonds on the municipal bond market, Pima County has the option of applying for loans from the Water Infrastructure Financing Authority of Arizona that are applied against the bond authorization. The benefit to Pima County and its residents is that these loans are made at interest rates that are between 75 to 80 percent of the municipal bond market rate, thereby saving on interest costs and moderating fee increases.

**C. Bonds Also Paid Back by New Residents** - The growth in the County tax base is two-fold: first, through general property appreciation based on market forces, and second, through the expansion or addition of new taxable property to the base caused by growth. This new growth is a direct result of net immigration of population and, in some measure, is responsible for the demand for programs and facilities sponsored by bonds. Of the typical increase in assessed value each year, a majority of the increase is related to new growth. Over the past five years,

71 percent of the growth in the tax base is attributable to new growth. Therefore, a significant number of residents will help pay for these bonds over their 15 year expected life. Based on historical population growth over the last 15 years, it is expected that the population will increase from 943,795 in 2005 to 1,206,244 in 2020. Therefore, approximately 28 percent of the residential tax base will be new taxpayers contributing to the repayment of these bonds.

**D. Cost Estimates, Bond Funding, and Other Funding** - Total costs of the County 2004 Bond Program will exceed the \$582,250,000 in general obligation and \$150,000,000 in sewer revenue bond requests that Pima County has presented to the voters for the May 18, 2004 special bond election. This Bond Implementation Plan Ordinance discloses instances in which the requested bond funding will not be sufficient to completely accomplish the projects outlined.

Some disclosure is general in nature, without specifying how much more will be required to supplement the authorized bond funding. For example, on Page 23, regarding Question 1 - Sonoran Desert Open Space and Habitat Protection; Preventing Urban Encroachment of Davis Monthan Air Force Base, the Ordinance states that: "More projects have been identified than can actually be purchased for several reasons." The Community Open Space projects related to acquisition of State Trust land under the Arizona Preserve Initiative program in Question 1 identifies \$34 million in potential matching grants from the State Growing Smarter program. The Ordinance notes that, if reform of the State Trust land system becomes a reality, then "a number of the State Trust land projects identified in this ordinance as Community Open Space or Habitat Protection Priorities may be preserved without cost," and additional State Trust lands could be acquired with matching growing smarter grants. Analysis has indicated that between \$50 million and \$137 million of additional funding is possible for the open space programs from private, state, and federal sources.

In Question 4, the City of Tucson notes that it will seek additional funding from a variety of sources for City park projects, more as a statement of general principle than an assertion that bond funding will not cover the full costs of the projects. This is a policy, of course, that Pima County and all of the participating jurisdictions will follow.

In Question 5, the Ordinance project description for the Urban Drainage Infrastructure Program notes that: "The magnitude of urban drainage needs far exceed the amount of Bond Funding available. Pima County and the participating jurisdictions will work cooperatively to identify and secure additional funding, which could include federal and state assistance, contributions from benefitting private interests, appropriations from the County Flood Control District, or appropriations from the befitting jurisdictions."

The Ordinance also discloses projects for which the current cost estimates exceed the bond funding request and discloses the amount of necessary other funding. In Question 1, the Davis-Monthan Air Force Base acquisition assumes that the total costs of land acquisition could range from \$20 million to \$30 million and that the difference over the \$10 million in bond funding will be sought through various state and federal grants and appropriations. The total estimated cost of the Kelly Ranch acquisition is \$5 million, with \$2.5 million to be allocated from bond funding.

In Question 2, the Green Valley Performing Arts Center Phase 2 project assumes \$8 million in privately raised funds to supplement a \$4 million bond allocation. The Arizona Sonora Desert Museum plans to contribute \$2.1 million to supplement bond funding of \$1 million and the Pima Air and Space Museum will contribute \$1 million to supplement \$1 million in bond funding.

In Question 3, the estimated costs of the Regional Public Safety Communications System are \$105 million, with \$92 million in bond funding allocated. Pima County and the participating jurisdictions will vigorously pursue federal and state homeland security assistance with this

project. The County Bond Advisory Committee reduced bond funding for the Tucson Municipal Court project from \$45 million to \$41 million, based on an assumption that there would be \$4 million in residual value to be realized from the assets remaining from the existing City Court after it is no longer needed by the City. The Interagency Victim Advocacy Center has current estimated costs of \$11.8 million, against bond funding of \$6 million. Other funding in the amount of \$5.8 million will need to be identified, and Pima County will continue discussions with the participants in this project to identify this additional funding.

In Question 4, \$2.2 million in other funding will be raised to supplement bond funding for the Brandi Fenton Memorial Riverbend Park project, Marana has identified almost \$8.2 million that they will contribute to their park projects, and Oro Valley will cover the costs of professional architectural and engineering services needed for the Oro Valley Public Library Expansion. The County Bond Advisory Committee reduced bond funding for the Wilmot Branch Library Replacement or Relocation project, from the \$10,185,000 requested by the City of Tucson to \$7 million, again assuming that there would be that much residual value in the assets of the existing library if it were relocated.

Finally, five projects in Question 6 include other funding. The Santa Cruz Interceptor, Prince to Franklin, Tanque Verde Interceptor, Craycroft to Tucson Country Club, and the New Marana WWTP Expansion are all continuations of projects from the 1997 Sewer Revenue Bond program, with 1997 authorizations to be expended in conjunction with the 2004 projects, for a total of \$9.1 million in 1997 authorization. Two of the Ina Road projects – the Central Plant/Electrical Upgrade and the Laboratory/Office Building - are budgeted with \$9 million supplemental funding from Wastewater System Development Funds.

The previous discussion identified instances where Pima County discloses in advance that estimated costs will exceed requested bond authorizations. In some instances, other funding has been identified; in other instances, the County discloses that choices may have to be made based upon available bond authorizations unless other funding can be secured. The County also wishes to disclose that, based upon common experience with large-scale public works programs, actual project costs will vary from the estimated project costs in this ordinance.

All of the cost estimates in the Bond Implementation Plan have been made by staff from Pima County or the participating jurisdictions. Cost estimates are typically made based on the most recent experiences with similar projects and should be considered conceptual costs estimates that may vary from actual costs by as much as 25 percent above or below conceptual cost estimates. Pima County has an extensive base of information from implementation of the 1997 Program upon which to estimate costs for the 2004 projects. In many instances, these cost estimates take estimates of inflation in account. With a few exceptions, these cost estimates are not, and cannot be, based upon detailed engineering studies and design and are, therefore, always subject to the unknown factors that can change costs, upward or downward. If County experience with the 1997 general obligation bond and sewer revenue bond programs is any guide, these cost estimates will be accurate for many projects, while some projects will be completed at lower than estimated costs, and other projects will experience cost increases.

Some types of project cost increases are considered “cost overruns,” when factors can cause the projected costs of components of a project (such as land acquisition, materials, labor) to increase, while the scope of the project remains the same. Not all cost increases, however, are “overruns.” In some instances, Pima County might voluntarily expand the scope of a project. Projects experience cost increases sometimes because new opportunities for funding arise, such as cooperation between Pima County and Pima College on two projects, or unanticipated state aid with the Juvenile Court project, or requests by the Marana Unified School District and Vail Unified School District to collaborate on funding of joint projects. In other instances, Pima

County could voluntarily increase the scope of a project, at the urging of residents or jurisdictional partners, or to capitalize on opportunities identified during programming and design.

When estimated project costs increase, Pima County and the participating jurisdictions can reduce the scope of a project to fit it into available funding or seek other funding to supplement existing funding. With the 1997 general obligation bond program, Pima County has been able to attract over \$62 million in other funding, with over \$10 million of that amount coming from federal and state sources. Another \$18.7 million in other funding was contributed by other jurisdictions and school districts, including \$8.3 million from the City of Tucson for Neighborhood Reinvestment projects and \$3.3 million from Pima College. The YMCA, a community-based non-profit, contributed \$2.8 million for design and construction of the Northwest Community Center/YMCA/Aquatic Center/Athletic Fields.

In summary:

1. Project cost estimates are based on the best available information at the time this ordinance has been drafted. They are reasonable estimates of cost based on facts and information available at the time. Circumstances or facts could change to cause these estimates to vary.
2. Bond funding for each project is limited as specified in this ordinance.
3. The projects that will be completed by bond funding will also attract substantial and potentially significant outside revenues. Private contributions could be as much as \$17 million. Federal funding will range from \$33 million to \$57 million, and state funding will range from a few million to as much as \$63 million.

### **III. General Schedule of Implementation of the County's 2004 Bond Project Development**

The County 2004 Bond Program may take twelve years, through fiscal year 2015/16, to complete. While Pima County and the other cooperating jurisdictions will prioritize projects and work to complete the most important projects first, some projects will not be completed until the end of the program. There are several factors that will determine the general implementation schedule of the County 2004 Bond Program, including, but not limited to, the schedule for sale of bonds; the complexities of capital improvement programming; the competition from large projects for available bond funding; coordinating implementation among several jurisdictions; and the ability of Pima County and other jurisdictions to fund new annual operation and maintenance costs associated with new public improvements.

**A. Schedule of Bond Sales** - The single most important determinant of the overall schedule for implementation of the County 2004 Bond Program is the schedule of sales of bonds. Under the current projected schedule, the last sale of bonds will occur in January 2013 and these proceeds will fund activities over the next twelve to twenty-four months. This schedule of bond sales, in turn, is determined by several factors, the most important of which is the commitment to limit the secondary property tax rate for debt service at the fiscal year 2003/04 level of \$0.8150 per \$100 of assessed value. The trade-off between property tax rates and implementation of the County 2004 Bond Program is that by limiting tax rates the Program will take longer to implement. If the tax rate was not limited, completion of the Program could possibly take half the time now projected.

The schedule of bond sales will also be determined by interest rates set by the municipal bond market and growth in net secondary assessed valuation for the County. The current proposed

schedule of sales assumes interest rates of 6 percent and increases in assessed value of 5 percent. If interest rates are lower or growth in assessed valuation is higher, or both, then bonds could be sold sooner. Conversely, if interest rates are higher or growth in assessed valuation is slower, or both, the schedule of sales would be delayed to meet the tax rate limit pledge. Pima County continually monitors these factors and will annually update and publish a forecast on bond sales.

**B. Capital Programming** - Capital infrastructure improvements are complex undertakings, involving several tasks, all of which take time to complete. For example, a typical public works construction project can require planning, design, acquisition of land or right-of-way, relocation of utilities, and construction. Whenever Pima County or the other local jurisdictions contract for services, all procurement rules set by state statute and local ordinances must be followed, which can take anywhere from three to six months. For acquisition of open space, Pima County must contact and negotiate with potential sellers; complete appraisals; complete due diligence for environmental factors; and execute a contract for purchase only after each acquisition is reviewed and approved by an independent review commission.

For each project in the County 2004 Bond Program, this Bond Implementation Plan identifies the necessary Project Tasks and provides approximations of how long each task can take. This information on project duration is not intended as commitments on the time within which the task will be completed, but as a planning forecast for how long these tasks typically take for similar projects. Also, some tasks are sequential, while other tasks can be underway at the same time.

This information on project duration is useful for two reasons. First, the information shows how complicated each project is and why it is that it takes 2, 3, or 4, or more years to complete a project and open it to public use. Often planning and design, including procurement, will take longer than construction. The County 2004 Bond Program will be a major undertaking, involving many participants completing many tasks, therefore, twelve years to complete the Program is a reasonable estimate given the property tax limit pledge. Second, the information on project duration shows that only a handful of projects are already planned and designed, ready for construction. Overwhelmingly, the projects, other than open space, will require detailed planning and design, which, on the average, will require two years or more of work. Starting and completing this volume of planning and design work will need to be phased. In most instances, planning and design should be followed fairly closely in time by construction. If there is too much time between completion of design and construction, changes in the surrounding environment could require redesign.

Scheduling of construction must also be carefully timed. The more competitive the bidding climate, the more expensive the construction will be. The scheduling of projects can always be changed by the unexpected. Project duration is presented in ranges, reflecting typical times to complete tasks assuming both “the best case” and the case when problems arise. The Bond Implementation Plan will show project schedules in “Implementation Periods,” which are blocks of two fiscal years, as depicted in Table 9 below.

**Table 9**

**Implementation Periods**

| <b><u>Implementation Period</u></b> | <b><u>Fiscal Years</u></b> |
|-------------------------------------|----------------------------|
| 1                                   | 2004/05<br>2005/06         |
| 2                                   | 2006/07<br>2007/08         |
| 3                                   | 2008/09<br>2009/10         |
| 4                                   | 2010/11<br>2011/12         |
| 5                                   | 2012/13<br>2013/14         |
| 6                                   | 2014/15<br>2015/16         |
| 7                                   | 2016/17<br>2017/18         |

**C. Funding Competition from Large Projects** - Four specific projects account for \$205 million or 35 percent of the total requested bond authorization of \$582.25 million - Regional Public Safety Communications System (\$92 million); New Justice Court/Municipal Court Complex (\$76 million); Kino Public Health Center (\$25 million); and New Psychiatric Hospital (\$12 million). Additionally, the open space bond program (Question 1), at \$172.3 million, accounts for another 30 percent of the overall general obligation bond program. If scheduled first, these projects would use all of the first six and part of the seventh bond sales through January 2010. Under this scenario, no other projects would be started until the second half of the bond program. Therefore, these four projects must be planned to permit the many other worthy projects to be started and completed. Their competition for bond funding will strongly influence the overall scheduling of projects and extend the overall program into the later years. Two of these projects will also require additional funding to complete, therefore, they may also be phased to match available funding. In addition, the planning and design for these projects should be completed in order to allow implementation to be accelerated if other planned bond project expenditures fall behind schedule.

**D. Coordinating Implementation Among Several Jurisdictions** - The County 2004 Bond Program will be implemented with an unprecedented level of intergovernmental cooperation. In developing its recommendations, the County Bond Advisory Committee along with the Board of Supervisors solicited and received input from all the local governments and two Indian nations on projects to be included for funding. At least forty projects will require strong intergovernmental cooperation. These are projects that were included in the bond program at the requests of one of the local governments or Indian nations. For many of these projects, the local jurisdiction, rather than Pima County, will manage planning, design and construction. Those projects that will be managed by Pima County will be implemented with close consultation with other governmental entities. All of the projects in other jurisdictions will require intergovernmental agreements.

One project stands out for the level of intergovernmental cooperation and coordination required.

The Regional Public Safety Communications System will require twenty fire districts, eleven police agencies, eight local governments, and the Pima County Office of Emergency Management and Homeland Security to jointly agree upon standards and specifications for procurement of a high technology communications system, a system for governance of the implementation process, and the assumption of annual operating and maintenance costs. This will require an unprecedented level of regional cooperation that will take time to complete. Given the size of the investment involved, taking the time necessary to develop a fully operational system will be critical and worthwhile.

**E. Funding New Annual Operating and Maintenance Costs** - Most of the projects funded by the County 2004 Bond Program, when they are completed and open to the public, will require new annual operating and maintenance expenditures. Scheduling these projects, therefore, must be attentive to the ability of the responsible local government to pay for these costs. All local governments, including Pima County, face tight budgets. At a minimum, all local governments are strictly controlling the growth of budgets each year; therefore, in scheduling County 2004 Bond Program projects, local governments must coordinate their fiscal forecasts to pay for the additional operating and maintenance costs, especially for those projects which carry high additional operating and maintenance costs.

#### **IV. Intergovernmental Coordination and Cooperation**

The County 2004 Bond Program is a major regional undertaking, one that will require intergovernmental cooperation and coordination. Thirty-five projects in the bond program will be administered by a jurisdiction other than Pima County, though funded by County bonds. Twenty fire departments, eleven police departments, and all of the local governments will participate in the Regional Public Safety Communications System, the largest single project in the program. The Joint Pima County Justice Court/City of Tucson Municipal Court will require the closest coordination and cooperation between the County and City.

As is typical when two units of government cooperate on a project, individual intergovernmental agreements will be executed prior to the start of each joint project, establishing the mutual and separate responsibilities of each government for the implementation of the project. This Bond Implementation Plan Ordinance will set forth the principles and expectations for these intergovernmental agreements. These principles and expectations are set forth in Pima County Code, Chapter 3.06 - Bonding Disclosure, Accountability and Implementation - and incorporated here.

The first requirement of this Chapter in County Code is to ensure full disclosure to the voters of the Bond Implementation Plan that will be followed if the bonds are approved. This Ordinance is written in compliance with this requirement and will be approved by the Board on April 13, 2004, prior to the start of early voting. All jurisdictions have developed the project descriptions for the projects they will administer and those descriptions have been incorporated in this Ordinance as submitted. All jurisdictions have had the opportunity to review the Bond Implementation Plan in its entirety.

The second set of requirements, set forth below, relate to expectations of the participating jurisdictions, which derive from the continuing responsibility Pima County has for compliance with the Code and all federal and state laws, even when another jurisdiction administers the project.

#### **A. General Intergovernmental Agreement Requirement Relating to Design, Construction, and Equipping of County Bond Projects by Other Jurisdictions**

Bond projects authorized by the Board in a Bond Implementation Plan for a special bond election to be designed, constructed, or equipped by another political subdivision using County general obligation bonds to fund a project in whole or part shall be funded by the County only pursuant to an intergovernmental agreement executed between Pima County and the implementing subdivision. Each such project shall be authorized and implemented with separate intergovernmental agreements. The intergovernmental agreement shall authorize the jurisdiction to design, construct, or equip the project, subject to compliance with the terms and mutual responsibilities of the parties agreed upon in the intergovernmental agreement. Unless waived by the Board of Supervisors as being in the best interests of the County and warranted by the circumstances of the bond funded project at issue, the intergovernmental agreement shall include, but not be limited to, the following responsibilities of the implementing subdivision:

1. That the implementing political subdivision or jurisdiction shall operate and maintain the improvements constructed by County bond funds for a period of not less than twenty-five (25) years.
2. That the implementing political subdivision or jurisdiction shall not charge a fee for use of the constructed improvement that is more than a fee charged by the County for a similar purpose.
3. That the implementing political subdivision or jurisdiction agrees to insure the improvements constructed with County bond funds and will replace same if damaged or destroyed. This requirement can be met with direct or self-insurance related to property or improvement losses.
4. That the implementing political subdivision or jurisdiction agrees to make the improvements available to all residents of Pima County without restriction or preference to jurisdiction of residence.
5. That the implementing political subdivision or jurisdiction agrees to comply with all provisions of Chapter 3.06, Bonding Disclosure, Accountability, and Implementation, of the Pima County Code and will provide all reports to the County in a format and schedule agreed upon by the parties.
6. That the County will only transfer County general obligation bond proceeds to the implementing political subdivision upon request from the implementing jurisdiction, with full documentation, for reimbursement of funds expended by the jurisdiction, so as to maintain County control of bond proceeds for federal arbitrage responsibilities.
7. That the intergovernmental agreement contain a provision permitting the County to modify the intergovernmental agreement whenever the County determines violations of federal arbitrage regulations are likely to occur and to reallocate said funds to any project authorized by the Bond Implementation Plan. Funding for the particular project will then be programmed on an implementation schedule acceptable to the political subdivision, provided the project will proceed without jeopardizing federal arbitrage rules and regulations.
8. That the implementing political subdivision notify the County of events that would require an amendment of the Bond Implementation Plan Ordinance and formally request of the Board of Supervisors that they hold a public hearing on the requested ordinance amendment.
9. That the intergovernmental agreement shall establish the amount of County bond



funds to be allocated to a specific project, and establish the stated amount as a maximum of County bond monies to be allocated to the project.

**B. No Modification of Jurisdictional Bond Projects Unless Requested by Jurisdiction**

No project requested by a political subdivision or jurisdiction and approved for inclusion in the 2004 Bond Program shall be modified in scope, location, funding amount, or schedule without the express written request of the jurisdiction that requested the project. Due to changing circumstances or matters beyond the control of the jurisdiction, the jurisdiction may request that the Board of Supervisors modify the jurisdictional project. However, modification is limited to changes approved by a majority of the governing body of the jurisdiction making the change request. The request will be acted on by the Board of Supervisors only after the jurisdiction has held a public hearing announcing their intent to request a change, the reason for the change, and details of the change. The Board will then modify the Bond Implementation Plan as requested by the jurisdiction through the process established by County Code.

**V. Future County General Obligation Bond Capacity if All Bond Questions are Approved**

Approving all \$582,250,000 in general obligation bonds can be accommodated within the existing County legal debt margin. Based on the Arizona Constitution, County indebtedness is limited to 15 percent of the net assessed valuation of the County. Assuming the sale of all remaining 1997 General Obligation Bonds of \$65 million, and a sale of the 2004 authorization of \$30 million, in fiscal year 2004/05, the County will have outstanding general obligation bonds of nearly \$268 million, with a 15 percent debt limit of \$845 million. Therefore, a legal debt margin in fiscal year 2004/05 will be nearly \$577 million. Assuming an average growth rate in net assessed value of 5 percent, which is conservative given historical past increases, and the issuance of bonds if authorized as identified in Table 5, the County's general capacity to sell additional bond actually increases. The County's obligation debt margin is reported in Table 10 below.

**Table 10**

**Legal Debt Capacity of the County for General Obligation Debt**  
**(Millions)**

| <b><u>Fiscal Year</u></b> | <b><u>Net Assessed Value</u></b> | <b><u>Debt Limit</u></b> | <b><u>Bonds Outstanding</u></b> | <b><u>Legal Debt Margin Available</u></b> |
|---------------------------|----------------------------------|--------------------------|---------------------------------|-------------------------------------------|
| 2004/05                   | \$ 5,633.3                       | \$ 844.9                 | \$267.8                         | \$577.1                                   |
| 2005/06                   | \$ 5,914.9                       | \$ 887.2                 | \$292.1                         | \$595.1                                   |
| 2006/07                   | \$ 6,210.7                       | \$ 931.6                 | \$322.8                         | \$608.7                                   |
| 2007/08                   | \$ 6,521.2                       | \$ 978.1                 | \$363.6                         | \$614.5                                   |
| 2008/09                   | \$ 6,847.3                       | \$1,027.1                | \$404.4                         | \$622.6                                   |
| 2009/10                   | \$ 7,189.7                       | \$1,078.4                | \$444.8                         | \$633.5                                   |
| 2010/11                   | \$ 7,549.1                       | \$1,132.3                | \$483.2                         | \$649.1                                   |
| 2011/12                   | \$ 7,926.6                       | \$1,188.9                | \$522.1                         | \$666.8                                   |
| 2012/13                   | \$ 8,322.9                       | \$1,248.4                | \$506.4                         | \$742.0                                   |
| 2013/14                   | \$ 8,739.1                       | \$1,310.8                | \$463.7                         | \$847.1                                   |
| 2014/15                   | \$ 9,176.0                       | \$1,376.4                | \$417.6                         | \$958.7                                   |
| 2015/16                   | \$ 9,634.8                       | \$1,445.2                | \$368.2                         | \$1,076.9                                 |
| 2016/17                   | \$10,116.6                       | \$1,517.4                | \$316.2                         | \$1,201.2                                 |
| 2017/18                   | \$10,622.4                       | \$1,593.3                | \$265.5                         | \$1,327.8                                 |
| 2018/19                   | \$11,153.5                       | \$1,673.0                | \$211.8                         | \$1,461.1                                 |
| 2019/20                   | \$11,711.2                       | \$1,756.6                | \$168.0                         | \$1,588.6                                 |
| 2020/21                   | \$12,296.8                       | \$1,844.5                | \$126.6                         | \$1,717.8                                 |
| 2021/22                   | \$12,911.6                       | \$1,936.7                | \$ 89.5                         | \$1,847.2                                 |
| 2022/23                   | \$13,557.2                       | \$2,033.5                | \$ 57.9                         | \$1,975.6                                 |
| 2023/24                   | \$14,235.1                       | \$2,135.2                | \$ 32.0                         | \$2,103.2                                 |
| 2024/25                   | \$14,946.8                       | \$2,242.0                | \$ 13.3                         | \$2,228.7                                 |
| 2025/26                   | \$15,694.2                       | \$2,354.1                | \$ 2.5                          | \$2,351.6                                 |
| 2026/27                   | \$16,478.9                       | \$2,471.8                | \$ 0                            | \$2,471.8                                 |

Clearly the ability of the County to issue additional bonds in the case of an emergency or another voter directed capital program can be met and the issuance of the proposed \$582,250,000 of additional debt does not compromise the County's legal debt margin. The Flood Control District also has essentially \$243 million of unused debt capacity to cover any flood emergency that could face the County in the future.

**VI. Arbitrage Compliance Required**

The sale and expenditure of County bonds are regulated by federal tax laws, rules and regulations designed to eliminate abuses of the tax-free status of these bonds. The most important controls regulate how quickly governments must expend bond proceeds. For example, in order to sell tax-free municipal bonds, the government must have reasonable expectations of expending all bond proceeds within three years of their sale.

Of equal importance are federal regulations governing arbitrage. Arbitrage simply refers to the difference between the interest Pima County pays its bond holders and the interest Pima

County earns on the deposit of bond proceeds. Pima County must rebate to the federal Treasury any arbitrage earnings. There are, however, two strictly circumscribed circumstances under which Pima County can retain arbitrage earnings. First, for any non-construction project, such as open space, Pima County can retain any arbitrage earnings if the bond proceeds are fully expended within six months of their sale. Second, for construction projects, arbitrage earnings can be retained if all of the following four expenditure benchmarks are met: within six months, if 10 percent is expended; within twelve months, if 45 percent is expended; within eighteen months, if 75 percent is expended; and within twenty-four months, if 100 percent is expended. Compliance with federal arbitrage rules imposes a significant burden of monitoring and reporting on the expenditure of Pima County bond proceeds.

Under the right economic circumstances, arbitrage earnings can be significant and Pima County has a strong interest in complying with arbitrage requirements in order to retain those earnings. Therefore, the practical impact of federal arbitrage rules is that Pima County will not sell bonds until projects are ready to begin immediate expenditure of the bond sale proceeds. Because of the strict six-month rule, Pima County will not hold significant sales of open space bonds until agreements have been negotiated with willing sellers. For construction projects, bonds will typically be sold in amounts sufficient to cover planning and design, followed by subsequent sales to fund construction. If bonds have already been sold for projects that experience delays that threaten compliance with arbitrage rules, bond proceeds will be reallocated to other eligible projects for which expenditures are ready to be made. Such reallocation of bond proceeds does not change the bond authorization for the effected projects, only the timing of when the authorization becomes an expenditure.

For projects managed by other jurisdictions, arbitrage rules do not consider as expended bond proceeds transferred to the other jurisdiction in advance of their expending those funds. Pima County retains full responsibility for compliance with arbitrage rules until the other jurisdiction has fully expended those bond funds. Pima County will ensure in project-by-project intergovernmental agreements that it retains full power to ensure it can comply with arbitrage requirements.

## **VII. Specific Project Description, Scope of Work, and Location by Question and Project**

In this section, each bond project and/or program approved by the Board of Supervisors in public session on January 20, 2004 and ratified on February 3, 2004 is listed and described, and specific program implementation issues are identified and discussed, as required by Section 3.060, Bonding Disclosure, Accountability and Implementation, of the Pima County Code.

### **A. Question No. 1 - Sonoran Desert Open Space and Habitat Protection; Preventing Urban Encroachment of Davis-Monthan Air Force Base**

For the purpose of acquiring real and personal property for open space and habitat protection, including, without limitation, Sonoran Desert open space, protecting wildlife habitats, saguaro cacti, ironwood forests and lands around rivers, washes and recharge areas to ensure high water quality, the acquisition of lands in the vicinity of Davis-Monthan Air Force Base to prevent urban encroachment, and the acquisition of real or personal property or interests or rights in property for such purpose and paying all expenses properly incidental thereto and to the issuance of such bonds, shall Pima County, Arizona be authorized to issue and sell general obligation bonds of the County in an aggregate principal amount not exceeding \$174,300,000?

**1. Basic Acquisition Guidelines** - The following guidelines shall apply to all property acquisitions or the acquisition of rights in property associated with this bond question.

- a. Acquisition Amount - No property and/or rights in property shall be acquired unless the amount to be paid is at or near the value established by an appraisal commissioned by the County that meets the minimum standards for land acquisition as defined by Uniform Standards for Professional Appraisal Practice.
- b. Estimated Acquisition Costs - The acquisition amount for specific properties identified within this ordinance shall not substantially exceed the estimated acquisition costs. For the purposes of this ordinance, substantial is defined when the final acquisition cost exceeds, by 10 percent or more, the amount listed for any specific property identified for acquisition in this ordinance.
- c. Condemnation Prohibited - The County shall not use its powers of eminent domain to acquire property or rights in property for open space purposes unless such a legal proceeding is requested by the property owner, and then only for the purpose of extinguishing claims and adverse interests or to satisfy conditions of tax and/or estate planning.
- d. Independent Review - All acquisitions of property or rights in property must be reviewed by and recommended to the Board of Supervisors by the Conservation Acquisition Commission identified in this ordinance. No acquisition will be presented to the Board of Supervisors for consideration until the Conservation Acquisition Commission has reviewed, approved and recommended the acquisition to the Board of Supervisors.
- e. Habitat Protection by Conservation Easement - For projects identified as habitat protection priorities, the preferred method of acquisition will be to acquire development rights and/or conservation easements on the property to be conserved, with the understanding that the property will be managed in perpetuity for the habitat values for which the property is being protected.
- f. Conservation in Perpetuity - Provided that the County receives an incidental take permit pursuant to Section 10(1)(a)(B) of the Endangered Species Act of 1973, land preserved through the acquisition of property or rights in property to meet the requirements of this permit will be conserved in perpetuity and will be managed consistent with the Sonoran Desert Conservation Plan.
- g. Habitat Protection and Community Open Space Allocation - The amount specified for projects identified as community open space parcels is the minimum amount of bond funds to be expended. Habitat protection bond allocations shall not be more than the amount specified; however, this amount may be exceeded if the community open space acquisitions identified in this ordinance are, for whatever reason, unavailable or cannot be acquired due to individual project cost exceedence or lack of a willing seller.
- h. Federal, State and Private Contributions - Acquisitions that have federal, state or private funding contributions shall be given priority over acquisitions that do not have such additional funding.
- i. State Trust Land Reform - If successful, State Trust land reform will allow a significant amount of the State Trust lands identified in this ordinance to be acquired without public cost. If such occurs, the funding identified for the acquisition of donated State Trust lands will be dedicated to acquire other State Trust lands identified for conservation by this ordinance.

- j. Davis-Monthan Related Acquisition - Technical information and military expert advice will be the primary guide for selecting acquisition properties for protecting flight corridors relied on by Davis-Monthan Air Force Base.
- k. Wildlife and Game Management - Lands or interest in lands acquired as identified in this ordinance shall not change or alter game and wildlife management, which is exclusively reserved to the State through the Arizona Game and Fish Commission. Further, the County recognizes the authority of the Arizona Game and Fish Commission over all non-migratory wildlife, and the United States Fish and Wildlife Service over all migratory wildlife. Reasonable public access shall be provided for lands acquired in fee simple. Existing public access shall not be prohibited or altered for lands where development rights or conservation easements are acquired. No County action shall limit access for the recreational purposes of sportsmen lawfully engaged in activities related to the legal taking of fish and game. The County will cooperate with, and accede to the decisions of, the Arizona Game and Fish Commission in all matters relating to game management when advancing the goals of the Sonoran Desert Conservation Plan through acquisition or conservation of open space identified in this ordinance. Public lands owned by Pima County, or where the County has acquired a conservation easement allowing such, are eligible for the full spectrum of active wildlife management and conservation activities prescribed by either the Arizona Game and Fish Department or the United States Fish and Wildlife Service. This includes activities designed to manage, re-establish, maintain, and enhance wildlife populations. If undertaken, these activities are to be carried out in consultation with Pima County.

2. **General Categories of Open Space and Habitat Protection** - Projects identified in this ordinance to be acquired as open space and habitat protection fall into four categories:

- Habitat Protection Priorities - \$112 million
- Community Open Space Parcels - \$37.3 million
- Urban Open Spaces Requested by Jurisdictions - \$15 million
- Preventing Encroachment on Davis-Monthan Air Force Base - \$10 million

For the projects identified in this ordinance as either Community Open Space Parcels or Habitat Protection Priorities, the number of projects identified is in excess of the number that can be purchased with the stated allocations of bond funds. Fourteen projects are identified in this ordinance as Community Open Space Parcels, but purchasing these 14 projects would cost more than the \$37.3 million allocated. For projects identified as Habitat Protection Priorities, approximately 524,000 acres are identified in this ordinance, but protecting this entire acreage would cost more than the \$112 million allocated. More projects have been identified than can actually be purchased for several reasons:

- 1) Pima County may be unable to successfully negotiate a purchase with every landowner. Including excess projects gives the County flexibility in negotiating with the property owners.
- 2) State and Federal grants will be sought by Pima County. Grant awards would expand the amount of funds available to purchase parcels identified in this ordinance.
- 3) If State Land reform is successful, a number of State Trust land projects identified in this ordinance as Community Open Space or Habitat Protection Priorities may be

preserved without cost. If this occurs, bond funds will be used to purchase other State Trust land identified in this ordinance.

- 4) For projects identified as Habitat Protection Priorities, parcels identified in excess of that which can be purchased provide Pima County the flexibility necessary to protect valuable biological lands to meet the requirements of an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973.

To the extent possible, Pima County will begin the negotiation process with projects prioritized as highest priority. For the projects identified in this ordinance as Habitat Protection Priorities, projects are prioritized into highest priority and secondary priority categories.

**3. Funding of Open Space Categories**- \$10 million in bond funds shall be allocated for the purpose of acquiring urban open space to prevent encroachment on Davis-Monthan Air Force Base. \$15 million shall be allocated for the purpose of funding projects identified as Urban Open Spaces Requested by Jurisdictions. 25 percent (or \$37.3 million) of the remaining \$149.3 million in bond funds will be allocated for the purpose of funding projects identified as Community Open Space, except as specified in this ordinance. 75 percent (or \$112 million) of the remaining \$149.3 million in bond funds will be allocated for the purpose of funding projects identified as Habitat Protection Priorities, except as specified in this ordinance.

- a. Matching Funds - For projects identified in this ordinance as requiring matching funds, bond funds will not be released until matching funds are secured or there are reasonable expectations that said funding will be obtained. If after a reasonable time period the matching funds have not been acquired, this ordinance may be amended to reflect this circumstance.
- b. Habitat Protection Project Area Allocation - For projects identified in this ordinance as Habitat Protection Priorities, the approximate dollar amounts allocated to each project area do not represent the exact amount of bond funds the County will expend in each project area. These approximations are based upon the best present estimate of average land values in each sub area, and the percentage of acres of Habitat Protection Priorities that fall within each sub area.

| <u>Area</u>                      | <u>Percent</u> | <u>Amount</u> |
|----------------------------------|----------------|---------------|
| Southeast Corridor Project Area  | 34 percent     | \$38,000,000  |
| Santa Cruz Basin Project Area    | 20 percent     | \$22,000,000  |
| Altar Valley Project Area        | 19 percent     | \$21,000,000  |
| Avra Valley Project Area         | 4 percent      | \$ 5,000,000  |
| Tortolita Mountains Project Area | 10 percent     | \$11,000,000  |
| Tucson Basin Project Area        | 5 percent      | \$ 6,000,000  |
| San Pedro Project Area           | 8 percent      | \$ 9,000,000  |

- c. Conservation Easements and Development Rights - Pima County shall make use of conservation easements or the purchase of development rights whenever these are an appropriate means of protecting the values of the projects identified in this ordinance. For projects identified as Habitat Protection Priorities, the goal is to use conservation easements to the extent possible. Conservation easements are voluntary agreements between a willing seller and Pima County, or a non-profit established for this purpose, that are mutually advantageous to both parties. If the County purchases development rights from a willing seller, a conservation easement shall also be executed. The purchase of development rights and conservation easements funded through bond funds identified in

this ordinance for Habitat Protection Priorities shall promote the biological goal and objectives of the Sonoran Desert Conservation Plan through specific language to appropriately manage natural land cover and water resources, promote recovery or re-introductions of native species, and to reduce threats to ecosystem structure and functions, including threats to habitat for identified species. The County may also acquire other interests in property such as remainder interests combined with conservation easements, which enable the immediate protection of and the eventual acquisition of land.

- d. **Priority Acquisitions** - At the time of the drafting of this ordinance, many of the private properties identified as Community Open Space Parcels were under high development pressures. To the extent possible, purchases of private properties identified as Community Open Space Priorities will occur in earlier years of the bond implementation program in order to acquire the properties before they are developed.

**4. State Trust Land Reform** - Some of the projects identified in this ordinance to be acquired for open space and habitat protection are State Trust lands. Every effort will be made to protect the open space and habitat values of these lands in a cost-effective manner. The future of the Arizona Preserve Initiative process for reclassifying State Trust land for conservation purposes is unknown at this time. If this or any future State Trust land reform package is approved by the Legislature, voters of Arizona, and Congress which includes a provision whereby some lands identified in this ordinance are reclassified for conservation without requiring compensation, bond funds for said projects will be reallocated to State Trust lands that do require compensation for preservation. If State Trust land reform does not occur, Pima County will continue to work through the Arizona Preserve Initiative process to protect the open space and habitat values of the projects identified in this ordinance.

**5. Accountability and Transparency** - In order to ensure the highest accountability to the voters for any open space acquisition or conservation easement or development right acquisition authorized, an eleven-member Conservation Acquisition Commission will be or has been formed. One Commission member will be appointed by each of the members of the Pima County Board of Supervisors, one member will be appointed by the County Administrator, two members will be appointed by land conservation organizations active within Pima County, one member will represent the Natural Resources, Parks and Recreation Commission, another member will represent the local Board of Realtors, and at least one member will represent the ranching community. The purpose of the Commission will be to provide oversight and monitoring of all open space acquisitions that will be placed before the Board for consideration. This Commission will be provided a budget sufficient to carry out this work and to fund an annual, independent audit of all financial transactions and records of the Commission, which will be made public. In addition to this Conservation Acquisition Commission, the County Bond Advisory Committee will be monitoring the implementation of the overall bond program, will be holding public meetings as necessary, but no less than twice each year, and will submit an annual report to the Board of Supervisors.

Project funding allocations to specific projects identified in this ordinance will occur only after a public hearing is held by the Board of Supervisors where the projects to be funded have been advertised in a newspaper of general circulation of the County. The Board shall take into consideration review and comments made at the public hearing when selecting specific projects to fund among those identified in this ordinance.

**6. Rights of Property Owners** - Nothing shall prohibit the owners of property identified for possible acquisition from using their property in accordance with existing zoning and land use or development codes of Pima County, including, but not limited to, filing for any change in the status of land use designated in the Comprehensive Plan, or filing for a land use or zoning

change. Any property owner filing for a building permit, conditional use permit, Comprehensive Plan Amendment, or zoning change on property targeted for possible open space acquisition will only need to comply with the standard procedures and processes established for same.

**7. Property Acquisition Process** - Real property acquisition by Pima County is a multi-phase and often time-consuming process. The acquisition process for each property follows three phases.

Phase I may last approximately 3 to 6 months, and includes identification of the parcel, approval by the Conservation Acquisition Commission to initiate due diligence, and initiation of due diligence data gathering and formal appraisal.

Phase II may last approximately 4 to 8 months, and includes analysis of the due diligence data gathered, securing an appraisal, negotiation with the seller, processing of an acquisition agreement for approval by the Pima County Board of Supervisors, and review and approval of the acquisition agreement by the Conservation Acquisition Commission.

Phase III may last approximately 2 to 6 months, and includes the time to finalize Board of Supervisors approval of the acquisition agreement, and closing of the sale.

No property will be acquired unless the acquisition cost is at or near appraised value based on an appraisal approved by Pima County. Before an acquisition proposal is presented to the Conservation Acquisition Commission, a standard title report on the property shall be received and reviewed disclosing any liens, encumbrances or defects in property titles. The acquisition process will require both County staff and consultant contract appraisers and acquisition agents in order to complete the acquisition program according to the bond program schedule.

For the majority of the projects identified, the cost estimate figure is a “budget estimate” of acquisition costs prepared by staff. These budget estimates are intended solely for preliminary planning purposes. They are not value estimates or appraisals as defined by Arizona Revised Statutes or the Uniform Standards of Professional Appraisal Practice. Prior to making an offer to a property owner, the County will order an appraisal, which will be reviewed prior to acceptance. Appraisals of the properties could differ significantly from these budget estimates. Also, the inclusion of a property, within an associated budget estimate, does not represent an offer from the County, nor a declaration of the County’s intent to make such an offer.

## **8. Specific Project Description, Scope of Work, and Location by Project**

**a. Community Open Space Parcels** - To arrive at a list of Community Open Space Parcels for this bond implementation plan, properties identified from the following sources were evaluated: 1) remaining parcels included in the voter-approved 1997 Open Space Bond Program; 2) parcels identified as important to the open space goals of Pima County’s Natural Resources, Parks and Recreation Department; 3) additional parcels located on the urban fringe or within urban Tucson that were identified by community and environmental groups as well as individual members of the community as being of special merit, many of which enjoy considerable community support; and 4) parcels reclassified to conservation status by the Arizona State Land Department through Pima County’s Arizona Preserve Initiative Application.

As stated earlier in this ordinance, the number of projects identified is in excess of the number that will be purchased with the total bond fund allocation for Community Open Space Parcels. Projects are not in order of priority.

Total Bond Funding for Community Open Space Parcels: \$37.3 million



## 1.1 Tucson Mountain Park - Sweetwater Preserve

**Location:** Parcels are located in the Tucson Mountain Foothills, immediately north of Sweetwater Drive and west of Camino de Oeste.

**Scope:** Purchase in fee simple 3 parcels totaling 695 acres.

**Benefit:** This project will protect one of the last remaining large parcels of land in the Tucson Mountains, and will be a strategic addition to the area's protected lands. The project will provide habitat protection for a wide range of plants and animals, including habitat suitable for the cactus ferruginous pygmy owl, desert tortoise, gila monster, lesser long-nose bat, yellow-billed cuckoo, abert's towhee, California leaf-nosed bat, grey fox, mountain lion and the tiger rattlesnake. Acquisition of the project area will protect a key segment of the Sweetwater Wash that connects Tucson Mountain Park to the Santa Cruz River, recreational opportunities on existing trails presently popular with hikers, equestrians and mountain bikers, known archeological resources, and a key portion of the viewshed of the upper foothills of the Tucson Mountains.

**Cost:** \$13,000,000

**Bond Funding:** \$13,000,000

**Other Funds:** Federal and State Grants.

**Implementation Period:** 1, 2

**Future Operating and Maintenance Costs:** Based on the average cost to operate and maintain the existing open space parks system of Pima County, it is anticipated that future operating and maintenance costs of community open spaces which are added to the existing natural open space system operated and maintained by Pima County will cost, on average, approximately \$60 per year per acre of added open space park.

## 1.2 Tucson Mountain Park - Camino de Oeste

**Location:** The parcels about the Tucson Mountain Park immediately west of Camino de Oeste and south of Gates Pass.

**Scope:** Purchase in fee simple or acquire conservation easements on parcels totaling 100 acres.

**Benefit:** This project will protect habitat for a wide range of plants and animals, provide viewshed protection for upper foothills of the Tucson Mountains, provide a strategic boundary enhancement to Tucson Mountain Park, and protect cultural resources, including several Civilian Conservation Corps check dams that date to the early 1930s.

**Cost:** \$2,000,000

**Bond Funding:** \$2,000,000

**Other Funds:** Federal and State grants.

**Implementation Period:** 1, 2, 3

**Future Operating and Maintenance Costs:** Based on the average cost to operate and maintain the existing open space parks system of Pima County, it is anticipated that future operating and maintenance costs of community open spaces which are added to the existing natural open space system operated and maintained by Pima County will cost, on average, approximately \$60 per year per acre of added open space park.

### **1.3 Tucson Mountain Park - Dos Picos**

**Location:** Parcels are immediately east of Tucson Mountain Park, north of the Starr Pass development, and south of Anklam Road.

**Scope:** Purchase in fee simple or acquire conservation easements on parcels totaling 80 acres.

**Benefit:** This project will be a strategic addition to the boundary of Tucson Mountain Park that will protect a pair of prominent landmark peaks, and will provide viewshed protection for the upper foothills of the Tucson Mountains.

**Cost:** \$1,000,000

**Bond Funding:** \$1,000,000

**Other Funds:** Federal and State grants.

**Implementation Period:** 1, 2

**Future Operating and Maintenance Costs:** Based on the average cost to operate and maintain the existing open space parks system of Pima County, it is anticipated that future operating and maintenance costs of community open spaces which are added to the existing natural open space system operated and maintained by Pima County will cost, on average, approximately \$60 per year per acre of added open space park.

### **1.4 Tortolita Mountain Park - Arizona Preserve Initiative**

**Location:** These State Trust lands are located in the planning boundary of the Tortolita Mountain Park.

**Scope:** Purchase approximately 1,500 acres of State Trust land in fee simple or through other available methods. Parcels were reclassified to conservation status by the Arizona State Land Department in July 2003.

**Benefit:** This project will provide habitat protection for a variety of species including suitable habitat for the cactus ferruginous pygmy owl; will protect an area of high archaeological significance; will protect a key segment of Upper Honey Bee Canyon; will preserve recreational areas for hikers, equestrians, and mountain bikers; and protect the viewshed of the eastern foothills of the Tortolita Mountains, which forms one of the principal gateway corridors into metro Tucson.

**Cost:** \$3,564,528

**Bond Funding:** \$1,547,968

**Other Funds:** \$234,296 from the 1997 Bond Program and \$1,782,264 in State Growing Smarter matching funds.

**Implementation Period:** 1, 2, 3, 4

**Future Operating and Maintenance Costs:** Based on the average cost to operate and maintain the existing open space parks system of Pima County, it is anticipated that future operating and maintenance costs of community open spaces which are added to the existing natural open space system operated and maintained by Pima County will cost, on average, approximately \$60 per year per acre of added open space park.

### **1.5 Tucson Mountain Park - Arizona Preserve Initiatives**

#### **a. Robles Pass**

**Location:** Parcel is a short distance south of Ajo Way, adjacent to Tucson Mountain Park.

**Scope:** Purchase this 40-acre State Trust land parcel in fee simple or through other available methods. Parcel has been reclassified under the Arizona Preserve Initiative.

**Benefit:** This project will protect a scenic slope adjacent to Tucson Mountain Park, along with high quality habitat suitable for the cactus ferruginous pygmy owl and other species. The acquisition of this parcel will also help expand the proposed Tucson Mountain Park Southern Corridor linkage to the West Branch of the Santa Cruz River.

**Cost:** \$800,000

**Bond Funding:** \$400,000

**Other Funds:** \$400,000 in State Growing Smarter matching grants.

**Implementation Period:** 1, 2, 3, 4

**Future Operating and Maintenance Costs:** Based on the average cost to operate and maintain the existing open space parks system of Pima County, it is anticipated that future operating and maintenance costs of community open spaces which are added to the existing natural open space system operated and maintained by Pima County will cost, on average, approximately \$60 per year per acre of added open space park.

#### **b. Trails End**

**Location:** Parcel is immediately north of Trails End Road now surrounded by Tucson Mountain Park.

**Scope:** Purchase this 60-acre State Trust land parcel in fee simple or through other available methods. Parcel has been reclassified under the Arizona Preserve Initiative.

**Benefit:** This project will protect a scenic slope adjacent to Tucson Mountain Park and a segment of a major natural wash, as well as high quality habitat suitable for the cactus ferruginous pygmy owl and other species.

**Cost:** \$1,200,000

**Bond Funding:** \$600,000

**Other Funds:** \$600,000 in State Growing Smarter matching grants.

**Implementation Period:** 1, 2, 3, 4

**Future Operating and Maintenance Costs:** Based on the average cost to operate and maintain the existing open space parks system of Pima County, it is anticipated that future operating and maintenance costs of community open spaces which are added to the existing natural open space system operated and maintained by Pima County will cost, on average, approximately \$60 per year per acre of added open space park.

### **1.6 Catalina Conservation Easements**

**Location:** Parcels within and between the southern ends of the Catalina State Park Expansion and Tortolita East Biological Corridor Arizona Preserve Initiatives, and abutting the northern border of the Catalina State Park.

**Scope:** Acquisition of conservation easements over private properties to ensure the efficacy of the area as a biological corridor.

**Benefit:** This project will ensure that the private properties within this functioning biological corridor will not be degraded by further development, and will ensure the protection of the biological integrity of the State Trust lands to be acquired by Pima County for addition to Catalina State Park and the Tortolita East Biological Corridor.

**Cost:** \$1,000,000

**Bond Funding:** \$1,000,000

**Other Funds:** Federal and State grants.

**Implementation Period:** 2, 3, 4

**Future Operating and Maintenance Costs:** Based on the average cost to operate and maintain the existing open space parks system of Pima County, it is anticipated that future operating and maintenance costs of community open spaces which are added to the existing natural open space system operated and maintained by Pima County will cost, on average, approximately \$60 per year per acre of added open space park.

### **1.7 Canoa Ranch**

**Location:** Project contains 3 parcels along the eastern side of Interstate 19, surrounded by the County's 4,651 acre Canoa Ranch property.

**Scope:** Purchase in fee simple or acquire conservation easements on 133 acres of former ranch parcels presently zoned for commercial use.

**Benefit:** This project would consolidate all parcels on the east side of Interstate 19 to protect the historic ranch complex and open space and wildlife values from adjacent commercial

development. One parcel contains an equestrian facility that would augment the planned use of the ranch for environmental education, a museum, and short-term rentals for birders and hikers.

**Cost:** \$3,000,000

**Bond Funding:** \$3,000,000

**Other Funds:** Federal and State Grants

**Implementation Period:** 2, 3, 4

**Future Operating and Maintenance Costs:** Based on the average cost to operate and maintain the existing open space parks system of Pima County, it is anticipated that future operating and maintenance costs of community open spaces which are added to the existing natural open space system operated and maintained by Pima County will cost, on average, approximately \$60 per year per acre of added open space park.

### **1.8 Tucson Mountain Park - Los Morteros**

**Location:** Parcels are located in the northern reaches of the Tucson Mountains in the Town of Marana.

**Scope:** Purchase in fee simple or acquire conservation easements on 3 parcels totaling 45 acres.

**Benefit:** This project will protect irreplaceable archaeological resources, further Pima County's commitment to protecting this area's cultural sites, as well as help preserve the scenic values of the northern reaches of the Tucson Mountains. The properties are associated with the Los Morteros site that is eligible for listing on the National Register of Historic Places.

**Cost:** \$1,000,000

**Bond Funding:** \$1,000,000

**Other Funds:** Federal and State grants.

**Implementation Period:** 1, 2, 3

**Future Operating and Maintenance Costs:** Based on the average cost to operate and maintain the existing open space parks system of Pima County, it is anticipated that future operating and maintenance costs of community open spaces which are added to the existing natural open space system operated and maintained by Pima County will cost, on average, approximately \$60 per year per acre of added open space park.

### **1.9 Tortolita Mountain Park - Carpenter Ranch**

**Location:** Parcel is located a short distance north of the Pima-Pinal County line, north of the Tortolita Mountain Park.

**Scope:** Purchase in fee simple or acquire conservation easements on 300 acres.

**Benefit:** This project will expand and enhance Pima County's existing Tortolita Mountain Park holdings; preserve natural and scenic resources including a natural spring; protect a portion of a historic ranch; and provide access to Tortolita Mountain Park from the north side of the range.

**Cost:** \$1,000,000

**Bond Funding:** \$1,000,000

**Other Funds:** Federal and State Grants.

**Implementation Period:** 1, 2, 3

**Future Operating and Maintenance Costs:** Based on the average cost to operate and maintain the existing open space parks system of Pima County, it is anticipated that future operating and maintenance costs of community open spaces which are added to the existing natural open space system operated and maintained by Pima County will cost, on average, approximately \$60 per year per acre of added open space park.

#### **1.10 Tortolita Mountain Park - East Biological Corridor Arizona Preserve Initiative**

**Location:** These State Trust lands are situated between the Tortolita Mountain Park Arizona Preserve Initiative lands and the Catalina State Park Arizona Preserve Initiative lands, immediately north of Oro Valley with the majority of parcels lying immediately west of Oracle Road.

**Scope:** Purchase 4,761 acres of State Trust land in fee simple or through other available methods.

**Benefit:** This project will facilitate the creation of a key biological corridor between the Tortolita Mountains, Catalina State Park and the Coronado National Forest, provide habitat protection for a variety of species including suitable habitat for the cactus ferruginous pygmy owl, protect an area of high archaeological significance, protect a key segment of Upper Honey Bee Canyon, preserve recreational areas for hikers, equestrians, and mountain bikers, and preserve the viewshed of the eastern foothills of the Tortolita Mountains, which form one of the principal gateway corridors into metro Tucson.

**Cost:** \$20,000,000

**Bond Funding:** \$10,000,000

**Other Funds:** \$10,000,000 in State Growing Smarter matching grants.

**Implementation Period:** 1, 2, 3, 4, 5

**Future Operating and Maintenance Costs:** Based on the average cost to operate and maintain the existing open space parks system of Pima County, it is anticipated that future operating and maintenance costs of community open spaces which are added to the existing natural open space system operated and maintained by Pima County will cost, on average, approximately \$60 per year per acre of added open space park.

### **1.11 Catalina State Park Expansion - Arizona Preserve Initiative**

**Location:** These State Trust lands are located immediately north of Catalina State Park, east of Oracle Road, and west of the Catalina Mountains.

**Scope:** Purchase 2,320 acres of State Trust land in fee simple or through other available methods.

**Benefit:** This project will help create an important biological corridor between the Tortolita Mountains, Catalina State Park, and the Catalina Mountains, provide habitat protection for a variety of species including suitable habitat for the cactus ferruginous pygmy owl, expand and enhance the popular Catalina State Park, and protect trails presently used by hikers, equestrians, and mountain bikers.

**Cost:** \$10,000,000

**Bond Funding:** \$5,000,000

**Other Funds:** \$5,000,000 in State Growing Smarter matching grants.

**Implementation Period:** 4, 5, 6

**Future Operating and Maintenance Costs:** Based on the average cost to operate and maintain the existing open space parks system of Pima County, it is anticipated that future operating and maintenance costs of community open spaces which are added to the existing natural open space system operated and maintained by Pima County will cost, on average, approximately \$60 per year per acre of added open space park.

### **1.12 Colossal Cave Mountain Park Expansion**

**Location:** State Trust lands northwest of the Colossal Cave Mountain Park.

**Scope:** Purchase or preserve through other acquisition tools 1,600 acres.

**Benefit:** This project would expand the existing Colossal Cave Mountain Park to preserve Pistol Hill, protect valuable biological, cultural and scenic resources, and create new recreational opportunities for hikers, equestrians, and mountain bikers.

**Cost:** \$12,000,000

**Bond Funding:** \$6,000,000

**Other Funds:** \$6,000,000 in State Growing Smarter matching grants

**Implementation Period:** 2, 3, 4, 5

**Future Operating and Maintenance Costs:** Based on the average cost to operate and maintain the existing open space parks system of Pima County, it is anticipated that future operating and maintenance costs of community open spaces which are added to the existing natural open space system operated and maintained by Pima County will cost, on average, approximately \$60 per year per acre of added open space park.

### **1.13 Tucson Mountain Park - Painted Hills**

**Location:** The parcels are located between Anklam Road and Speedway Boulevard, a short distance from Tucson Mountain Park.

**Scope:** Purchase in fee simple or acquire conservation easements on 5 parcels totaling 300 acres.

**Benefit:** This project will protect the saguaro-studded slopes along both Speedway and Anklam roads, protect habitat for a wide range of plants and animals, and protect the viewshed of the upper foothills of the Tucson Mountains.

**Cost:** \$4,500,000

**Bond Funding:** \$4,500,000

**Other Funds:** Federal and State grants.

**Implementation Period:** 1, 2, 3, 4

**Future Operating and Maintenance Costs:** Based on the average cost to operate and maintain the existing open space parks system of Pima County, it is anticipated that future operating and maintenance costs of community open spaces which are added to the existing natural open space system operated and maintained by Pima County will cost, on average, approximately \$60 per year per acre of added open space park.

### **1.14 Tucson Mountain Park – South Corridor**

**Location:** Corridor is located south of Ajo Highway and west of Mission Road.

**Scope:** Purchase in fee simple or acquire conservation easements on properties to preserve a corridor from the southern end of Tucson Mountain Park to Mission Road. Pima County will seek options to preserve this corridor through public/private partnerships that do not require the purchase of entire parcels.

**Benefit:** Preservation of this corridor will help protect a key viewshed in the southeastern foothills of the Tucson Mountains, buffer the effects of urban encroachment on Tucson Mountain Park, protect valuable scenic and natural resources along with a Priority Cultural Resource site, and provide a key element of an important linkage between the Tucson Mountains and the Santa Cruz River corridor.

**Cost:** \$2,100,000

**Bond Funding:** \$2,100,000

**Other Funds:** Federal and State Grants.

**Implementation Period:** 2, 3, 4, 5

**Future Operating and Maintenance Costs:** Based on the average cost to operate and maintain the existing open space parks system of Pima County, it is anticipated that future operating and maintenance costs of community open spaces which are added to the existing



natural open space system operated and maintained by Pima County will cost, on average, approximately \$60 per year per acre of added open space park.

**b. Urban Open Spaces Requested by Jurisdictions** - The City of Tucson, and the Towns of Oro Valley and Sahuarita requested the inclusion of the following urban open space projects. Projects are not in priority order. The amounts allocated to the urban open space projects requested by the City of Tucson may exceed the actual purchase prices. If this occurs, consideration shall be given to the purchase of conservation easements on the Bellota/A-7 Ranch with any surplus funds.

Total Bond Funding for Urban Open Spaces Requested by Jurisdictions: \$15 million

### **City of Tucson Priorities**

#### **1.15 Agua Caliente, Brawley Wash and Painted Hills**

**Location:** The confluence area of the Tanque Verde Creek and Agua Caliente Wash; Brawley Wash; Painted Hills between Speedway and Anklam.

**Scope:** Purchase in fee simple or acquire conservation easements on parcels or portions of parcels, with preference for vacant lands within the floodplain and floodway of the Tanque Verde and Agua Caliente Washes. First priority of acquisition will be the vacant land downstream of Houghton Road along the Agua Caliente Wash. The scope also includes the purchase of property along the Brawley Wash, adjacent to City of Tucson-owned land, tax code parcels 208-40-0650, 0660, 213-10-001N, 215-31-039A. The scope also includes the purchase of property between Speedway and Anklam, tax code parcels 116-04-164A, 116-04-164B, 116-07-1250, 116-08-001C, 116-09-0060.

**Benefit:** Preservation of significant riparian areas, prevention of future flood damages, and conservation of saguaro-studded slopes.

**Cost:** 5,000,000

**Bond Funding:** 5,000,000

**Other Funding:** None identified at this time. If additional funding becomes necessary, options include federal or state grants, and specific appropriations from the County Flood Control District tax levy.

**Implementation Period:** 1, 2, 3, 4, 5

**Project Management:** The County Flood Control District will be responsible for managing all acquisitions, in close consultation with City of Tucson staff.

**Future Operating and Maintenance Costs:** There should be minimal costs, which will be funded through the Flood Control District.

#### **1.16 36th Street Corridor, and Valencia and Painted Hills**

**Location:** Corridor along 36th Street, from the Santa Cruz River west to Tucson Mountain Park; Valencia Archaeological Site at Interstate 10 and Valencia, along the Santa Cruz River; Painted Hills between Speedway and Anklam.

**Scope:** Purchase in fee simple or acquire conservation easements on properties along 36th Street to preserve a corridor from the Santa Cruz River west to Tucson Mountain Park and to serve as an expansion of Tucson Mountain Park. Pima County will seek options to preserve this corridor through public/private partnerships that do not require the purchase of entire parcels. The scope also includes the purchase of the Valencia Archaeological Site, tax code parcel 138-01-006C. The scope also includes the purchase of property between Speedway and Anklam, tax code parcels 116-04-164A, 116-04-164B, 116-07-1250, 116-08-001C, 116-09-0060.

**Benefit:** This project will protect the viewshed of the upper foothills of the Tucson Mountains, provide public access into Tucson Mountain Park from the west end of 36th Street, protect a wildlife corridor and associated biological values from the Tucson Mountains to the Santa Cruz River, and protect investments already made by Pima County in the area of the West Branch of the Santa Cruz.

**Cost:** \$5,500,000

**Bond Funding:** \$5,000,000

**Other Funding:** \$500,000 from State Growing Smarter matching.

**Implementation Period:** 1, 2, 3, 4, 5

**Project Management:** Pima County Natural Resources, Parks and Recreation will manage this project, in close consultation with the City of Tucson.

**Future Operating and Maintenance Costs:** Based on the average cost to operate and maintain the existing open space parks system of Pima County, it is anticipated that future operating and maintenance costs of community open spaces which are added to the existing natural open space system operated and maintained by Pima County will cost, on average, approximately \$60 per year per acre of added open space park.

### **1.17 Habitat at 36th and Kino, and Painted Hills**

**Location:** Southeast corner of 36th Street and Kino Parkway; Painted Hills between Speedway and Anklam.

**Scope:** Purchase the 26-acre parcel in fee simple. The scope also includes the purchase of property between Speedway and Anklam, tax code parcels 116-04-164A, 116-04-164B, 116-07-1250, 116-08-001C, 116-09-0060.

**Benefit:** The 26-acre parcel comprises four different vegetative communities and is classified as a floodplain. A preliminary survey showed a total of 32 plant species and 22 bird species. The property is walking distance from six schools, the Holmes-Tuttle Boys and Girls Club, and the Quincie Douglas Recreation Center, all of which could benefit from nearby habitat preservation and environmental protection. Purchase of the Painted Hills property would conserve saguaro-studded slopes highly visible along Speedway and Anklam.

**Cost:** \$1,000,000

**Bond Funding:** \$1,000,000

**Other Funding:** None identified at this time. If additional funding becomes necessary, options include federal and state grants and Flood Control District appropriations; if necessary, however, acquisition cost is limited to the cost guidelines in the Ordinance.

**Implementation Period:** 1, 2, 3, 4, 5

**Project Management:** Pima County Natural Resources, Parks and Recreation and Flood Control District will manage this acquisition, in close consultation with the City of Tucson.

**Future Operating and Maintenance Costs:** There should be minimal costs, which will be funded through either Natural Resources, Parks and Recreation or the Flood Control District.

### **Town of Oro Valley Priorities**

#### **1.18 Kelly Ranch**

**Location:** The Kelly Ranch parcels are located at the intersection of Tangerine and Oracle, on the east side of Oracle. The wildlife corridor parcels are located along Oracle Road south of Wilds Road.

**Scope:** Purchase in fee simple or acquire conservation easements on 5 parcels totaling 103 acres, which would be added to the boundaries of Catalina State Park. Pima County, Town of Oro Valley and Arizona State Parks would arrange for a land exchange. The scope also includes purchase of wildlife corridor parcels, tax codes 223-01-0030 and 222-45-009C.

**Benefit:** Preservation of these parcels will prevent urban encroachment on the sensitive natural resources of Catalina State Park, which surrounds these parcels on the north, east and south. Significant cultural and archeological resources that exist on the site will also be protected, and recreational and educational opportunities for the public will be created. Purchase of the wildlife corridor parcels would contribute to the conservation of a key wildlife corridor between the Catalina and Tortolita mountains, across Oracle Road.

**Cost:** \$952,032

**Bond Funding:** \$952,032

**Other Funding:** \$0

**Implementation Period:** 1, 2, 3

**Project Management:** the Town of Oro Valley will negotiate with the property owner and acquire the property with County bond funds, in accordance with all provisions of this ordinance and pursuant to an intergovernmental agreement between Pima County and the Town.

**Future Operating and Maintenance Costs:** Operating and maintenance costs associated with this acquisition will be minimal and will be absorbed in the annual State Parks Operating Budget.

### **Town of Sahuarita Priorities**

#### **1.19 Santa Cruz River Open Space and Environmental Protection**

**Location:** Various locations along and within the Santa Cruz River floodplain and significant tributary washes within the Town boundaries.

**Scope:** In accordance with the Town of Sahuarita General Plan, the scope of this project focuses on land acquisition and open space preservation within the Santa Cruz River floodplain and other major washes leading to the river within the Town. Preservation of this area would serve as a focal point for the open space system within the Town. Acquisition of required buffer areas by the Pima County Regional Wastewater Reclamation Department may provide lands for use of the open space system within the Town.

**Benefit:** A main objective included in the Recreation and Open Space element of the Town of Sahuarita General Plan is to build on the presence of the Santa Cruz River and other major washes in that area as a focal point for the open space system within the Town. An important factor in this project scope is the recognition that washes, tributaries and other riparian areas along the Santa Cruz River floodplain serve as important interconnections between open space corridors within the Town's sphere of influence as identified in the General Plan document.

**Cost:** \$1,172,912

**Bond Funding:** \$41,579

**Other Funding:** \$1,131,333 regional Wastewater Reclamation Department Funds.

**Implementation Period:** 2, 3, 4, 5

**Project Management:** The Town of Sahuarita will manage acquisition, in conjunction with an intergovernmental agreement between Pima County and the Town. The Pima County Real Property Division will coordinate with the Town.

**Future Operating and Maintenance Costs:** The Town of Sahuarita will assume ownership of and manage all parcels acquired under this program, in conjunction with an intergovernmental agreement between Pima County and the Town.

**c. Urban Open Spaces to Prevent Encroachment on Davis-Monthan Air Force Base**

**1.20 Urban Open Spaces to Prevent Encroachment on Davis-Monthan Air Force Base**

**Location:** Southeast of Davis-Monthan Air Force base in the approach/departure corridor, inside the City of Tucson and in unincorporated Pima County

**Scope:** Prevent urban encroachment in the approach/departure corridor to the southeast of Davis-Monthan Air Force Base through acquisition and preservation of open space through any legal means available to Pima County including acquisition in fee simple or conservation easements on and development rights to currently undeveloped property to preserve the existing and future mission capability of the Davis-Monthan Air Force Base. Acquisition of property rights is to be guided by the recently completed Arizona Military Regional Compatibility Project Joint Land Use Study for Davis-Monthan Air Force Base. Acquisition of property rights to undeveloped land is one of several strategies for achieving land use compatibility that are being developed by Pima County and other local governmental entities, including strengthening land use controls and protections. Any properties acquired through this bond program could be designated as urban open space, allowing passive recreational uses if these are deemed to be compatible with the mission of Davis-Monthan Air Force Base. Large parcels in the highest risk areas are to receive priority consideration for acquisition.

**Benefit:** Davis-Monthan Air Force Base is one the primary institutions in Pima County and Southern Arizona, contributing \$1.3 billion annually to the local economy, jobs for more than 6,500 military personnel and more than 1,100 civilian personnel, and serving 54,000 medical beneficiaries. This project will prevent urban encroachment off the southeastern end of the Base, in the approach/departure corridor, thereby preserving open space, protecting habitat and providing opportunities to enjoy urban open space. Preserving this open space will also help to protect the long-term survival of Davis-Monthan Air Force Base, to assist the Base in fulfilling its mission to ensure the safety of the nation, and to continue the positive economic impacts of the Base for the community. Preserving this open space will also benefit the community by reducing or eliminating long-term exposure to high levels of noise and the high level of risks associated with over-flights and the conveyance of live ordinance.

**Cost:** \$20,000,000 to \$30,000,000 in the current and any future approach/departure corridors.

**Bond Funding:** \$10,000,000

**Other Funding:** Other funding to match local bond funds will be sought through various state and federal grants and appropriations.

**Implementation Period:** 1, 2, 3, 4, 5, 6

**Project Management:** Pima County will manage tasks and activities typical in the acquisition process, including, but not limited to, negotiations, appraisals, and preparation of documents, with all acquisitions approved by the Board of Supervisors. The Board of Supervisors will approve all acquisitions made under this program and all tasks incident to closing of any acquisitions. The Board of Supervisors will establish an oversight committee (Davis-Monthan Open Space Advisory Committee) to develop a detailed plan for analyzing and prioritizing all eligible properties and a schedule for implementing the Davis-Monthan open space program; provide advice and consent on the selection of all properties for acquisition and make recommendations on acquisitions to the Board; and provide regular reports to the Board of Supervisors and the public on progress toward implementing the program. The Committee will be composed of the Base Commander (or his or her designee), a representative from the Arizona Department of Commerce, a representative of the DM-50, a representative of the City of Tucson, a representative of the Tucson Metropolitan Chamber of Commerce, and the County Administrator (or his or her delegate).

**Future Operating and Maintenance Costs:** Based on the average cost to operate and maintain the existing open space parks system of Pima County, it is anticipated that future operating and maintenance costs of community open spaces which are added to the existing natural open space system operated and maintained by Pima County will cost, on average, approximately \$60 per year per acre of added open space park.

**d. Habitat Protection Priorities** - On June 17, 2003, the Pima County Board of Supervisors adopted the Habitat Protection Priorities recommended by the Sonoran Desert Conservation Plan Steering Committee to guide implementation of the County's Multi-Species Habitat Conservation Plan. The development of Habitat Protection Priorities for eastern Pima County was a continuation of over five years of work by Pima County and the expert science community, building upon plans and policies previously adopted by the Board of Supervisors, including the Sonoran Desert Conservation Plan adopted in preliminary form in 2000, and the Conservation Lands System adopted in the Environmental Element of the Comprehensive Land Use Plan in 2001. The objective of developing the Habitat Protection Priorities was to apply a set of biologically based goals and criteria to the Conservation Lands System to: 1) identify the

most important lands to protect first; 2) provide recommendations on the sequencing of land preservation efforts; and 3) design a project so that it can be easily incorporated into an adaptive management program to be implemented over the life of the Federal Section 10 Permit using the best scientific information available.

The Habitat Protection Priorities were updated in 2008 based on additional biological and hydrological information that was not available in 2002.

As stated earlier in this ordinance, the number of projects identified exceeds the number of projects that will be purchased with the total bond funding for Habitat Protection Priorities.

Total bond funds allocated for Habitat Protection Priorities: \$112,000,000

### **1.21 Southeast Project Area**

**Location:** The Southeastern Corridor Project Area is located southeast of the Tucson metropolitan area and includes the northern extent of the Las Cienegas National Conservation Area, the Empirita Ranch, Davidson Canyon, Cienega Creek, Colossal Cave Mountain Park, and a key segment of the Agua Verde Creek.

**Scope:** Purchase in fee simple or acquire conservation easements on lands identified as Habitat Protection Priorities in the Southeastern Corridor Project Area:

| <b><u>Priority</u></b> | <b><u>Parcels</u></b> | <b><u>Acres</u></b> |
|------------------------|-----------------------|---------------------|
| High Private           | 42                    | 6,781               |
| Secondary Private      | 86                    | 3,111               |
| High State             | 204                   | 154,186             |
| Secondary State        | 69                    | 53,017              |

**Benefit:** These areas contain a wide range of invaluable natural resources, including the best example of a riparian forest system embedded within semi-desert grassland in Pima County. Pima County has already invested in protecting this area, the critical importance of which was confirmed through the development of the Sonoran Desert Conservation Plan. For example, in 1986, Pima County purchased property along Cienega Creek and established the Cienega Creek Natural Preserve, a key ecological and recreational area that protects Tucson's water supply, enhances flood control, and contains rare native fish species. In addition, Pima County acquired the Empirita Ranch, Southern Arizona's first conservation ranching operation and a property that features conservation values for wildlife, water quality, flood control, recreation, and open space.

**Cost:** \$38,000,000

**Bond Funding:** \$38,000,000

**Other Funds:** Federal or State grants

**Implementation Period:** 1, 2, 3, 4, 5, 6

**Future Operating and Maintenance Costs:** Minimal, due to the desire to acquire development rights and conservation easements with management of the property to remain with the original private owner.

## 1.22 Santa Cruz Basin Project Area

**Location:** The Santa Cruz Basin Project Area begins at the Pima-Santa Cruz County border and encompasses the region south of Interstate 10 and Ajo Highway between the Santa Rita Mountains and the Sierrita Mountains, and includes the community of Green Valley, Town of Sahuarita, and the Santa Rita Experimental Range.

**Scope:** Purchase in fee simple or acquire conservation easements on lands identified as Habitat Protection Priorities in the Santa Cruz Basin Project Area.

| <u>Priority</u>   | <u>Parcels</u> | <u>Acres</u> |
|-------------------|----------------|--------------|
| High Private      | 62             | 9,121        |
| Secondary Private | 90             | 15,336       |
| High State        | 109            | 69,544       |
| Secondary State   | 62             | 45,821       |

**Benefit:** The area contains highly valued semi-desert grasslands in and surrounding Canoa Ranch, and important riparian habitat along tributaries such as Sópore Creek, which provide key wildlife corridors connecting the Santa Rita, Sierrita, and Tumacácori mountains. The project area was also a principal focal point of Native American settlement and agriculture, and was a travel corridor for Spanish colonial exploration and mission settlement. As a result, the region features significant cultural resources. The community of Green Valley and Town of Sahuarita will benefit from protection of these resources.

**Cost:** \$22,000,000

**Bond Funding:** \$22,000,000

**Other Funds:** Federal and State grants

**Implementation Period:** 1, 2, 3, 4, 5, 6

**Future Operating and Maintenance Costs:** Minimal, due to the desire to acquire development rights and conservation easements with management of the property to remain with the original private owner.

### 1.23 Altar Valley Project Area

**Location:** The Altar Valley Project Area is located in the far southwestern extent of Eastern Pima County, south of Ajo Highway, is bounded on the east by the Sierrita Mountains and the west by the Baboquivari Mountains, and includes a number of working ranches and the Buenos Aires Wildlife Refuge.

**Scope:** Purchase in fee simple or acquire conservation easements on lands identified as Habitat Protection Priorities in the Altar Valley Project Area.

| <u>Priority</u>   | <u>Parcels</u> | <u>Acres</u> |
|-------------------|----------------|--------------|
| High Private      | 145            | 17,786       |
| Secondary Private | 99             | 28,399       |
| Secondary State   | 206            | 154,186      |

**Benefit:** The area encompasses Pima County's largest and most intact semi-desert grassland valley, and is home to grassland species formerly considerably more abundant in Pima County, including the Swainson's Hawk. The Altar Valley Wash, a large desert wash system, cuts through the middle of the valley, providing high-quality habitat for resident riparian species as well as corridors for animals that range more widely. Because the slopes of the mountain ranges on the fringes of the project area drain into the Altar Valley Wash and the Brawley Wash, the region plays an important role in aquifer recharge for the Tucson metro area. The community of Arivaca will benefit from the preservation of these resources.



**Cost:** \$21,000,000

**Bond Funding:** \$21,000,000

**Other Funds:** Federal and State Grants

**Implementation Period:** 1, 2, 3, 4, 5, 6

**Future Operating and Maintenance Costs:** Minimal, due to the desire to acquire development rights and conservation easements with management of the property to remain with the original private owner.

#### **1.24 Avra Valley Project Area**

**Location:** The Avra Valley Project Area is bounded on the east by Interstate 10, on the west by the Tohono O'odham Reservation, on the south by the Ajo Highway and on the north by the Pima-Pinal County line. This area includes the Tucson Mountains, Saguaro National Park West, and the Ironwood National Monument.

**Scope:** Purchase in fee simple or acquire conservation easements on lands identified as Habitat Protection Priorities in the Avra Valley Project Area.

| <u>Priority</u>   | <u>Parcels</u> | <u>Acres</u> |
|-------------------|----------------|--------------|
| High Private      | 18             | 6,752        |
| Secondary Private | 63             | 5,453        |
| High State        | 5              | 1,035        |
| Secondary State   | 11             | 2,912        |

**Benefit:** The area presently contains large, unaffected expanses of the saguaro-palo verde-old growth ironwood plant community, as well as two of the County's prime wildlife and riparian corridors, the Santa Cruz and the Brawley Wash. Significant opportunities remain to preserve important wildlife habitat in the project area, particularly the region's natural washes, and to assure the continued existence of biological linkages between existing preserves such as Pima County's 22,000-acre Tucson Mountain Park, the 25,000 acre Saguaro National Park West, and other tracts of natural open space.

**Cost:** \$5,000,000

**Bond Funding:** \$5,000,000

**Other Funds:** Federal and State grants

**Implementation Period:** 1, 2, 3, 4, 5, 6

**Future Operating and Maintenance Costs:** Minimal, due to the desire to acquire development rights and conservation easements with management of the property to remain with the original private owner.

#### **1.25 Tortolita Mountains Project Area**

**Location:** Tortolita Mountains Project Area is located northwest of the Tucson metropolitan area between Interstate 10 and the Catalina Mountains, and encompasses the Tortolita Mountain range, as well as Catalina State Park and the towns of Oro Valley and Marana.

**Scope:** Purchase in fee simple or acquire conservation easements on lands identified as Habitat Protection Priorities in the Tortolita Mountains Project Area.

| <u>Priority</u>   | <u>Parcels</u> | <u>Acres</u> |
|-------------------|----------------|--------------|
| High Private      | 64             | 1,514        |
| Secondary Private | 108            | 1,929        |
| High State        | 48             | 18,652       |

**Benefit:** The project area contains the region’s best examples of the saguaro-palo verde-old growth ironwood plant community on the Tortolita Alluvial fan, the density and stature of which has created prime habitat for the cactus ferruginous pygmy owl and other valuable species. The Tortolita Alluvial Fan and its network of washes also play a major role in the area’s natural flood control and recharge capacities. Prime habitat for the cactus ferruginous pygmy owl is also found in the area around Arthur Pack Park. The project area boasts some of the most highly valued scenic resources on the northwest side of the metropolitan area, and encompasses a variety of valuable archeological sites that would be protected as a result of the proposed acquisitions.

**Cost:** \$11,000,000

**Bond Funding:** \$11,000,000

**Other Funds:** Federal and State grants

**Implementation Period:** 1, 2, 3, 4, 5, 6

**Future Operating and Maintenance Costs:** Minimal, due to the desire to acquire development rights and conservation easements with management of the property to remain with the original private owner.

### 1.26 Tucson Basin Project Area

**Location:** The Tucson Basin Project Area encompasses metropolitan Tucson, and continues east to the Pima County border, including Saguaro National Park East and part of Coronado National Forest.

**Scope:** Purchase in fee simple or acquire conservation easements on lands identified as Habitat Protection Priorities in the Tucson Basin Project Area.

| <u>Priority</u>   | <u>Parcels</u> | <u>Acres</u> |
|-------------------|----------------|--------------|
| High Private      | 33             | 315          |
| Secondary Private | 50             | 1,133        |
| High State        | 8              | 1,322        |

**Benefit:** This highly impacted area contains key remnants of high-quality riparian habitats located in and along Sabino Creek, Tanque Verde Creek, Agua Caliente Creek, and the Pantano Wash, among others. Protection and restoration of these areas is critical because the

riparian habitat located in Pima County is home to a disproportionate share of the County's wildlife in comparison to the actual space these lands occupy. Historically, the Tanque Verde and Pantano corridors had water year-round, and supported rich riparian habitats. Opportunities exist to restore some of these drainages if lands in and adjacent to the floodways of these corridors can be protected. In addition, priority archeological and historic sites can be found in Sabino Canyon, and along the Agua Caliente Creek.

**Cost:** \$6,000,000

**Bond Funding:** \$6,000,000

**Other Funds:** Federal and State Grants

**Implementation Period:** 1, 2, 3, 4, 5, 6

**Future Operating and Maintenance Costs:** Minimal, due to the desire to acquire development rights and conservation easements with management of the property to remain with the original private owner.

### 1.27 San Pedro Project Area

**Location:** The San Pedro Project Area is located in the far northeastern corner of Pima County east of the Catalina Mountains, and encompasses the San Pedro River corridor. This area can be accessed from the Tucson metro area via Redington Pass.

**Scope:** Purchase in fee simple or acquire conservation easements on lands identified as Habitat Protection Priorities in the San Pedro Project Area.

| <u>Priority</u>   | <u>Parcels</u> | <u>Acres</u> |
|-------------------|----------------|--------------|
| High Private      | 14             | 1,045        |
| Secondary Private | 89             | 9,478        |
| Secondary State   | 86             | 48,637       |

**Benefit:** The San Pedro is the last free-flowing river in the state of Arizona. It contains the highest quality riparian gallery forest in all of southern Arizona, and is critical to migratory birds, bats and pollinating insects in their seasonal journeys between North, Central and South America. The project area provides Pima County with the best opportunity to protect cottonwood-willow riparian forest and a rare free-flowing river, to expand Pima County's existing Bingham-Cienega Natural Preserve, and link the Rincon Mountain Range to the Catalina Mountain Range.

**Cost:** \$9,000,000

**Bond Funding:** \$9,000,000

**Other Funds:** Federal and State grants

**Implementation Period:** 1, 2, 3, 4, 5, 6

**Future Operating and Maintenance Costs:** Minimal, due to the desire to acquire development rights and conservation easements with management of the property to remain with the original private owner.

B. Question No. 2 - Public Health and Community Facilities

For the purpose of acquiring, developing, expanding, improving and equipping new and existing facilities to further the health, education, welfare and safety of the citizens of the County, including, without limitation, County hospitals, clinics and other buildings, museums and facilities for the arts, facilities for the disposal of solid waste, and lighting, housing and other improvements and facilities to further neighborhood reinvestment, and the acquisition and construction of real or personal property or interests or rights in property for such purpose and paying all expenses properly incidental thereto and to the issuance of such bonds, shall Pima County, Arizona be authorized to issue and sell general obligation bonds of the County in an aggregate principal amount not exceeding \$81,800,000?

**Table 11**

| <b><u>Project</u></b>                             | <b><u>Bond Allocation</u></b> |
|---------------------------------------------------|-------------------------------|
| <b>Public Health Facilities</b>                   |                               |
| Kino Public Health Center                         | \$25,000,000                  |
| New Psychiatric Hospital                          | 12,000,000                    |
| Teresa Lee Health Clinic and TB Clinic Relocation | 2,000,000                     |
| <b>Subtotal Public Health</b>                     | <b>\$39,000,000</b>           |
| <b>Other Facilities</b>                           |                               |
| Animal Care Center                                | \$ 3,000,000                  |
| Roy Place Commercial Building Restoration         | 777,558                       |
| Green Valley Performing Arts Center Phase 2       | 4,000,000                     |
| Mt. Lemmon Community Center                       | 1,000,000                     |
| Amado Food Bank Kitchen                           | 300,000                       |
| <b>Subtotal Other Facilities</b>                  | <b>\$ 9,077,558</b>           |
| <b>Neighborhood Reinvestment</b>                  |                               |
| Neighborhood Reinvestment                         | \$20,000,000                  |
| Housing Reinvestment                              | 10,038,984                    |
| <b>Subtotal Neighborhood Reinvestment</b>         | <b>\$30,038,984</b>           |
| <b>Ina Road Tire Relocation</b>                   | <b>\$ 1,500,000</b>           |
| <b>County-Owned Museums</b>                       |                               |
| Arizona Sonora Desert Museum - Auditorium         | \$ 1,000,000                  |
| Arizona Sonora Desert Museum - Gray Water         | 183,458                       |
| Pima Air and Space Museum - Hangar                | 1,000,000                     |
| <b>Subtotal County-Owned Museums</b>              | <b>\$ 2,183,458</b>           |
| <b>Total Question 2</b>                           | <b>\$81,800,000</b>           |

## 1. Specific Project Description, Scope of Work, and Location

### a. Public Health Facilities

#### 2.1 Kino Public Health Center

**Location:** Kino Health Campus, 2800 East Ajo Way, Tucson, Arizona 85713

**Scope:** Construct a public building on the Kino Health Campus. The facility will be approximately 180,000 square feet in area. Occupants include Pima Health Systems and Services, Health Department, Institutional Health and other health providers. Design of the building shell was completed as part of the 1997 Bond Program. Reprogramming and design of tenant improvements need to be undertaken prior to bidding the project.

**Benefits:** This facility will consolidate public health, medical, and administrative services in one location. Locating County health services on the Kino Campus will place these services providers in close proximity to the services and expertise provided at the same location at Kino Hospital, by University Physicians, Inc. and their planned expansion of medical practices. This cooperation and coordination will better serve Pima County's clients and expand the level of County services. Pima Health Systems currently leases a significant amount of space. Funds otherwise allocated for lease charges will be used to offset related operating and maintenance costs for the new facility. Space vacated by Health Department downtown will be used to relieve overcrowding in other County facilities downtown.

**Cost:** \$25,000,000, with Planning/Design being \$1,575,000, Construction being \$23,247,000, and Other being \$178,000.

**Bond Funding:** \$25,000,000

**Other Funding:** \$3,140,000 Pima Health Systems and Services

**Project Duration:** Planning at 4 to 6 months, Design at 13 to 15 months, and Construction at 21 to 24 months.

**Implementation Period:** 1, 2, 3

**Project Management:** Pima County Facilities Management

**Future Operating and Maintenance Costs:** Building operating and maintenance costs are expected to be approximately \$900,000 per year. These costs will be significantly offset by relocation of Pima Health System to this building and their reduction in office rent cost.

#### 2.2 New Psychiatric Hospital

**Location:** Kino Health Campus, 2800 East Ajo Way, Tucson, Arizona 85713

**Scope:** In conjunction with bond funding under the 2006 bond ordinance, expand in-patient psychiatric facilities at the hospital facility located on the Kino health campus, currently operated by University Physician's Healthcare as the University Physician's Healthcare Hospital; design, construct and equip an Outpatient Physician Clinic in the unoccupied shell space on the second floor of Herbert K. Abrams Public Health Center located to the east of the hospital facilities. This clinic space will be leased to University of Physician's Healthcare / University of Arizona College of Medicine.

**Benefits:** Currently, UPH provides inpatient psychiatric services in University Physician's Healthcare Hospital on the Kino campus. The majority of the psychiatric inpatient beds are located in wings originally designed as medical/surgical nursing units. A facility specifically designed for psychiatric patients will improve security, operational efficiency and improve treatment opportunities. Expansion of the psychiatric facilities is essential for the Hospital's transition into a full-service general hospital.

**Cost:** \$12,007,736

**Bond Funding:** \$12,000,000

**Other Funding:** \$7,736 (Other Miscellaneous Revenue)

**Project Duration:** Planning at 9 to 11 months, Design at 14 to 16 months, and Construction at 21 to 24 months.

**Implementation Period:** 1, 2, 3, 4 Complete

**Project Management:** Pima County Facilities Management

**Future Operating and Maintenance Costs:** Building operating and maintenance costs are expected to be approximately \$900,000 per year.

### **2.3 Teresa Lee Health Clinic and TB Clinic Relocation**

**Location:** Downtown area. The County owns property on West Congress Street and Linda Avenue. Additional clinic services site located on Kino Campus, East Ajo Way.

**Scope:** Construct a new public health clinic on County-owned property to house Health Department clinics. This new facility will replace the County's Theresa Lee Clinic, 322 South Freeway Drive, which has been identified as a critical component of the Rio Nuevo development and must be relocated. Relocation of Pima County Health Department TB Clinic to Kino Campus in existing facility adjacent to the Abrams Health Building.

**Benefits:** This project will benefit development of the Rio Nuevo program. Subject to approval, partnership with El Rio Clinic to improve and expand the El Rio Healthcare Campus, while assuring delivery of public healthcare functions currently provided at the Theresa Lee Health Clinic, will be continued. The TB Clinic relocation will provide public services adjacent to new Health Department services at the Kino Campus (Abrams Building) on East Ajo Way. The facility will provide a safer work environment for staff and patients providing a negative air system to the whole clinic. Current facilities have limited negative air capabilities not conducive to specialized clinic operations.

**Cost:** \$2,000,000, with Planning/Design being \$211,000, Construction being \$1,783,000, and Other being \$6,000.

**Bond Funding:** \$2,000,000

**Other Funding:** None identified at this time

**Project Duration:** Planning at 8 to 10 months, Design at 15 to 17 months, and Construction at 15 to 18 months. Multiple phased projects.

**Implementation Period:** 2, 3, 4, 5, 6

**Project Management:** Pima County Facilities Management

**Future Operating and Maintenance Costs:** No significant change in operating and maintenance costs expected since this project will replace the existing clinic.

## **b. Other Public Facilities**

### **2.4 Animal Care Center**

**Location:** 2000 West Silverbell Road, Tucson, Arizona

**Scope:** Make improvements to the existing Pima County Animal Care Center. This work includes addition to and remodeling of the 35-year-old facility. This project will provide needed additional kennel space in an environment more conducive for pet adoptions, will provide kennel space for special animal populations, facility support functions and staff office space and rehabilitate building systems.

**Benefits:** Since the original facility was constructed in 1968, standards for animal care have changed significantly and with that public expectations regarding animal control. The center has not kept pace with advances in the areas of technology, communications, and work place safety. The public expects better conditions for the animals in the shelter and improved conditions conducive to adoptions. Increasing adoptions will reduce the number of animals being euthanized every year. Additionally, facility improvements are necessary to reduce disease transmission, provide better odor, noise and temperature control and limit public access to quarantine and provide additional workspace for staff.

**Cost:** \$4,510,375

**Bond Funding:** \$3,000,000

**Other Funding:** \$910,375 Space Acquisition Fund, \$600,000 General Funds

**Project Duration:** Planning at 7 to 9 months, Design at 14 to 16 months, and Construction at 15 to 18 months.

**Implementation Period:** 2, 3, 4

**Project Management:** Pima County Facilities Management

**Future Operating and Maintenance Costs:** No significant change in operation and maintenance costs expected since this project largely involves rehabilitation of an existing facility.

## **2.5 Roy Place Commercial Building Restoration**

**Location:** Present location of County-owned building at the southeast corner of Stone Avenue and Pennington Street in downtown Tucson

**Scope:** Restore the exterior facade of the Roy Place commercial building as originally designed and constructed and upgrade for future use.

**Benefits:** This building was designed by Tucson architect Roy Place in 1929 and constructed in 1930 for a Montgomery Ward department store. Its original Spanish Colonial Revival design was similar to the 1929 Pima County Courthouse also designed by Roy Place. Mr. Place established his office in the prominent second floor “tower” of this building. During Tucson’s rapid expansion as a commercial center in the 1920s, buildings expressed a variety of styles - Spanish Colonial Revival, Neo-Classical, Art Deco, and others. However, beginning in the 1950s, most of Tucson’s commercial buildings were modernized by removing the ornate detailing of the original design or covering over the original facades with other materials. The Roy Place Commercial Building, which has been used as a Walgreens Pharmacy since 1957, had its facade covered as well, ironically by Place’s son Lew. At present, a building condition assessment report and research of the original design drawings are underway in preparation for future work proposed by this bond. Restoration of this commercial building to its original appearance for continued commercial use is consistent with the City of Tucson’s Rio Nuevo plans for the revitalization of downtown Tucson and will revitalize this important cultural asset in the downtown area. This property is owned by Pima County, located within the City of Tucson, and houses County agencies providing Countywide services.

**Cost:** \$930,663

**Bond Funding:** \$777,558

**Other Funding:** Facilities Renewal Fund \$153,105

**Project Duration:** Planning at 6 to 9 months, Design at 14 to 18 months, and Construction at 13 to 24 months.

**Implementation Period:** 1, 2, 3, 4

**Project Management:** Pima County Facilities Management/Pima County Cultural Resources and Historic Preservation Office

**Future Operating and Maintenance Costs:** This project will restore the exterior facade, which will require little or no annual maintenance costs.

## **2.6 Green Valley Performing Arts Center Phase 2**

**Location:** 1250 West Continental Road, Green Valley, Arizona

**Scope:** Construct a multimedia performing arts facility for musical theater, dance, drama and other fine arts uses. The facility will be approximately 11,000 square feet in area and will include a 150-seat multipurpose performance studio, visual arts gallery, lobby, and concessions, dressing rooms, and other support spaces. The facility is to be designed with superior acoustics and appropriate spaces that meet the needs of an aging population.



Phase One, built with Pima County 1997 General Obligation Bonds and Pima Community College General Obligation Bonds has recently been completed. It includes a Pima College Community Learning Center and one rehearsal and performance studio for community use.

**Benefits:** This new facility will be the only performing arts building in southern Pima County to have a theater quality auditorium to enhance the quality of life for the residents of southern Pima County, including residents of Sahuarita

**Cost:** \$4,250,000

**Bond Funding:** \$4,000,000

**Other Funding:** \$250,000 General Funds

**Project Duration:** Planning at 20 to 22 months, Design at 13 to 15 months, and Construction at 21 to 24 months.

**Implementation Period:** 2, 3, 4, 5, 6

**Project Management:** Pima County Facilities Management

**Future Operating and Maintenance Costs:** To be determined during the course of design since the scope of the project is contingent on the level of private funding secured. Pima County and Pima College will execute an intergovernmental agreement establishing responsibilities for operation and maintenance of the joint Performing Arts Center and Adult Education Center. Funding for operations and maintenance of the Performing Arts Center could come in part from revenues generated by use of the facility.

## **2.7 Mt. Lemmon Community Center**

**Location:** In the Summerhaven area, Mt Lemmon, Arizona

**Scope:** The recently drafted collaborative master plan for rebuilding fire ravaged Summerhaven calls for development of new private and public improvements and facilities. The master plan was created within the context of the environmental, socio-cultural, functional, and economic factors affecting Summerhaven.

Public improvements proposed in this project include new public paths, public parking, roadway improvements, pedestrian and vehicular bridges where required and rehabilitation of portions of Sabino Creek. Proposed public buildings include a new community center with meeting room space and public restrooms, library, public plaza, Sheriff's substation and other public facilities as identified through a public planning process and as available funding allows.

A phased approach for building of public facilities recognizes that planning is an on-going process best done with public input. Public infrastructure improvements should be developed initially. Public buildings should be constructed when the services they house are needed.

**Benefits:** Construction of this community center and other public/private improvements will help with rebuilding of Summerhaven after the devastating Aspen Fire, provide an anchor in the heart of the community, provide a locus of services and amenities for tourists, visitors and residents, and provide a terminus for the Mt. Lemmon Shuttle.

**Cost:** \$1,500,000

**Bond Funding:** \$1,000,000

**Other Funding:** \$500,000 Neighborhood Reinvestment 2004 Bond funds approved to supplement the facility construction.

**Project Duration:** Planning at 8 to 10 months, Design at 14 to 16 months, and Construction at 15 to 24 months.

**Implementation Period:** 2, 3, 4

**Project Management:** Pima County Department of Transportation and Flood Control, and Facilities Management Department

**Future Operating and Maintenance Costs:** Operating and maintenance costs will vary depending on facilities accepted by the community for development.

## **2.8 Amado Food Bank Kitchen**

**Location:** 28720 South Nogales Highway, Sopori, Arizona

**Scope:** Construct an addition to the Amado Food Bank. This addition will be approximately 3,800 square feet in area and will provide a commercial kitchen, multipurpose rooms for dining, meetings, programs and other community uses as well as public restrooms. This project is the second phase of development planned for this facility. Phase One, consisting of the food bank distribution facility, was constructed in 2001. Design for Phase Two has been completed.

**Benefits:** This addition will allow the food bank to expand its services to include preparation and distribution of meals to its clients. This facility will also provide space for a variety of community programming. This project will benefit lower income residents of southern Pima County, in the Lakeside – Sopori - Amado area.

**Cost:** \$581,000

**Bond Funding:** \$300,000

**Other Funding:** \$281,000 (Community Food Bank)

**Project Duration:** Planning at 6 to 8 months, Design at 7 to 9 months, and Construction at 15 to 18 months.

**Implementation Period:** 2, 3, 4

**Project Management:** Pima County Facilities Management

**Future Operating and Maintenance Costs:** Minimal for the County since the facility will be operated by a nonprofit food bank.

### **c. Neighborhood and Housing Reinvestment**

**Purpose** - The purpose of the Neighborhood Reinvestment Program is to foster healthy communities throughout Pima County. "A community is only as healthy as its most stressed

neighborhood, and likewise, a neighborhood is only as healthy as its most vulnerable resident.” Consequently, it is believed that reinvesting in our most stressed neighborhoods with new housing, community amenities, and public infrastructure will have immediate benefits for their residents and will reduce the negative social impacts - poverty, crime, violence, and drug and alcohol abuse - that stressed areas spawn. All residents of the greater community will benefit from a healthier social environment and reduced costs for protection.

### **Implementation Procedures and Principles**

1. If approved by the voters, the Neighborhood Reinvestment Program shall be funded at an amount not to exceed \$30 million, with an amount not to exceed \$20 million allocated to neighborhood projects and an amount not to exceed \$10 million allocated to housing programs.
2. The 2004 Reinvestment program shall expand upon the 1997 program, by funding programs in high stress areas in the urban core and stress areas in the suburban fringe as well as the rural areas. The 2004 Neighborhood Reinvestment program shall contain a “maintenance of effort” provision that directs \$5 million of the \$20 million in bond authority for neighborhood projects to the high stress urban core areas identified in the 1997 program and then divides the remaining \$15 million equally between the urban core high stress areas and the suburban/rural stress areas. The housing program is not restricted to stress areas, but must benefit low to moderate income residents of Pima County. The Board of Supervisors retains the option of amending the Neighborhood Reinvestment Program at a later date to establish such allocation formulas if it is determined to be in the best interest of Pima County and the program to do so.
3. For the 2004 Neighborhood Reinvestment program, the funding limit shall be set at \$500,000 per neighborhood project. Many projects will require a smaller grant and the program will encourage small projects initiated by the neighborhoods. On the other hand, projects may cost more than \$500,000 and the program will encourage leveraging County bond funds with other revenues to accomplish projects. The Board will review the funding limit after the first three years of the program and revise the limit either higher or lower if the Board determines it is in the best interests of the County and the program to do so. Such revision shall be accomplished through an amendment to the Bond Implementation Plan Ordinance.

No funding limit has been established for the housing program.

4. The Neighborhood Reinvestment Program shall continue to be neighborhood or community driven, with projects originating with residents acting in concert to achieve community goals. Non-profit organizations, units of government, or licensed builders in the private sector may submit applications for housing project funding, but their applications shall be judged in part on the level of community support they have garnered.

Reinvestment Program staff will work closely on implementation with local jurisdictions, but all applications shall be submitted by the benefitting neighborhood directly and on its own behalf.

5. The Neighborhood Reinvestment Oversight Committee and the Pima County Housing Bond Advisory Committee will continue in place, to guide implementation of the neighborhood and housing components of reinvestment. These committees shall review all applications for reinvestment funding and make recommendations to the Board of

Supervisors on funding. Projects will be evaluated by the committees, which will forward recommendations to the Board of Supervisors. Staff and the Housing Bond Oversight Advisory Committee will review applications on an ongoing basis based on the availability of funds. The Board has final authority for approving grants.

6. The Board of Supervisors shall continue to appoint members of both committees. Because of the wider geographical scope of the neighborhood program, the composition of the Neighborhood Reinvestment Oversight Committee shall be two-thirds from residents of the urban core high stress areas and one-third from the suburban/rural stress areas.

## **Specific Project Description, Scope of Work, and Location by Project**

### **2.9 Pima County Neighborhood Reinvestment Projects**

**Location:** Stress Areas of Pima County

**Scope:** Funding for small scale capital improvement projects in neighborhoods throughout Pima County characterized by indicators of high stress (poverty and unemployment, substandard housing, high rate of crime, teenage pregnancies, et al.) for revitalization including, but not limited to demolition of abandoned and unsafe buildings; construction and/or conversion of structures to serve as neighborhood resource and community centers; construction of recreational facilities and park improvements; and construction of public safety improvements such as street lighting, curbing, paving, bus stop benches and shelters, and traffic mitigation improvements such as speed humps, traffic circles, and traffic control devices.

**Benefits:** This community-based approach allows neighborhood residents to take an active part in determining their own priorities and projects, while maintaining a close partnership with governmental staff and other community partners. Projects within stressed neighborhoods stabilize and add value to the local area while improving the quality of life and sense of place for the community. Residents can leverage small scale capital improvement projects under this program that make their neighborhoods safer for the youth, families, and elderly that live in these highest stressed communities. The projects produce visible capital improvements for the neighborhood and a sense of empowerment for those who reside in the neighborhood.

**Costs:** Various. Funding for each neighborhood is not to exceed \$500,000 per project; there will be a strong emphasis placed on the completion of small-scale capital improvements.

**Bond Funding:** \$20,000,000

**Other Funding:** Varies. Some projects will utilize other funding sources as a match or leverage via federal, state, or local government programs, or private sector resources. Projects that fuse Neighborhood Reinvestment funds to leverage other funds are encouraged.

**Project Duration:** The typical Neighborhood Reinvestment project takes anywhere from 12 months to 24 months to complete.

**Implementation Period:** 1, 2, 3, 4, 5, 6, 7

**Project Management:** Pima County will manage outreach efforts and the proposal process for each project, as well as the prompt execution of any necessary intergovernmental agreements.

The local governing body charged with implementation will manage design, land acquisition, construction, and maintenance of the project.

**Future Operating and Maintenance Costs:** These projects typically result in minimal additional operating and maintenance costs. Where a Neighborhood Reinvestment project will increase the operating and maintenance costs of the jurisdiction containing the project, the jurisdiction shall consent to the project before funding is authorized.

## **2.10 Neighborhood Reinvestment Affordable Housing Programs**

**Location:** Countywide

**Scope:** Provide funds to non-profit corporations, units of government, or licensed builders in the private sector for the development of affordable housing.

**Benefits:** Expand home ownership opportunities and provide access to affordable housing for low-income residents of Pima County. Encourage public-private partnerships for the development of affordable housing.

**Bond Funding:** \$10,038,984

**Other Funding:** Affordable housing projects will typically use several funding sources, some of which include the Home Investment Partnership Program (HOME), Community Development Block Grants (CDBG), the State of Arizona Department of Housing, foundations, private lenders, and owner equity. On average, bond funds are leveraged 10:1.

**Project Duration:** Projects will be selected through an application process. Staff and the Housing Bond Advisory Committee will review applications on an ongoing basis based on the availability of funds. Projects will be evaluated and recommendations will be made to the Board of Supervisors for final approval.

**Implementation Period:** 1, 2, 3, 4, 5, 6, 7

**Project Management:** A Pima County Project Manager will oversee the project and work closely with the applicant, developer and contractor.

**Future Operating and Maintenance Costs:** These projects typically will result in minimal future operating and maintenance costs for the participating local jurisdictions and typically will be costs for infrastructure improvements. Ongoing annual costs of the housing will be the responsibility of the owners.

### **d. Ina Road Tire Relocation**

#### **2.11 Ina Road Tire Facility Relocation**

**Location:** Relocation of the existing facility located at Ina Road and the Santa Cruz River to the Tangerine Landfill.

**Scope:** The scope encompasses the planning/design and construction of a new County waste tire facility in a new location with reasonable access for county residences and businesses, but in a manner that will facilitate quick removal of the collected tires for recycling and prevent accumulation of tires on-site. Phase I includes the tire relocation to the new site. Phase II

includes redistribution of site materials to expand access to capacity at the new site. These funds will also be used to complete the Tangerine Landfill closure.

**Benefits:** The Town's mission with regard to partnering with Pima County to relocate the Ina Road Waste Tire Facility is to act on behalf of the health, welfare, and safety of the constituents in the area. Although the Town and the County feel it is important to offer a tire waste facility within close proximity to its constituent users, the urbanization of the area has made the current tire facility better suited for a more remote area of the County. This project will benefit users and residents. The facility is used by constituents of all municipalities and unincorporated Pima County.

**Cost:** \$1,500,000, with Planning/Design being \$120,000, Construction being \$1,200,000, Land Acquisition being \$100,000, and Relocation being \$80,000.

**Bond Funding:** \$1,500,000

**Project Duration:** Planning/Design at 12 to 18 months and Construction at 15 to 24 months.

**Implementation Period:** 3, 4, 5, 6

**Project Management:** The project and relocated tire facility will be managed by Pima County Solid Waste Management.

**Future Operating and Maintenance Impacts:** None, as simply relocating the current facility will not increase operating and maintenance costs.

#### **e. County-Owned Museums**

##### **2.12 Arizona Sonora Desert Museum - Auditorium**

**Location:** Arizona Sonora Desert Museum, 2021 North Kinney Road, Tucson, Arizona

**Scope:** A new education complex is planned for the Desert Museum. Phase I has been funded with private donations. Phase II is planned to include a 200 or more seat auditorium that will be available for both Museum and public use, and Phase III to include offices and docent space.

**Benefits:** Adjacency of the Auditorium to the existing restaurant kitchen will assure use as a public conference and meeting facility. The Museum will raise the balance of funding needed for this project through private donations. This world renowned museum contributes to Pima County's standing as a tourist destination and offers prime museum opportunities for everyone in Pima County.

**Cost:** \$3,100,000, with Construction being \$2,883,000 and Planning/Design being \$217,000.

**Bond Funding:** \$1,000,000

**Other Funding:** \$2,100,000 matching funds provided by the Arizona Sonora Desert Museum

**Project Duration:** Planning at 8 to 12 months, Design at 15 to 24 months, and Construction at 11 to 18 months.

**Implementation Period:** 1, 2, 3

**Project Management:** The Arizona Sonora Desert Museum will manage design and construction, in review partnership with Pima County. The Museum will comply with all procurement requirements imposed upon Pima County by law.

**Future Operating and Maintenance Costs:** Funded by the Arizona Sonora Desert Museum.

### **2.13 Arizona Sonora Desert Museum - Gray Water**

**Location:** Arizona Sonora Desert Museum, 2021 North Kinney Road, Tucson, Arizona

**Scope:** Development of an on-site wastewater treatment plant to process gray water. This will allow the use of recycled water for natural irrigation vegetation within the Museum.

**Benefits:** Installation of a gray water system will allow use of recycled water from existing County developed wastewater treatment wetlands. The effluent treatment system will greatly reduce the use of potable water, reducing groundwater demand.

**Cost:** \$200,000, with Planning/Design being \$22,000 and Construction being \$178,000.

**Bond Funding:** \$183,458

**Other Funding:** None identified at this time.

**Project Duration:** Planning at 8 to 10 months, Design at 6 to 8 months, and Construction at 7 to 10 months.

**Implementation Period:** 3, 4, 5

**Project Management:** The Arizona Sonora Desert Museum will manage design and construction, in cooperation with Pima County. The Museum will comply with all procurement requirements imposed upon Pima County by law.

**Future Operating and Maintenance Costs:** Funded by the Arizona Sonora Desert Museum.

### **2.14 Pima Air and Space Museum - Hangar #1 Center**

**Location:** Pima Air and Space Museum, 6000 East Valencia Road, Tucson, Arizona 85706

**Scope:** Bond funds will be combined with Museum funds to expand Hanger 1, increasing the exhibit area by 19,000 square feet and providing special housing for rare vintage aircraft currently displayed outdoors; double the size of the existing visitor center/gift store; add 5,000 square feet of public meeting space, a changing exhibit gallery, outdoor lighting to expand public access to the museum, new exhibitory enhancement and development of commissary for onsite catering.

**Benefits:** Allow for greater ease in access/egress to the Museum and Gift Shop. Create a much larger display area for exhibits and displays including a "Women in Flight" Exhibit. Provide long-term preservation of rare and historical aircraft and Public Use Meeting Space with full-service capabilities.

**Costs:** \$2,000,000, with Construction at \$1,700,000 and Planning/Design at \$300,000.

**Bond Funding:** \$1,000,000

**Other Funding:** \$1,000,000 matching funds provided by the Pima Air and Space Museum.

**Project Duration:** Planning at 8 to 10 months, Design at 10 to 12 months, and Construction at 9 to 12 months.

**Implementation Period:** 1, 2, 3

**Project Management:** The Pima Air and Space Museum will manage design and construction, in cooperation with Pima County. The Museum will comply with all procurement requirements imposed upon Pima County by law.

**Future Operating and Maintenance Costs:** Funded by the Pima Air and Space Museum.



C. Question No. 3 - Public Safety and Justice Facilities

For the purpose of acquiring, developing, improving and equipping public safety and justice facilities in the County, including, without limitation, a new court complex, renovation of the County's Old Courthouse, jail security improvements, and a regional emergency radio communications system, and the acquisition and construction of real or personal property or interests or rights in property for such purpose and paying all expenses properly incidental thereto and to the issuance of such bonds, shall Pima County, Arizona be authorized to issue and sell general obligation bonds of the County in an aggregate principal amount not exceeding \$183,500,000?

**Table 12**

**Projects in Question 3**

| <b><u>Project</u></b>                        | <b><u>Bond Allocation</u></b> |
|----------------------------------------------|-------------------------------|
| Regional Public Safety Communications System | \$ 87,165,000                 |
| New Justice Court/Municipal Court Complex    | 85,330,291                    |
| Rehabilitation of Old Courthouse             | 4,709                         |
| Corrections Jail Security Project            | 3,000,000                     |
| Interagency Victim Advocacy Center           | 6,000,000                     |
| Juvenile Court Build-Out                     | 2,000,000                     |
| <b>Total Question 3</b>                      | <b>\$183,500,000</b>          |

1. Specific Project Description, Scope of Work, and Location

**3.1 Pima County Regional Public Safety Communications Network**

**Location:** Countywide

**Scope:** Design, procurement and deployment of a regional public safety voice communications network to serve public and non-profit entities responsible for providing public safety and emergency management services to the Pima County populace.

**General Scope/Description**

1. Regional Public Safety Voice Communications Network

The new system will provide the most modern, state-of-the art and widespread on-street coverage for the majority of Pima County first responders and will be scalable so that additional users, features and capacity can be added to the system as needs and resources dictate.

This proposal will deploy a digital 800MHz trunked radio system operated throughout Pima County. This will allow Pima County to reuse frequencies already licensed to the County and other partners to serve more needs. Use of a trunked system with a simulcast subset will assure the most efficient use of resources.

Portable radio in-building coverage is desired in many areas of the County to facilitate the routine and tactical communications needs of fire and police first responders. The radio system

will provide varying levels of in-building coverage as determined by the governance committees. Existing antenna sites will be reused where possible to minimize cultural and environmental impacts, and to minimize costs.

The system will provide interagency “interoperability,” for participant agencies, which means first responders from different agencies can talk directly, in real-time to each other, to better coordinate emergency response actions.

The radio project will provide mobile and portable radios, and dispatch consoles for the participating agencies as determined in a user needs assessment process.

## 2. Regional Communications Center and Homeland Security Emergency Operations Center

An approximately 60,000 square foot facility, proposed to be located at 3434 E. 22<sup>nd</sup> Street, in Tucson will be renovated and equipped. The Communications Center will co-locate 9-1-1, dispatch and emergency management operations of the Pima County Sheriff, Pima County Fire Districts, and the Pima County Office of Emergency Management & Homeland Security.

The City of Tucson will renovate and equip approximately 23,000 square feet of an existing facility located at 4004 S. Park Avenue to co-locate the dispatch functions of the Tucson Police Department, Tucson Fire Department, and other public safety agencies as contracted with the City for dispatch services.

The two buildings will each provide backup capabilities for the other to maintain an ability to provide uninterrupted 9-1-1 services for the City of Tucson and unincorporated Pima County.

9-1-1 Public Safety Answering Point (PSAP) equipment for both facilities will be upgraded or replaced to provide enhanced 9-1-1 services for the City of Tucson and unincorporated Pima County.

### **General Implementation Principles**

A. Governance Structure - Bond investments will be guided by multi-jurisdiction police and fire management consultation and cooperation committees to maximize effectiveness and hence public safety. An Executive Management Committee shall be formed to manage all decisions related to Program implementation. The Executive Management Committee shall consist of the Sheriff, representatives from the four participating law enforcement entities in the County, three participating fire agencies, and the Pima County Department of Emergency Management and Homeland Security. This nine-member Executive Management Committee will be responsible for implementation of the public safety communications program funded by bonds. The Executive Management Committee is responsible for involving the participating agencies in the planning and implementation process to assure that future user agency needs are considered in decisions regarding planning, design, implementation, and operations. The Executive Management Committee will make all recommendations for bond fund expenditures to the Board of Supervisors.

B. Minimum Planning and Performance Standards - Before bonds are sold for any purposes other than preliminary engineering and planning, the committee will develop a detailed report on: 1) system performance specifications that will provide assurances that the communications system will comply with all actual and pending national standards for such systems; 2) a detailed operation and maintenance plan that details how a single, unified, regional public safety communications system will be created and operated; and 3) all public safety agencies in Pima County, including tribal agencies, will execute intergovernmental agreements in which they commit to participate in the system as well as use communications equipment in a manner consistent with the technical specifications and management for a unified regional system, and

to not operate any other communications systems that will deter from or otherwise impede the operation of the unified, regional system; and to not unilaterally withdraw from the unified, regional system without adequate written notice to all other parties to the agreement.

C. Bond Funding Limited - The \$87,165,000 of bonds authorized is the minimum expenditure for the proposed regional public safety communications system. The participating public safety agencies will commit to an aggressive and continuing effort to obtain federal and state grants for this purpose. It is estimated that another \$13 million or more is needed to develop the minimum desired system.

D. Service Life - The systems purchased must have a physical service life of at least 20 years and will be compatible to the maximum extent practical with evolving technological innovations that can be reasonably foreseen.

E. Cooperation with State and Federal Agencies - State and federal agencies, as well as surrounding southern Arizona counties, will also be invited to participate in the User Committee in development of a regional system such that the system can easily accommodate federal and state investments for this purpose.

F. Homeland Security - Development of the public safety communications system will also cooperate to the maximum extent possible with the efforts of the Federal government to increase Homeland Security.

**Component Cost Estimates:**

The following cost components are presently estimated for the system.

| <u>Component</u>                                                      | <u>Estimated Costs</u> |
|-----------------------------------------------------------------------|------------------------|
| <b>Regional Public Safety Voice Communications Network</b>            |                        |
| 1. Consultant design, engineering and implementation support services | \$ 2,576,623           |
| 2. Voice Communications System                                        | \$ 25,089,375          |
| 3. Subscriber Equipment (mobile and portable radios)                  | \$ 19,970,544          |
| 4. Microwave and IP Network                                           | \$ 3,067,000           |
| 5. Antenna Site Development (towers, structures, shelters)            | \$ 4,217,800           |
| 6. Internal Project Management Labor and Miscellaneous Expenses       | \$ 1,742,750           |
| 7. Maintenance Shop Equipment & FF&E                                  | \$ 664,800             |
| 8. Project Contingencies & Taxes                                      | \$ 6,411,675           |
| <b>Radio System Total</b>                                             | <b>\$ 63,740,567</b>   |
| <b>Regional Emergency Communications and Operations Center</b>        |                        |
| 1. General Contractor                                                 | \$ 15,143,600          |
| 2. Furnishings & Equipment                                            | \$ 14,173,810          |
| 3. Land Acquisition                                                   | \$ 6,586,052           |
| 4. Building Permits & Plans Reviews                                   | \$ 142,867             |
| 5. Internal Project Management Labor & Other Soft Costs               | \$ 449,750             |
| 6. Architectural, Engineering & Other Professional Fees               | \$ 2,587,848           |
| 7. Project Contingencies                                              | \$ 1,735,435           |
| <b>RECOC Total</b>                                                    | <b>\$ 40,819,362</b>   |
| <b>Bond Funding: \$87,165,000</b>                                     |                        |

**Other Funding:** \$13,000,000 - Federal and state funding should be available to cover this other funding from a variety of sources. The County started working with the Arizona and Pima County Congressional delegation in January 2004 on securing this additional funding, as well as initiating cooperative discussions with the Federal Department of Homeland Security. As of December 2009 the County has been awarded \$8,969,753 in federal grants to support the project.

**Implementation Period:** 1, 2, 3, 4, 5, 6. Funding will first be provided for necessary master system implementation study as identified in the Implementation Process section of this ordinance. This will allow a number of options to be examined for short-term financing to possibly purchase systems ahead of bond revenue cash flow.

**Implementation Process:**

Implementation of this program requires further detailed study and analysis. Prior to incurring major expenses, a master system implementation study will be conducted that provides: a) a radio system needs assessment, b) a technical study that identifies improvements necessary, c) a request for proposals to procure the system, hardware and equipment necessary to meet the performance parameters agreed upon, d) a strategy and detailed plan to obtain and develop additional funding to complete the improvements necessary that are not funded with bond funding, e) an assessment of vendors that are federally pre-qualified to provide wireless communication systems for public safety and homeland security, as well as an analysis of the cost-effectiveness of using pre-approved and authorized federal procurement processes to acquire the desired systems and equipment, and f) development of cost recovery formulas and charges to pay for system operating, maintenance and replacement costs. Results of this study will be used to plan the expenditures of bonds to meet the desired results of this bond program to develop and implement a regional public safety communications system that meets public safety agency requirements and those related to homeland security needs.

**Benefits:**

Public and non-profit entities are responsible for providing public safety and emergency management services to the Pima County populace.

Their independently developed communications systems hinder interagency communications and compromise public safety. Systems deployed to meet the needs of individual jurisdictions are overlaid by even larger systems providing overlapping coverage within the same geographic area.

The cities or towns of Oro Valley, South Tucson, Tucson, Marana, Pima County, and some of the fire districts operate their own communications systems. Other smaller jurisdictions have made arrangements to share a neighboring system to meet their needs. These individual systems utilize proprietary equipment and operate in disparate frequency bands making effective interoperability very difficult.

Thirteen local and state agencies have cooperatively deployed a radio gateway that rebroadcasts transmissions from one system to others on dissimilar frequencies from a radio site in the Tucson Mountains. This provides limited coverage, only one channel on which to

interoperate, and communications delays. Because of its limitations, this system has rarely been put into service. When a catastrophic event occurs, multiple channels and widespread coverage are required to coordinate public safety activities. Today this level of resource is not available.

Public safety first responders rely on many tools to provide quality policing and fire services. None is more important for their safety and efficiency than their ability to communicate on demand, in real time with a reliable communications system. The primary concern of public safety agencies is the safety and protection of the citizens of Pima County. When catastrophic events occur, first responders are challenged to perform lifesaving tasks and to minimize property damage. The greater the crisis, the more public safety agencies need an efficient, coordinated response. To aid the public quickly and effectively by functioning as a team, these responders need realtime communications with each other. And because emergencies rarely respect geographical and political boundaries, public safety agencies of other communities also regularly respond. The terrorist attacks of September 11, 2001 serve to reinforce the need for interoperable, reliable communications for public safety workers.

In summary, it is the first time in history that there is a convergence of need at a time when technology is prepared to meet that need. A regional communications system will create an opportunity for agencies to work closely together for a common goal. It will provide effective interoperable voice communications to public safety workers so that they may provide improved services. It will eliminate duplication of effort and eliminate increased costs to taxpayers. It will provide all public safety workers with a communications network that will improve their safety and access to resources. It will dramatically improve the safety of all citizens in Pima County.

### **3.2 Downtown Court Complex**

**Location:** East side of Stone Avenue, between Council Street and Toole Avenue. Pima County owns the southeast corner of Council and Stone. The City of Tucson owns the northeast corner of Council and Stone. The southeast corner of Toole and Stone will be acquired.

The project also includes work impacting the existing Superior Courts Building located at 110 W. Congress Street and the County Administration West Building located at 150 W. Congress Street.

**Scope:** Design, construct and locate a new Pima County Justice Court. The Justice Court will ultimately provide up to 420,000 square feet accommodating up to 46 courtrooms.

After preliminary planning, this project has been designed as two project phases. Phase I will include the design and construction of the core and shell for a 257,000 square foot seven-story building (seven stories at or above grade with one partial mezzanine level) serving the current and future needs of Pima County Justice Court. The facility includes a stand-alone Central Plant building. This phase will complete the bond project.

Phase II will not be a part of the 2004 GO Bond Project and is dependent on future funding sources. This phase includes future tenant improvements for the Court Tower which will build-out approximately 80% of the entire 257,000 square feet to accommodate 30 court rooms, holding cells, customer service areas, administrative areas, archival storage, judicial chambers and all Court ancillary improvements required to meet the operational needs of the Court. The building will be expandable to provide an additional 12 to 16 courtrooms along with Court related support spaces.

Construction of this project will also require design and construction of a parking garage, with

800 spaces. The parking garage will be designed and constructed in conjunction with the courts, but construction and operation of the garage will be funded through parking fee revenues. Demolish the 8th floor of the Superior Courts Building and re-construct, with new courtrooms and associated spaces including judge's chambers, court reporter's space, jury deliberation rooms and a prisoner holding area. Demolish and abate the 1st floor of the Administration West Building and construct office space on 1st and 2nd floors for Adult Probation and Pretrial Services Departments, and move those departments from the Superior Court to this new location.

**Benefits:** Pima County Justice Courts is now located in three separate facilities downtown: the Old Courthouse, the Legal Services Building, and 160 N. Stone. The existing facilities are too small for current and projected volumes of work; being located in three facilities is very inefficient; public security is difficult to assure at the Old Courthouse; and the volume of activity is inappropriate for the Old Courthouse. This project will house the Consolidated Pima County Justice Court, which provides services to all residents in eastern Pima County and several law enforcement agencies.

The Pima County Justice Courts are operating in structures that are inadequate due to the lack of space as well as design. The safety and convenience of the public will be better served by this new facility.

A new court facility will provide improved physical security for Justice Courts not possible in their current location. A new facility will also provide additional space to relieve court overcrowding and to consolidate Justice Court functions from three locations to one. There is the potential for cost savings by sharing of space or functions commonly used by each court.

The relocation of Adult Probation and Pretrial Services Departments from the 8th floor of the Superior Court Building to the 1st and 2nd floors of the Administration West Building, and the associated remodeling to both facilities, will create additional courtroom space needed to accommodate the court's case load.

**Costs:** \$107,830,291

**Bond Funding:** \$85,330,291

**Other Funding:** \$22,500,000

**Project Duration:** Planning/Design at 36 to 48 months, Land Acquisition at 12 to 18 months, and Construction at 36 to 48 months.

**Implementation Period:** 1, 2, 3, 4, 5, 6

**Project Management:** Pima County will develop a request for proposals to select a third-party professional project manager for project development and implementation, including management of design and construction contracts for the court facilities and parking garage. Procurement of design and construction will be managed by Pima County and contracts will be awarded by the Board of Supervisors.

**Future Operating and Maintenance Costs:** Pima County will be responsible for all annual operating and maintenance costs and for management of the parking garage.

### **3.3 Rehabilitation of Old Courthouse**

**Location:** Pima County Courthouse; 115 North Church, Tucson, Arizona 85701

**Scope:** Following relocation of Consolidated Justice Court to a new facility downtown, rehabilitate and remodel the historic Old Courthouse to correct building deficiencies and provide additional office space for the Pima County Assessor, Recorder, Treasurer and other departments.

**Benefits:** Space vacated by Justice Court is be remodeled to provide office space of County departments to relieve overcrowding and consolidate departmental operations. Currently the Assessor is located in four different locations downtown and the Recorder in two. In spite of this, many staff from all three departments still work in overcrowded conditions. This project will consolidate Assessor and Recorder functions, relieve overcrowded conditions and provide better access for the public. The offices of the Assessor, Recorder and Treasurer provide services for all residents of Pima County. Providing adequate functional working areas for these offices will promote operational efficiencies. The historic Old Courthouse has long been a symbol for the community. Rehabilitation will preserve that symbol.

**Costs:** \$4,709

**Bond Funding:** \$4,709

**Other Funding:** None identified at this time

**Project Duration:** Planning at 9 to 11 months, Design at 17 to 19 months, and Construction at 15 to 18 months.

**Implementation Period:** 5, 6

**Project Management:** Pima County Facilities Management

**Future Operating and Maintenance Costs:** Rehabilitation and remodeling will not result in any additional operating and maintenance costs, but could allow for a decrease in costs of minor repairs.

### **3.4 Corrections Jail Security Project**

**Location:** Pima County Jail, 1270 West Silverlake, Tucson, Arizona

**Scope:** The project will extend the security and useful life of existing jail facilities, primarily the 20-year old Main Jail Tower by reconditioning or upgrading in 4 interrelated categories:

Jail Security - Security upgrades and enhancements include cell door lock replacement and enhancement, installing feeding windows on the Main Jail third floor to expand high-security capacity, replacing Main Jail sliding security doors, purchasing security screening technology to combat contraband and renovating existing internal space;

Risk Management - Replacing the antiquated Main Jail elevator system;

Environmental - Installation of HVAC system (to replace evaporative cooling) and smoke-evacuation systems, heating systems, and restoration of Main Jail housing units that have been in constant use since 1984.

Training/Education – Training Center, construct classroom addition and remodel restrooms for locker room facilities; required due to increase in training facility usage required to train new recruits and current staff for mandatory training and continued security and life safety curriculum.

**Benefits:** The Main Jail has been in constant use, 24-hours per day and 7-days per week, since 1984, approximately two decades. Designed to house 468 inmates, the facility presently houses in excess of 800 inmates. Many of the systems have reached their useful life, jeopardizing safety and functioning of the facility. Replacement of the facility is not an option and the improvements in this project will enhance facility safety and extend its useful life.

**Costs:** \$4,271,069

**Bond Funding:** \$3,000,000

**Other Funding:** \$1,271,069 (\$1,196,963 Sheriff CJEF/RICO funds, \$74,106 Facilities Renewal Fund)

**Project Duration:** Planning and Design of improvements will typically take between 12 and 18 months, while delivery and installation can vary from as little as 3 months to as much as 12 months.

**Implementation Period:** 1,2,3

**Project Management:** Pima County Sheriff's Department/Facilities Management Department.

**Future Operating and Maintenance Costs:** These improvements should not increase annual operating and maintenance costs of operating the Main Jail, and if they do, the impact should be minimal. Many of the improvements could actually help to lower operations costs by enhancing performance of the systems.

### **3.5 Interagency Victim Advocacy Center**

**Location:** On approximately 3 acres on Ajo Way, east of Pima County Juvenile Court Center.

**Scope:** Construct an Interagency Advocacy Center on County-owned property. The center will be built in phases with Phase One specializing in services focused on children. This facility will house various agencies and community partners responsible for victim response, investigation, and litigation, including human service providers, victim advocates, medical personnel, law enforcement and prosecuting attorneys. The concept for the Center has been developed by the Pima County InterAgency Council (IAC), a collaboration of over 20 local victims' service providers founded in 1998. The Center will be open 7 days per week and 24 hours per day.

The Council completed a master plan for the full facility, which envisions a multi-level building of approximately 113,000 square feet. Because of funding constraints, the Center will be constructed in phases. Phase One will construct the "core facility" of approximately 21,000 square feet specializing in services for children, at an estimated total cost of \$6 million. The 3-acre parcel of land is necessary to construct Phase One with some potential for expansion. However, more adjacent land will be necessary to complete a full buildout to 113,000 square feet. Phase One is the project to be addressed by this 2004 Pima County bond project. Phase One is intended to provide space for staff of 51 people, from the Sheriff's Department, Pima County Attorney's Office, Victim Witness, Tucson Police Department, Child Protective Services,



and several social service agencies. \$340,000 will be used in conjunction with the 2004 Project 3.2 Joint Justice/Municipal Court Complex to fund the relocation of office space for Adult Probation and Pretrial Services.

As additional funding is secured, the remainder of the Center will be constructed.

**Benefits:** This facility will be a victim-friendly building specifically designed to minimize trauma and foster rapid and integrated multi-disciplinary responses. The proposed advocacy services center will co-locate the community partners responsible for response, investigation and litigation in a victim-friendly setting that is both physically and psychologically safe for clients and their families. This approach will reduce further trauma and improve victim treatment. Case processing will be streamlined which will increase efficiency and decrease costs. Coordinated multi-disciplinary responses will improve effectiveness, maximize limited human resources and decrease the average duration of investigations. Finally, more perpetrators will be held accountable as prosecution and conviction rates increase, thereby increasing public safety. The facility will house multiple agencies, including Pima County, the City of Tucson, the State of Arizona, and various community victim services agencies.

**Costs:** \$6,013,711

**Bond Funding:** \$6,000,000

**Other Funding:** \$13,711 (COT- Tucson Water Refund)

**Project Duration:** Planning and Design at 24 to 36 months and Construction at 24 to 36 months.

**Implementation Period:** 1, 2, 3, 4, 5

**Project Management:** Pima County Facilities Management will manage design and construction, with close coordination with the Pima County Interagency Council.

**Future Operating and Maintenance Costs:** Building costs at approximately \$120,000 per year, excluding staffing costs.

### **3.6 Juvenile Court Build-Out**

**Location:** Pima County Juvenile Court Center, 2525 East Ajo Way, Tucson, Arizona

**Scope:** This project completes the build-out of the Juvenile Court Center. The project involves construction of new courtrooms, chambers and offices in existing "shell space", remodeling the old court building as a training center, central plant improvements to add cooling capacity by adding a third chiller and automate the central plant.

**Benefits:** In order to accommodate increases in caseload at the court center, building of additional courtrooms, chambers and offices in vacant "shell" space is required. This vacant space was master planned for growth when the court center was built. Remodeling of the old court building will provide a center for court and other training purposes. Addition of a third chiller will add cooling capacity for the build-out and increase redundancy to the system in the event one chiller goes down. The central plant is currently manned on a continuous basis. Experienced plant operators are becoming more difficult to recruit and retain. Replacement of the plant control system and other work will allow Pima County to operate the plant from a

remote location. This will save approximately \$160,000 per year in personnel costs. The Pima County Juvenile Court Center provides services to all residents of Pima County.

**Costs:** \$2,000,000

**Bond Funding:** \$2,000,000

**Other Funding:** None identified at this time

**Project Duration:** Planning and Design at 12 to 18 months and Construction at 24 to 36 months.

**Implementation Period:** 1, 2, 3

**Project Management:** Pima County Facilities Management

**Future Operating and Maintenance Costs:** Minimal, as build-out of existing space, excluding court operating costs.

D. Question No. 4 - Parks and Recreational Facilities

For the purpose of acquiring, developing, expanding, improving and equipping new and existing parks and recreational facilities in the County, including, without limitation, athletic fields, community centers, libraries, historic and cultural facilities and trails, and the acquisition or construction of real or personal property or interests or rights in property for such purpose and paying all expenses properly incidental thereto and to the issuance of such bonds, shall Pima County, Arizona be authorized to issue and sell general obligation bonds of the County in an aggregate principal amount not exceeding \$96,450,000?

**Table 13**

| <b><u>Project</u></b>                                 | <b><u>Bond Allocation</u></b> |
|-------------------------------------------------------|-------------------------------|
| <b>Cultural/Historic Resources Bond Program</b>       |                               |
| Empirita Ranch Buildings Rehabilitation               | \$ 400,000                    |
| Canoa Ranch Buildings Rehabilitation                  | 2,700,000                     |
| Anza National Historic Trail                          | 3,750,000                     |
| Fort Lowell Acquisition and San Pedro Chapel          | 3,095,823                     |
| Helvetia Townsite Acquisition                         | 2,926                         |
| Steam Pump Ranch Rehabilitation                       | 4,997,806                     |
| Binghampton Historic Buildings Rehabilitation         | 960,000                       |
| Marana Mound Community Site                           | 32,996                        |
| Dakota Wash Site Acquisition                          | 600,000                       |
| Coyote Mountains Sites Acquisition                    | 800,000                       |
| Honey Bee Village Acquisition                         | 1,649,982                     |
| Performing Arts Center Rehabilitation                 | 681,993                       |
| Tumamoc Hill Acquisition                              | 1,337,074                     |
| Los Morteros Preservation                             | 249,993                       |
| Pantano Townsite Preservation                         | 50,000                        |
| Ajo Curley School Historic Art Institute              | 421,225                       |
| Dunbar School                                         | 1,217,989                     |
| <b>Total Cultural/Historic Resources Bond Program</b> | <b>\$22,947,807</b>           |
| <b>Parks/Recreation Bond Program</b>                  |                               |
| <b>Pima County Parks</b>                              |                               |
| Flowing Wells Community Center                        | \$ 3,500,000                  |
| Southeast Regional Park/Shooting Range                | 3,500,000                     |
| Lighting of Existing Fields and New Sports Fields     | 3,600,000                     |
| Curtis Park - Flowing Wells East                      | 2,650,000                     |
| Catalina Community Park                               | 1,000,000                     |
| Dan Felix Memorial Park                               | 573,000                       |
| Brandi Fenton Memorial Riverbend Park                 | 4,000,000                     |
| Mehl-Foothills Park                                   | 2,000,000                     |
| Rillito Race Track                                    | 2,427,000                     |

| <u>Project</u>                                          | <u>Bond Allocation</u> |
|---------------------------------------------------------|------------------------|
| Kino Public Sports Field Lighting                       | 650,000                |
| Feliz Paseos Universal Access Park                      | 1,000,000              |
| Picture Rocks Pool                                      | 2,000,000              |
| <b>Subtotal Pima County Parks</b>                       | <b>\$26,900,000</b>    |
| <b>City of Tucson Parks</b>                             |                        |
| Eastside Sports Complex and Senior Center Site          | \$ 6,000,000           |
| Northside Community Center                              | 5,500,000              |
| Southeast Community Park                                | 6,000,000              |
| Houghton Greenway                                       | 1,400,000              |
| Julian Wash Linear Park                                 | 3,700,000              |
| Arroyo Chico                                            | 1,000,000              |
| Atturbury Wash Sanctuary Land Acquisition and Expansion | 1,200,000              |
| Pantano River Park                                      | 3,500,000              |
| Rio Vista Natural Resource Park                         | 1,500,000              |
| <b>Subtotal City of Tucson Parks</b>                    | <b>\$29,800,000</b>    |
| <b>Other Jurisdiction Parks</b>                         |                        |
| <b>Town of Marana Parks</b>                             |                        |
| Cultural and Heritage Site                              | \$ 1,000,000           |
| Tortolita Trail System                                  | 1,200,000              |
| <b>Town of Sahuarita Parks</b>                          |                        |
| Anamax Park Multi-Use Ballfield                         | \$ 500,000             |
| Bicycle Lane on Sahuarita Road                          | 1,500,000              |
| <b>Town of Oro Valley Parks</b>                         |                        |
| Naranja Town Site Park                                  | \$ 2,193               |
| <b>Subtotal Other Jurisdiction Parks</b>                | <b>\$ 4,202,193</b>    |
| <b>Total Parks/Recreation Bond Program</b>              | <b>\$60,902,193</b>    |
| <b>Libraries Bond Program</b>                           |                        |
| Marana Continental Ranch New Library                    | \$ 4,500,000           |
| Oro Valley Library Expansion                            | 1,100,000              |
| Wilmot Branch Library                                   | 7,000,000              |
| <b>Total Libraries Bond Program</b>                     | <b>\$12,600,000</b>    |
| <b>Total Question 4</b>                                 | <b>\$96,450,000</b>    |

1. Specific Project Description, Scope of Work, and Location

a. Cultural/Historic Resources Bond Program

4.1 Empirita Ranch Buildings Rehabilitation

**Location:** Unincorporated Pima County, Cienega Creek Natural Preserve, Cienega Valley

**Scope:** Rehabilitate the original ranch building at the historic Empirita Ranch for a caretaker house, and stabilize other buildings.

**Benefits:** In 1997, Bond CH-26 was approved as Phase 1 of the rehabilitation of the historic buildings at the old Empirita Ranch, owned by Pima County, that is located on 366 acres in the Cienega Creek Natural Preserve. Bond funds have been used to record archaeological and historical resources on the property, conduct in-depth archival research on ranch history, prepare a nomination to the National Register of Historic Places, and prepare building condition assessments for three historic ranch buildings in order to plan for their future rehabilitation and adaptive use. These include: the de Villa Homestead, the original residence on the ranch built in the late 1800s; the Siemund/Ohrel house, a mid-1950s Contemporary style ranch house; and, the 1940s Maid's Quarters, a part of the Siemund/Ohrel compound. Currently, the buildings are deteriorating and in need of stabilization and rehabilitation for contemporary use. Without intervention in the near future, these buildings may be lost. Bond funds are needed to stabilize the Siemund/Ohrel house and Maid's Quarters, and to restore the de Villa Homestead. This rehabilitation project will facilitate use of the Empirita Ranch property providing all County residents and visitors with recreation and heritage education opportunities.

**Costs:** \$400,000, with Planning/Design being \$90,000, Construction being \$300,000, and Other being \$10,000.

**Bond Funding:** \$400,000

**Other Funding:** None identified at this time.

**Project Duration:** Planning at 5 to 7 months, Design at 13 to 18 months, and Construction at 12 to 20 months.

**Implementation Period:** 1, 2, 3

**Project Management:** Pima County Cultural Resources and Historic Preservation Office/Pima County Facilities Management/Pima County Natural Resources, Parks and Recreation.

**Future Operating and Maintenance Costs:** \$160,519 for the first year and \$127,419 per year thereafter.

4.2 Canoa Ranch Buildings Rehabilitation

**Location:** South of Green Valley and east of Interstate-19, in unincorporated Pima County.

**Scope:** Adaptive use planning, listing in the National Register of Historic Places, and rehabilitation of the main residences, outbuildings, and other ranch related structures, including structural reinforcement, roof replacement, windows and door, utilities, HVAC, and other related development within the historic Canoa Ranch, owned by Pima County.

**Benefits:** Canoa Ranch is a place exceptionally rich in the heritage of Pima County. Due to the presence of a seep or spring, there is evidence of 2,000 years of occupation from the early Archaic and Hohokam periods to the historic Piman, Spanish Colonial, Mexican, and American Territorial periods. The name La Canoa dates to 1775, and refers to a log trough. Today we know it by its land grant designation - San Ignacio de la Canoa. The ranch today includes 12 buildings (20,000 square feet) in two compounds of homes, workshops, stables, corrals, outbuildings, and walls, constructed of adobe that merge Sonoran and Southwestern ranch styles. In 1997, voters approved Bond CH-29 for Canoa Ranch. These funds have been used to stabilize and brace buildings, repair roofs, limit weathering, conduct archival research, prepare flood analyses and concepts for flood walls, and nominate Canoa to the National Register of Historic Places. Work is now underway to design flood walls, prepare building condition assessment reports, and prepare construction documents for two buildings for a caretaker and office. Flood wall construction must be completed as soon as possible. The residential adobe buildings have suffered significantly from years of neglect and are badly deteriorated. Rehabilitation and adaptive use of the Canoa Ranch complex can restore this ranch to a unique showplace to celebrate our diverse heritage, traditions, and rural landscape to be enjoyed by all Pima County residents and visitors for many more generations.

**Costs:** \$2,850,000.

**Bond Funding:** \$2,700,000

**Other Funding:** \$150,000 Asarco Settlement

**Project Duration:** Planning at 9 to 12 months, Design at 15 to 20 months, and Construction at 15 to 30 months.

**Implementation Period:** 1, 2, 3, 4, 5, 6

**Project Management:** Pima County Cultural Resources and Historic Preservation Office/Pima County Facilities Management/Pima County Natural Resources, Parks and Recreation

**Future Operating and Maintenance Costs:** \$190,419 for the first year, and \$128,719 per year thereafter.

#### **4.3 Juan Bautista de Anza National Historic Trail**

**Location:** Segments along approximately 70 miles on the west bank of the Santa Cruz River, including segments inside the Towns of Marana and Sahuarita, the City of Tucson, and unincorporated Pima County.

**Scope:** This project will acquire land for the trail, construct new segments of the trail, provide additional access to the trail, and commemorate three Anza Expedition campsite locations; Llano Grande in Sahuarita, Tuquison in Tucson, and Oit Pars near Marana. Trail segments and trail access nodes will be designed and constructed. Campsite commemoration will include acquisition at Llano Grande, dedication of City of Tucson land at Tuquison, and dedication of Pima County land at Oit Pars. Public Interpretation of the Anza Expedition will be achieved at the campsites through educational signage and other aids. This project will continue the work started with a 1997 bond project, CH-30, that began the planning, acquisition, improvement, and public education process for the Juan Bautista de Anza National Historic Trail.

**Benefits:** The acquisition and interpretation of trail segments and locations to commemorate the 1775 Anza Expedition is part of the County-approved Master Plan for the Anza Trail. This project will provide trail users the experience of trail segments and campsites designed and constructed to convey historic authenticity. Acquisition of a parcel near Sahuarita and dedication of the Tucson and County parcels are critical to ensure that these campsites and trail segments are commemorated and the land is not put to other uses. This project will provide residents of Pima County and visitors with additional access and use of trail segments along the Santa Cruz River Valley, while enhancing heritage education and recreation opportunities for the public. Specific portions of these bond funds have been earmarked for residents in Marana and Sahuarita.

**Costs:** \$3,797,271

**Bond Funding:** \$3,750,000

**Other Funding:** Arizona State Heritage Grant (\$47,271)

**Project Duration:** Planning at 18 to 24 months, Design at 15 to 25 months, Land acquisition at 5 to 12 months, and Construction at 15 to 30 months.

**Implementation Period:** 1, 2, 3, 4, 5, 6, 7

**Project Management:** Pima County Office of Sustainability and Conservation and Pima County Natural Resources, Parks and Recreation through intergovernmental agreements with the Towns of Marana and Sahuarita.

**Future Operating and Maintenance Costs:** \$314,124 per year.

#### **4.4 Fort Lowell Acquisition and San Pedro Chapel**

**Location:** City of Tucson, North Craycroft Road and East Fort Lowell Road

**Scope:** Purchase 5.2 acres on five parcels containing the historic Fort Lowell Officers' Quarters, stabilization and assistance with San Pedro Chapel complex rehabilitation.

**Benefits:** Fort Lowell was a supply base for the United States Army "Apache Campaigns" between 1873 and 1891. The garrison's primary roles were to escort wagon trains, protect settlers, guard supplies, patrol the border and conduct military actions against the Western and Chiricahua Apache. Following the abandonment of the fort in 1891, settlers moved in and the fort became known as "El Fuerte." The first San Pedro Chapel was built before 1920, but was later destroyed in a windstorm. The current San Pedro Chapel, built in 1932, is now in need of rehabilitation to allow community use. Much of Fort Lowell is now a City of Tucson park. Adjacent to the park, however, are other historic buildings, including Officers' Quarters, the San Pedro Chapel, its adobe house, and others. The Adkins-Steel property has on it several of the Officers' Quarters, some of which are intact and still in use, but in dire need of stabilization and rehabilitation. Acquisition of the Adkins-Steel property will bring into public ownership significant historic buildings of the old Fort Lowell for restoration and inclusion in the City Park. In addition, the rehabilitation of San Pedro Chapel and its adobe house will ensure its preservation and adaptive use. Both efforts will be enduring investments in Pima County's history and culture that will benefit all residents of Pima County and visitors.

**Costs:** \$3,095,823

**Bond Funding:** \$3,095,823

**Other Funding:** None identified at this time

**Project Duration:** Planning at 11 to 18 months, Design at 13 to 18 months, Construction at 9 to 18 months, and Land acquisition at 13 to 20 months.

**Implementation Period:** 1, 2, 3, 4, 5, 6

**Project Management:** Pima County Cultural Resources and Historic Preservation Office and Pima County Natural Resources, Parks and Recreation through an intergovernmental agreement with the City of Tucson.

**Future Operating and Maintenance Costs:** None

#### **4.5 Helvetia Townsite Acquisition**

**Location:** Unincorporated Pima County, north side of the Santa Rita Mountains

**Scope:** Purchase of 23.4 acres on two parcels of private land containing the remains of the historic Helvetia Townsite, now a ghost town.

**Benefits:** Helvetia, located in the copper rich Santa Rita Mountains, was a mining community formed during the 1880s and 1890s after several large copper mining claims were developed. Mining continued until 1911 when low copper prices lead to a shut down, although sporadic mining continued through both the First and Second World Wars. Mining was permanently halted in 1949. At its peak in the late 19th Century, the community contained approximately 300 people, and the town was comprised of an assortment of saloons and stores, a school, and a stage line. Today, all that remains of this once successful frontier era mining town are ruined adobe buildings and a cemetery marking where the town had been. This property is potentially developable and thus the Helvetia Townsite may be threatened in the future by development or lot splitting. Acquisition of this important cultural resource will ensure its protection and enable its use by all Pima County residents and visitors for recreational uses and future research, education, public interpretation, and heritage tourism. This project was retired and the Bond Funding reallocated to project 4.13 Tumamoc Hill Acquisition.

**Costs:** \$2,926

**Bond Funding:** \$2,926

**Other Funding:** None identified at this time

**Project Duration:** Planning at 1 to 3 months and Land acquisition at 15 to 18 months.

**Implementation Period:** 1, 2, 3

**Project Management:** Pima County Cultural Resources and Historic Preservation Office/Pima County Natural Resources, Parks and Recreation

**Future Operating and Maintenance Costs:** None



#### **4.6 Steam Pump Ranch Rehabilitation**

**Location:** West of Oracle Road in Oro Valley, near Cañada del Oro Wash, in the Town of Oro Valley.

**Scope:** Acquire acreage and rehabilitate the historic Canada del Oro Steam Pump Ranch - the founding site of the Oro Valley community.

**Benefits:** George Pusch and John Zellweger arrived in Tucson in 1874. Shortly thereafter they purchased part of the old Cañada del Oro Ranch. They registered the PZ brand and put in a steam pump from which the ranch got its name. Gradually, the ranch expanded to include land along the San Pedro River between Mammoth and Winkleman. Steam Pump Ranch located on the road to Camp Grant, now Oracle Road, was a stopover place for travelers in the 19th Century between the San Pedro and Santa Cruz valleys. Author Harold Bell Wright was a frequent visitor. The 1874 ranch house is well preserved but now threatened. This is a unique historic property in Oro Valley, and it has been well-documented through contemporary accounts and photographs as well as oral histories. The property is currently in private ownership and rezoning for commercial development has been proposed to Oro Valley. If the ranch is conveyed to the Town of Oro Valley, the Bond project will rehabilitate this historic ranch house for modern use. Preserving and restoring this property will provide Oro Valley with its “foundation site,” and enable public access to experience this important historic place from Oro Valley’s frontier era past.

**Costs:** \$4,997,806

**Bond Funding:** \$4,997,806 (additional funding reallocated from Naranja Town Site Park 4.43)

**Other Funding:** None identified at this time

**Project Duration:** Planning at 11 to 15 months, Design at 15 to 25 months, Construction at 12 to 24 months, and Land acquisition at 12 to 18 months.

**Implementation Period:** 1, 2, 3, 4

**Project Management:** The Town of Oro Valley will negotiate with the property owner and acquire the property with County bond funds, pursuant to an intergovernmental agreement between Pima County and the Town.

**Future Operating and Maintenance Costs:** Undetermined at this time.

#### **4.7 Binghampton Historic Buildings Rehabilitation**

**Location:** Binghampton area along the north bank of the Rillito River, where Finger Rock Wash joins the Rillito in the vicinity of the junction of River Road and Dodge Boulevard.

**Scope:** Rehabilitate buildings within the historic Binghampton National Register District. This project will be planned, designed, and constructed in conjunction with the Brandi Fenton Memorial Riverbend Park (Question 4, Project 4.24)

**Benefits:** Binghampton was a pioneer Mormon community established on a portion of the Davidson Ranch, around 1898 by Nephi Bingham, for whom the settlement was named. The original streets, houses, and fields were laid out in the officially prescribed Mormon system, and

this grid remains the underlying structure of the present-day rural landscape. A sophisticated irrigation system along the Rillito River was the basis of Mormon agriculture at Binghamton. Over the decades, many now historic buildings were constructed in the riverbend area, some of which still stand and are proposed for rehabilitation and adaptive use, within the proposed Brandi Fenton Riverbend Park at Binghamton. This project will rehabilitate important historic buildings, situated within a unique rural landscape, and will allow adaptive use and public utilization of these buildings to maintain an authentic historic and cultural setting in a future County park site.

**Costs:** \$800,000, with Planning/Design being \$107,000, Construction being \$673,000, and Other being \$20,000.

**Bond Funding:** \$960,000

**Other Funding:** None identified at this time

**Project Duration:** Planning at 3 to 6 months, Design at 13 to 18 months, and Construction at 13 to 24 months.

**Implementation Period:** 1, 2, 3

**Project Management:** Pima County Cultural Resources and Historic Preservation Office/Pima County Natural Resources, Parks and Recreation.

**Future Operating and Maintenance Costs:** \$81,260 for the first year, and \$55,260 per year thereafter.

#### **4.8 Marana Mound Community Site**

**Location:** The portion of the Marana Mound Community located largely west of the CAP Canal and east of Interstate 10.

**Scope:** Purchase of prehistoric archaeological sites, most notably the Marana Platform Mound site that is the major site within the Marana Mound community, all of which is threatened by development.

**Benefits:** This project will preserve and protect extremely significant Hohokam archaeological sites from impending development. The Marana Mound Community consists of several large Hohokam village sites dating from AD 1150 to 1300, a late period of Hohokam occupation and land use, that covers more than 50 square miles. This community represents the height of population and organizational complexity in the area. Sites in the Marana Mound Community have a wide functional range: a platform mound ceremonial and residential center, walled adobe residential compounds, hillside terrace sites, and a variety of agricultural fields and features that include extensive rock pile fields used for agave production and a six-mile long canal from Los Morteros. This acquisition is focused on the platform mound ceremonial center, which is located primarily on State Trust lands and partly on private lands in an area of rapid urban growth. The State lands are designated for commercial development. This project will benefit all residents of Pima County and visitors. The project was retired and the remaining funds were moved to CR4.04 Fort Lowell Acquisition and San Pedro Chapel.

**Costs:** \$32,996

**Bond Funding:** \$32,996

**Other Funding:** None identified at this time

**Project Duration:** Planning at 12 to 18 months and Land acquisition at 27 to 36 months.

**Implementation Period:** 1, 2, 3, 4, 5

**Project Management:** Pima County Cultural Resources and Historic Preservation Office and Pima County Natural Resources, Parks and Recreation through an intergovernmental agreement with the Town of Marana.

**Future Operating and Maintenance Costs:** None

#### **4.9 Dakota Wash Site Acquisition**

**Location:** Unincorporated Pima County, near the confluence of Dakota Wash and the West Branch of the Santa Cruz River, between Drexel and Irvington Roads.

**Scope:** Purchase the remaining portion of the Dakota Wash Site located on a single 24-acre parcel of private land, near the west branch of the Santa Cruz River.

**Benefits:** The Dakota Wash Site represents an important aspect of prehistoric human occupation in the Santa Cruz River Valley. Archaeologists have evidence that a ceremonial Hohokam ballcourt, hundreds of residential pithouses, many human burials, and untold numbers of other prehistoric features are intact on the subject parcel. Site occupation occurred mainly during two periods, from about AD 700-950, and then again from about AD 1150-1300. The Dakota Wash site is also considered an important traditional cultural place by the Tohono O'odham and other Indian tribes. The parcel is presently undeveloped, but zoned for single-family housing, an imminent threat to the site's existence. It is the only remaining intact portion of the Hohokam West Branch Community, an extensive area of occupation that is now largely destroyed by development. Acquisition will protect the site from likely development and preserve it for future generations. Future opportunities for public benefit of all Pima County residents and visitors include heritage education, and preservation of an important Tohono O'odham ancestral site.

**Cost:** \$750,000, with Planning being \$7,000, Construction being \$699,000, Land acquisition being \$22,000, and Other being \$22,000.

**Bond Funding:** \$600,000

**Other Funding:** None identified at this time

**Project Duration:** Planning at 12 to 18 months and Land acquisition at 13 to 24 months.

**Implementation Period:** 3, 4, 5

**Project Management:** Pima County Cultural Resources and Historic Preservation Office/Pima County Natural Resources, Parks and Recreation

**Future Operating and Maintenance Costs:** None

#### **4.10 Coyote Mountains Sites Acquisition**

**Location:** Altar Valley, 40 miles west of Tucson, south of the Coyote Mountains Wilderness Area.

**Scope:** Purchase approximately 800 acres of private land associated within Hay Hook Ranch, to protect a large Hohokam village complex from development.

**Benefits:** The Coyote Mountain property contains multiple archaeological sites representing prehistoric occupation of the Altar Valley during the Hohokam Sedentary (AD 1100-1150) and late Classic periods (AD 1150-1450). During Classic times, the Hohokam community in the Coyote Mountains grew in organizational and social complexity, and a number of large habitation sites with compound walls and platform mounds were established. One of these centers, the Hay Hook Ranch site, is located on this parcel of private land. Three other village sites and part of a fourth are also included. Farmsteads, fields, and farming related activity areas are also in the vicinity. Together, these sites represent an ancestral site complex of the Tohono O'odham, and reflect an intact cultural landscape of Classic Hohokam settlement patterns, land use, and social organization in the Altar Valley. This property is currently being offered for sale as developable land that could be subdivided. If split and developed, these archaeological sites would be lost. Purchase of Hay Hook Ranch will ensure that the cultural and ancestral landscape of this prehistoric community in the Altar Valley are protected, providing cultural, scientific, and educational benefits to all citizens of Pima County and visitors.

**Cost:** \$800,000, with Planning being \$7,000, Land acquisition being \$771,000, and Other being \$22,000.

**Bond Funding:** \$800,000

**Other Funding:** \$609,786 (\$256,797 General Fund and \$352,989 Section 6 Fish & Wildlife Grant)

**Project Duration:** Planning at 12 to 18 months and Land acquisition at 13 to 24 months.

**Implementation Period:** 3, 4, 5

**Project Management:** Pima County Cultural Resources and Historic Preservation Office/Pima County Natural Resources, Parks and Recreation.

**Future Operating and Maintenance Costs:** None

#### **4.11 Honey Bee Village Site Acquisition**

**Location:** Town of Oro Valley, along Honeybee Creek east of North Vistoso Boulevard.

**Scope:** Purchase sufficient acreage to protect the critical areas of the Honeybee Village site that are threatened by planned residential development.

**Benefits:** Honeybee Village is a large prehistoric village located along the drainage of the same name in the Cañada del Oro Valley. It is one of a small set of settlements in the region that were settled near the start of the Hohokam Cultural sequence (around AD 450-600) that

were continuously occupied up to the thirteenth century. The settlement has a cluster of 19 large mounds that surround a possible plaza, and it has a small ballcourt and a walled enclosure that may have enclosed rooms or a special use space near the end of its occupation. It is estimated that 500 to 800 pit structures are present on the site along with many other cultural features. It is the only such large village site left largely intact within the Town of Oro Valley. Acquisition of the Honeybee Village site will protect critical portions of the site from destruction resulting from planned residential development and preserve these areas for future generations. Future public benefit for all citizens of Pima County and visitors includes heritage education and scientific research.

**Cost:** \$1,649,982

**Bond Funding:** \$1,649,982

**Other Funding:** None identified at this time

**Project Duration:** Planning at 1 to 6 months and Land acquisition at 16 to 30 months.

**Implementation Period:** 1, 2, 3, 4, 5, 6

**Project Management:** The Town of Oro Valley will negotiate with the property owner and acquire the property with County bond funds, pursuant to an intergovernmental agreement between Pima County and the Town.

**Future Operating and Maintenance Costs:** Undetermined at this time.

#### **4.12 Performing Arts Center Rehabilitation**

**Location:** The Tucson Performing Arts Center is located at 408 South 6th Avenue in Armory Park neighborhood just south of downtown Tucson.

**Scope:** Structural and other repairs to this 1921 historic building that was converted from the All Saints Church to the Tucson Performing Arts Center as determined by available funding.

**Benefits:** Sanborn maps from 1901 provide the earliest record of a cruciform building on the site where the Tucson Performing Arts Center is located today. Between 1901 and 1917 it was used as a church and academic hall until it was destroyed by fire. In 1921, the church was rebuilt as "All Saints Church" in an eclectic mix of Mission and Victorian elements that included brick masonry construction, a central tower, Romanesque arches, rose window, and diamond slate roof. In 1948 and 1949, the church was extensively remodeled to a Spanish Colonial facade. It was used as a church until 1988. The Tucson Local Development Corporation purchased the building in 1988 for the City of Tucson, and it was converted into the Tucson Performing Arts Center. It was used until recently by the Arizona Theatre Company and other theatre groups until the building was found to have serious structural problems with its rock rubble foundation. Architectural assessments concluded that important life/safety, code, and long-term repairs are needed, and construction documents have been prepared. The proposed bond funds to repair the critical building deficiencies would make this historic building a viable part of the Armory Park neighborhood, and provide a suitable venue in an historic neighborhood for emerging theatre groups and performing artists.

**Cost:** \$681,993

**Bond Funding:** \$681,993

**Other Funding:** None identified at this time. City of Tucson Facilities Management staff estimates the necessary structural repairs will cost between \$2 million and \$3 million. No commitments are made relative to this Bond Implementation Plan to seek such additional funding.

**Project Duration:** Planning at 8 to 12 months, Design at 13 to 24 months, and Construction at 15 to 36 months.

**Implementation Period:** 1, 2, 3, 4

**Project Management:** The City of Tucson through an intergovernmental agreement with the Pima County Cultural Resources and Historic Preservation Office.

**Future Operating and Maintenance Costs:** None

#### **4.13 Tumamoc Hill Acquisition**

**Location:** West slope of Tumamoc Hill in the vicinity of “A” Mountain.

**Scope:** Tumamoc Hill and the Desert Laboratory have unique and significant value as open space that is critically important to the citizens of Pima County. The 320 acres on the west slope of Tumamoc Hill has been an integral part of the 869-acre Tumamoc Hill Preserve, which has been in continuous use as an ecological research facility since 1903. This site is currently owned by the Arizona State Land Department and may be endangered by future sale and inappropriate development. Acquisition and preservation of this parcel and other County-owned cultural resource properties through boundary demarcation, preservation planning, fencing and other protection measures, and interpretation are planned.

**Benefits:** Preservation of this important landmark and other County-owned cultural resources as undisturbed natural open space, to retain these sites as focal points in the community, and to preserve their natural and cultural values for future public benefit.

**Cost:** \$1,337,074

**Bond Funding:** \$1,337,074

**Other Funding:** None identified at this time

**Project Duration:** Planning at 11 to 15 months, Design at 12 to 24 months, and Construction at 6 to 15 months.

**Implementation Period:** 1, 2, 3, 4, 5, 6, 7

**Project Management:** Pima County Cultural Resources and Historic Preservation Office/Facilities Management, and Natural Resources, Parks and Recreation.

**Future Operating and Maintenance Costs:** University of Arizona

#### **4.14 Los Morteros Preservation**

**Location:** In Marana, on the west side of the Santa Cruz River near Point of the Mountain, between Silverbell and Coachline Roads.

**Scope:** Development of public access, preservation planning, and interpretation for the County-owned prehistoric and historic cultural resources at Los Morteros.

**Benefits:** Los Morteros is a significant place of many different human occupations and uses which provide a unique opportunity to interpret the different cultural traditions that shaped our region. It is the location of a major Hohokam village occupied between AD 850 and 1300 that contains a ballcourt, pithouses, adobe-walled compounds, human burials, and numerous features and artifacts. It is the location of the Anza expedition Llano del Azotado campsite of October 27, 1775. In addition, the Ruelas and Maish historic homesteads, and the 19th Century Butterfield stage station at Point of the Mountain are also situated at Los Morteros. Nearby was a historic early 20th Century Yaqui settlement. Bond funds (CA-32) from 1997 have been used to acquire the core of this site, and adjacent parcels are in negotiation for inclusion. This project will preserve these cultural assets and make Los Morteros accessible to all residents of Pima County and visitors. Access and interpretation will provide the public with an excellent heritage education opportunity. There are few remaining places that offer the opportunity to interpret these cultural values at one location. Los Morteros is one of those rare places.

**Cost:** \$249,993

**Bond Funding:** \$249,993

**Other Funding:** None identified at this time

**Project Duration:** Planning at 11 to 15 months, Design at 11 to 15 months, and Construction at 9 to 18 months.

**Implementation Period:** 1, 2, 3

**Project Management:** Pima County Cultural Resources and Historic Preservation Office/Pima County Natural Resources, Parks and Recreation Department.

**Future Operating and Maintenance Costs:** Minimal costs; Pima County.

#### **4.15 Pantano Townsite Preservation**

**Location:** Unincorporated Pima County, Cienega Valley, north bank of the Cienega Creek.

**Scope:** Inventory and map the historic features, prepare a preservation plan, and place interpretive signage for the Pantano Townsite for public education.

**Benefits:** In 1997, voters approved the bond project (CA-34) to acquire the Pantano Townsite, which the Southern Pacific Railroad community occupied from 1887 to 1955, after abandoning the first Pantano Townsite across Cienega Creek due to devastating floods in 1887. Once an important rail stop and water site for steam locomotives, Pantano was like many of these railroad towns that were abandoned when diesel engines were adopted in the 1950s. Their story merits being told, and Pantano provides that opportunity. Purchase of 33 acres encompassing the second Pantano townsite was completed in 2000 to ensure the townsite is protected for the future and to add this property to the Cienega Creek Natural Preserve. Funding now is needed to inventory, map and interpret the townsite so that it can be utilized for public outreach, education, and heritage tourism. The Pantano townsite is currently being visited by the public, railroad buffs and hikers. Bond funding will provide for interpretation,

thereby enhancing educational and recreational experiences for all Pima County citizens, students, and visitors.

**Cost:** \$50,000, with Planning/Design being \$15,000, Construction being \$31,000, and Other being \$4,000.

**Bond Funding:** \$50,000

**Other Funding:** None identified at this time

**Project Duration:** Planning at 14 to 20 months, Design at 12 to 18 months, and Construction at 9 to 18 months.

**Implementation Period:** 1, 2, 3, 4

**Project Management:** Pima County Cultural Resources and Historic Preservation Office/Pima County Natural Resources, Parks, and Recreation Department.

**Future Operating and Maintenance Costs:** \$41,400

#### **4.16 Ajo Curley School Art Institute**

**Location:** The Curley School is located in Ajo within the Ajo Townsite Historic District, listed on the National Register of Historic Places.

**Scope:** Preserve the defining historic characteristics of the historic Curley School and other historic properties in the Ajo Townsite Historic District through preservation easements to retain and rehabilitate defining historic interior and exterior characteristics, while planning for the rehabilitation and adaptive use of the buildings, including use by Pima County Natural Resources, Parks and Recreation for recreational programs and other uses.

**Benefits:** The International Sonoran Desert Alliance, a tri-cultural non-profit organization has worked with the community of Ajo in developing a concept for an innovative housing and economic development project that involves the adaptive use of the historic Curley School and other historic buildings. The proposed project is to develop the school complex into 40 to 50 affordable live/work rental units for low-income individuals and families, restore indoor and outdoor theatres, provide classrooms for community education, offices, and other community space in these buildings. The Ajo Townsite is listed on the National Register of Historic Places at the “national” level of significance as a rare example of a model company town, built during the City Beautiful movement of the early 20th century. The Curley School, built in the Spanish Colonial Revival style, anchors the western axis of the town’s center and historic district. Curley School is likely to be eligible for federal rehabilitation tax credits, provided the historic architectural character and defining elements are maintained. Purchase of preservation easements will ensure the historic character of the buildings is preserved, reuse nationally significant buildings, provide much needed funding for adaptive use, and provide the town of Ajo with affordable housing and innovative opportunities for sustainable economic development that is sensitive to the town’s historic character.

**Cost:** \$1,036,225

**Bond Funding:** \$421,225



**Other Funding:** CDBG Funds: \$115,000 for purchase of Ajo Curley Gymnasium and Transportation Enhancement Grant: \$500,000

**Project Duration:** Planning at 9 to 15 months, Design at 13 to 18 months, and Construction at 16 to 30 months.

**Implementation Period:** 1, 2, 3, 4, 5, 6

**Project Management:** Pima County Cultural Resources and Historic Preservation Office; Natural Resources, Parks and Recreation; Facilities Management

**Future Operating and Maintenance Costs:** None

#### **4.17 Dunbar School**

**Location:** The Dunbar School is located within the Dunbar/Spring neighborhood that is listed on the National Register of Historic Places.

**Scope:** Preservation and adaptive use of the historic Dunbar School to retain and rehabilitate defining historic interior and exterior characteristics, while utilizing the building for an African-American historical, cultural, and educational center open to everyone.

**Benefits:** The Dunbar Project is a community-based effort to convert the once-segregated Dunbar School to an African-American historical, cultural, research library and educational center open to the entire community. Tucson schools were integrated in the early 1900s; however, with Statehood in 1912, the new Arizona legislature created a statute that called on state school boards to “segregate pupils of the African race from pupils of the white races.” Consequently, African-American students were taught at the back of the Mariscal Grocery store until the Dunbar School was constructed in 1918. Henry O. Jaastad, a prominent Tucson architect, designed the original two-room school and all its additions through the 1940s. In 1951, segregation was eliminated and Dunbar School became the John Spring Junior High School. In 1978, because of the court ordered elimination of de facto segregation, the Dunbar/Spring School was closed. In 1994, the Dunbar Coalition formed to save the school and purchased it from TUSD at minimal cost. Since that time, with CDBG funding, a project master plan has been completed, its roof has been replaced and the site has been developed with parking, recreation and play areas; however, building rehabilitation has not been initiated. The project will benefit the neighborhood and the entire community by increasing public awareness of the African American contribution to Tucson’s heritage.

**Cost:** \$1,217,989

**Bond Funding:** \$1,217,989

**Other Funding:** None identified at this time

**Project Duration:** Planning at 9 to 18 months, Design at 13 to 15 months, and Construction at 16 to 36 months.

**Implementation Period:** 1, 2, 3, 4

**Project Management:** The Pima County Cultural Resources and Historic Preservation Office and in close consultation with the City of Tucson.

**Future Operating and Maintenance Costs:** None

**b. Pima County Parks**

**4.18 Flowing Wells Community Center**

**Location:** This project is located within the Flowing Wells community near Wetmore and Flowing Wells Road. The proposed community center location is owned by Pima County.

**Scope:** This project proposes the development of a new 18,000 square foot community center. The center may include office space, multi-purpose room, game room, teen, youth, and senior rooms, exercise room, craft room, social services offices, and landscaping. This project shall be constructed on Pima County property adjacent to a scheduled Pima County Transportation highway improvement project on Wetmore and Romero Roads. The highway improvement project is expected to be completed in 2005. The community center's concept plan has been approved by the Pima County Parks and Recreation Commission.

**Benefits:** The demand for a community center in this area of our community is great. The development of this facility will enable the County parks agency to meet the recreational and educational demands of a broad cross-section of users.

**Cost:** \$3,500,000, with Administration being \$87,500, Planning being \$210,000, Design being \$420,000, Construction being \$2,718,725, Capital Equipment being \$30,000, and Public Art being \$33,775.

**Bond Funding:** \$3,500,000

**Other Funding:** None identified at this time, however, efforts to obtain State and Federal grants will be explored.

**Project Duration:** Planning/Design at 15 to 24 months and Construction at 18 to 36 months.

**Implementation Period:** 1, 2, 3

**Project Management:** Pima County Natural Resources, Parks and Recreation; Facilities Management.

**Future Operating and Maintenance Costs:** Approximately \$279,646 per year when fully developed.

**4.19 Southeast Regional Park/Shooting Range**

**Location:** 11300 South Houghton Road. The site is owned by Pima County.

**Scope:** This Phase II project includes numerous improvements at Pima County's Southeast Regional Park's shooting range. Scope items may include the construction of a trap and skeet shotgun sports shooting area, an archery range, additional improvements to the pistol and rifle range, an instruction range, and support facilities. The park's concept plan has been approved by the Pima County Parks and Recreation Commission.

**Benefits:** The rate of community development and corresponding interests in shooting sports is greater than the number and quality of recreational shooting facilities that are available. The development of this facility will result in the enhanced use of the Phase I pistol and rifle range,

and increase Pima County's ability to provide firearms training and hunter safety to shooting enthusiasts. Additional benefits may include the provision of a facility that will attract enthusiasts, thereby reducing "wildcat" shooting in the region. It is also the intent of this project to site this facility in an area of our community that will minimize conflicts between shooters, residences and businesses.

Additionally, Pima County is investigating the possibility of purchasing the Desert Trails Shooting range facility, located at the northeast corner of Kolb and Valencia Roads. Estimates for the acquisition of the facility, site improvements, and remediation costs are expected to be approximately \$1,000,000.

**Cost:** \$3,602,834, with Administration being \$87,500, Planning being \$210,000, Design being \$420,000, Construction being \$1,523,725, Acquisition being \$1,000,000, Capital Equipment being \$225,000, Public Art being \$33,775, and Arizona Game & Fish Grant being \$102,834.

**Bond Funding:** \$3,500,000

**Other Funding:** \$102,834 (Arizona Game & Fish Grant)

**Project Duration:** Planning/Design at 15 to 24 months and Construction at 14 to 30 months.

**Implementation Period:** 1, 2, 3, 4

**Project Management:** Pima County Natural Resources, Parks and Recreation, and Pima County Facilities Management.

**Future Operating and Maintenance Costs:** \$435,185 per year when fully developed.

#### **4.20 Lighting of Existing and New Sports Fields**

**Location:** Various Pima County Parks owned by Pima County.

**Scope:** McDonald Park – Replace ball field light fixture on two fields:  
Littletown Park – replace light fixtures on one field and move two light poles.  
Bud Walker Park, Ajo – replace ballfield light fixtures on two fields.  
Flowing Wells West – install ballfield lights on two fields.  
McDonald District Park – install ballfield lights on fields #5 and 6.  
Lighting Boom Truck – purchase boom truck for maintenance of sports lights.  
Lawrence Park – install ball field lights, and parking security lights.  
Rillito Park – install lights on 6 competition soccer fields.  
Sportspark Lighting – to include electrical and other upgrades to concession building.  
Brandi Fenton Memorial Park Lighting.

**Benefits:** This project entails the installation of new lights at parks that do not currently have them and the upgrading of light fixtures at existing facilities. The benefit will include environmental compliance with Pima County's Dark Skies Ordinance, and minimizing operating and maintenance costs. Lighting technology has advanced. New fixtures will result in significant cost savings to the County. The new light fixtures will provide better light coverage at lower operational costs.

The installation or improvement of these fixtures is in response to public demand for increased field use. The lighting of sports fields results in the agency being able to increase field use by a

factor of two to three times, while taking advantage of the existing playfields. This increases use while minimizing new development and operational costs. Solar lighting will be used when feasible. In addition, electrical and other required upgrades to the SportsPark concession building shall assure Pima County compliance with state and local codes.

**Cost:** \$3,928,643

**Bond Funding:** \$3,600,000

**Other Funding:** \$328,643

**Project Duration:** Planning/Design at 11 to 15 months and Construction at 15 to 24 months.

**Implementation Period:** 2, 3, 4, 5

**Project Management:** Pima County Natural Resources, Parks and Recreation

**Future Operating and Maintenance Costs:** \$97,946 per year when fully developed. Funding impacts were derived using data gathered from current, high efficiency lighting systems at existing County ballfields that have recently been upgraded or new facilities that have benefitted from the latest lighting technology.

#### **4.21 Curtis Park - Flowing Wells East**

**Location:** This new park will be located at the northwest corner of Curtis Road and La Cholla Boulevard just south, and adjacent to, the Rillito River Linear Park on approximately 17 acres owned by Pima County.

**Scope:** This project proposes the development of a new community park. Improvements may include 2 lighted little league fields, 1 lighted senior league field, restroom, walkways, riparian restoration, off-leash dog facility, free-play turf area, ramadas, picnic facilities, playground, landscaping, parking, field and security lighting and connections to the Rillito River Park. The park's concept plan has been approved by the Pima County Parks and Recreation Commission.

**Benefits:** This proposed park development project is located along the Rillito River Park. As such, it will serve as both a "stand alone" park, and provide trailhead access to the Rillito River Park and its respective regional trail. The rate of community development in this section of our community is greater than the number and quality of recreational facilities that are available. This facility will help to meet the growing recreational needs of existing and new neighborhoods in the area.

**Cost:** \$2,650,000 Administration being \$57,000, Planning being \$135,000, Design being \$270,000, Construction being \$2,138,280, Capital Equipment being \$28,000, and Public Art being \$21,720.

**Bond Funding:** \$2,650,000

**Other Funding:** None identified at this time, however, efforts to obtain State and Federal grants will be explored.

**Project Duration:** Planning/Design at 15 to 25 months and Construction at 12 to 24 months.

**Implementation Period:** 1, 2, 3

**Project Management:** Pima County Natural Resources, Parks and Recreation

**Future Operating and Maintenance Costs:** \$88,200 per year when fully completed.

#### **4.22 Catalina Community Park and Mike Jacobs Sports Park**

**Location:** This proposed new park will be located within the Village of Catalina, north of Tucson. A location for this park has not yet been finalized, however, it is possible that some athletic field improvements and the restoration of natural and habitat areas can be located within floodplain on land recently acquired along the Canada del Oro Wash by Pima County's Flood Control District. Improvements will also be made to Mike Jacobs Sports Park located at Interstate 10 and Ina Road.

**Scope:** This Phase I of the project proposes the development of a new community park. Improvements may include a baseball and soccer field complex, playground, basketball court, volleyball, field lighting, parking, picnic facilities, ramadas, restroom and landscaping. The development of natural and habitat areas and a corresponding trail system may result in this park's classification being raised to that of a regional park. Improvements to Mike Jacobs Sports Park will be determined through an audit of the facility focused on safety improvements and usage.

**Benefits:** The rate of community development in this part of Pima County is increasing and the demand for park facilities is great. The development of this new park will enable the agency to meet the recreational and educational demands of a broad cross-section of users. This project will provide benefits for residents residing in the Village of Catalina and within the unincorporated reaches of northern Pima County.

**Cost:** \$1,760,000, with Administration being \$50,000, Planning and Design being \$120,000, Construction being \$1,455,700, Capital Equipment being \$115,000, and Public Art being \$19,300.

**Bond Funding:** \$1,000,000

**Other Funding:** None identified at this time, however, efforts to obtain State and Federal grants will be explored.

**Project Duration:** Planning/Design at 15 to 25 months and Construction at 12 to 24 months.

**Implementation Period:** 2, 3, 4, 5, 7

**Project Management:** Pima County Natural Resources, Parks and Recreation

**Future Operating and Maintenance Costs:** \$300,154 per year when fully completed.

#### **4.23 Dan Felix Memorial Park**

**Location:** This existing park, formerly known as Pegler Wash, is located at 5790 North Camino de la Tierra. The park is located on approximately 39 acres owned by Pima County.

**Scope:** The improvement of this park may include the development of one soccer field, lighting for three soccer fields, security lighting, playground, free-play turf area, restroom, walking/jogging path, ramadas, picnic facilities, parking, two basketball courts, landscaping,

connections to the Rillito River Park and water fountains. The park's concept plan has been approved by the Pima County Parks and Recreation Commission. The two basketball courts will be constructed at Meadowbrook Park which is in the vicinity and within the same benefit area of Dan Felix Memorial Park.

**Benefits:** This proposed park development project is located along the Rillito River Park. As such, it will serve as both a "stand alone" park, and provide trailhead access to the Rillito River Park and its respective regional trail. The rate of community development in this section of our community is greater than the number and quality of recreational facilities that are available. This facility will help to meet the growing recreational needs of existing and new neighborhoods in the area.

**Cost:** \$573,000

**Bond Funding:** \$573,000

**Other Funding:** None identified at this time, however, efforts to obtain State and Federal grants will be explored.

**Project Duration:** Planning/Design at 12 to 24 months and Construction at 12 to 24 months.

**Implementation Period:** 2, 3, 4

**Project Management:** Pima County Natural Resources, Parks and Recreation

**Future Operating and Maintenance Costs:** \$28,552 per year when completed.

#### **4.24 Brandi Fenton Memorial Riverbend Park at Binghampton Historic District**

**Location:** This proposed new park is located immediately west of Dodge Boulevard and of the Jewish Community Center, between East River Road and the Rillito River. The park site is located on 57 acres of Pima County-owned property.

**Scope:** This project, which is a partnership between public and private sectors, proposes the development of a unique park within the Binghampton National Historic Landscape. Improvements may include an equestrian center with arenas and staging area, an agricultural center with gardens, orchards, classrooms and a greenhouse, and recreation facilities with open pastures/soccer fields, covered basketball courts, play structures, and dog runs. The existing historic residences and structures may be adaptively restored and utilized as a visitor center, caretaker residences, agriculture administration, recreation center, snack bar, restrooms, ramadas, and maintenance facilities. The park will also incorporate multi-use trails, vendor/farmers market areas, a memorial garden, and parking facilities. This project will be designed and constructed in conjunction with Project 4.7, Binghampton Historic Buildings Rehabilitation. The park's concept plan has been approved by the Pima County Parks and Recreation Commission.

**Benefits:** The proposed park may provide recreational and equestrian facilities while preserving and adaptively re-using the site's historic farm buildings, residences, outbuildings and landscape. The park will provide opportunities for active and passive recreation, the interpretation of historic and prehistoric cultures that have resided on the site, a community garden, and a farmer's market. Environmental, agricultural and cultural education programming will be an important aspect of this park. The project will also protect one of the few remaining historic view sheds along River Road.

**Cost:** \$6,999,821 (cost includes \$6,199,821 for Brandi Fenton Memorial Park and \$800,000 for Binghampton Historic Buildings Rehabilitation. The breakdown below is calculated only for the \$6,199,821 cost of the Brandi Fenton Park component of the combined project), with Administration being \$75,000, Design being \$358,800, Construction being \$5,673,021, Capital Equipment being \$64,000, and Public Art being \$29,000.

**Bond Funding:** \$4,000,000

**Other Funding:** \$2,199,821, with Private Contributions of \$1,500,000 and Grants of \$699,821.

**Project Duration:** Planning/Design at 15 to 24 months and Construction at 18 to 36 months.

**Implementation Period:** 1, 2, 3

**Project Management:** Pima County Natural Resources, Parks and Recreation; Pima County Facilities Management; Pima County Cultural Resources and Historic Preservation Office

**Future Operating and Maintenance Costs:** \$189,906 per year when fully completed

#### **4.25 George Mehl Family Memorial Park**

**Location:** 4001 East River Road, Tucson, Arizona. The project site will be located on approximately 30 acres of Pima County-owned property, and less than 1/2-acre of ADOT property.

**Scope:** This project will expand services at this existing park. Improvements may include the improvements, entry road, drainage improvements, sports field lighting, security lighting, playgrounds, maintenance compound, a trailhead connecting to the Rillito River Park, and a memorial plaza. The park's concept plan has been approved by the Pima County Parks and Recreation Commission. Residual project funds will be used to continue river park improvements along the confluence of the Rillito, Santa Cruz and Canada del Oro. These improvements will provide connectivity between each of these three river parks via modifications to the Interstate 10 frontage road.

**Benefits:** This existing park provides sports and passive recreational activities in northeast Tucson and the unincorporated urban foothills areas of Pima County. The proposed improvements will increase the agency's ability to meet public demand for play fields in this area. This project will also provide access to the existing Rillito River Park's regional trail. The additional improvements will allow users from Marana and Oro Valley to access The Loop. Users of the loop will be able to access the northern jurisdictions.

**Costs:** \$2,433,681 , with Administration being \$50,000, Planning being \$120,000, Design being \$240,000, Construction being \$1,545,700, Capital Equipment being \$25,000, Public Art being \$19,300, and Facilities Renewal Fund being \$433,681.

**Bond Funding:** \$2,000,000

**Other Funding:** \$433,681(Facilities Renewal Fund)

**Project Duration:** Planning/Design at 15 to 25 months and Construction at 18 to 36 months.

**Implementation Period:** 2, 3, 4

**Project Management:** Pima County Natural Resources, Parks and Recreation

**Future Operating and Maintenance Costs:** \$55,040 per year when fully completed.

#### **4.26 Rillito Race Track**

**Location:** 4502 North First Avenue, Tucson, Arizona

**Scope:** This project will include the relocation of two stables, construction of two soccer fields, security lighting, entry and parking lot, ramadas, picnic facilities, lighting for four soccer fields, maintenance compound, landscaping, expanded and improved parking and trail connections to the Rillito River Park and the acquisition of adjacent land. The park's concept plan has been approved by the Pima County Parks and Recreation Commission.

**Benefits:** This existing park provides active and passive recreational opportunities in north central Tucson and the unincorporated urban foothills areas of Pima County. The proposed improvements will increase the County park agency's ability to meet public demand for playfields in this area. This project will also provide access to the existing Rillito River Park's regional trail.

**Cost:** \$2,250,000, with Administration being \$57,000, Planning being \$135,000, Design being \$270,000, Construction/Land being \$1,724,280, Capital Equipment being \$42,000, and Public Art being \$21,720.

**Bond Funding:** \$2,427,000

**Other Funding:** None identified at this time, however, efforts to obtain State and Federal grants will be explored.

**Project Duration:** Planning/Design at 12 to 24 months and Construction at 15 to 30 months.

**Implementation Period:** 3, 4, 5

**Project Management:** Pima County Natural Resources, Parks and Recreation

**Future Operating and Maintenance Costs:** \$49,458 per year when fully completed.

#### **4.27 Kino Public Sports Field Lighting**

**Location:** 2500 East Ajo Boulevard, Tucson, Arizona

**Scope:** This project entails the lighting of the number "3" and "5" public use baseball fields at the Kino Sports Complex.

**Benefits:** The installation of these new light fixtures is in response to public demand for increased field use. The lighting of sports fields results in the agency being able to increase field use by a factor of two to three times, while taking advantage of the existing playfields. This increases use while minimizing new development and operational costs. The new fixtures will comply with Pima County's Dark Skies Ordinance.



**Cost:** \$650,000, with Administration being \$16,250, Planning being \$39,000, Design being \$78,000, and Construction being \$516,750.

**Bond Funding:** \$650,000

**Other Funding:** None identified at this time, however, efforts to obtain State and Federal grants will be explored.

**Project Duration:** Planning/Design at 10 to 15 months and Construction at 12 to 24 months.

**Implementation Period:** 4, 5, 6

**Project Management:** Pima County Natural Resources, Parks and Recreation

**Future Operating and Maintenance Costs:** \$25,000 per year when fully developed.

#### **4.28 Feliz Paseos Universal Access Park**

**Location:** This new park is located west of Tucson, near Gates Pass Road on Camino de Oeste, on County-owned open space acquired for this purpose with 1997 open space bonds.

**Scope:** The project site is incorporated into the foothills of Tucson Mountain Park and may include the development of approximately 1.5 miles of universal accessible trails within a natural environmental setting. Feliz Paseos will feature a universally accessible trail system enhanced by interpretive signs, and will include a parking area and a small plaza with a ramada. The park will also include over a mile of native soil tread trails and over a quarter of a mile of hard surface trails, and wildlife observation points overlooking Camino de Oeste Wash. Shade ramadas and other rest stations will be located along the paths. All trails will be signed to show maximum trail grades, cross slopes, surface conditions, and obstacles.

In February 1998, the Board of Supervisors formed a committee to explore the feasibility of acquiring a portion of the Las Lomas Ranch as the site for a park utilizing the concept of universal accessibility. The committee was sensitized to universal accessibility as a more all-inclusive concept and several members were trained in the Universal Trail Assessment Process (UTAP). The park's master plan was developed by members from our community, representing all levels of physical ability. The park's master plan has been approved by the Pima County Parks and Recreation Commission.

**Benefits:** The project proposes the development of universally accessible trails, enabling members of our community to enjoy and experience natural mountain park settings. The development of this project will provide recreational opportunities to the broadest range of potential users. This project will benefit all residents of Pima County and regional visitors. The Feliz Paseos Universal Access Park will be the first facility of its kind in the state, and one of the few parks designed and developed with an accessibility focus in the United States.

**Cost:** \$1,150,000,

**Bond Funding:** \$1,000,000

**Other Funding:** \$150,000 General Fund.

**Project Duration:** Planning/Design at 8 to 15 months and Construction at 12 to 20 months.

**Implementation Period:** 1, 2, 3

**Project Management:** Pima County Natural Resources, Parks and Recreation

**Future Operating and Maintenance Costs:** \$51,698 per year when fully developed.

#### **4.29 Picture Rocks Pool**

**Location:** 5615 North Sanders Road, within the existing Picture Rocks District Park.

**Scope:** This proposed new facility may include the development of a 25-yard pool, zero depth area, 360 slide, guardhouse, maintenance and storage building, ramadas, and support facilities such as parking lots, landscaping and fencing.

**Benefits:** In surveys conducted by the Department of Natural Resources, Parks and Recreation, Picture Rocks residents overwhelmingly favored a swimming pool as their most desired feature for the planned improvements to the Picture Rocks District Park. Many residents in the Picture Rocks area either lack transportation necessary to regularly attend swimming classes or to enjoy the pools in Marana and Tucson, or find pools in these communities too far for their children to use. The proposed swimming pool will include recreational amenities such as a water slide and other water-play features. The Picture Rocks community is in the unincorporated area of Pima County, west of the Tucson Mountains, and has recently seen a great increase in its population.

**Cost:** \$2,000,000, with Administration being \$50,000, Planning being \$120,000, Design being \$240,000, Construction being \$1,550,700, Capital Equipment being \$20,000, and Public Art at \$19,300.

**Bond Funding:** \$2,000,000

**Other Funding:** None identified at this time, however, efforts to obtain State and Federal grants will be explored.

**Project Duration:** Planning/Design at 15 to 25 months and Construction at 15 to 36 months.

**Implementation Period:** 2, 3, 4

**Project Management:** Pima County Natural Resources, Parks and Recreation

**Future Operating and Maintenance Costs:** \$102,453 per year when fully developed.

#### **c. City of Tucson Parks**

#### **4.30 Eastside Sports Complex and Senior Center Site**

**Location:** Develop eastside sports complexes at Udall Regional Park and Lincoln Regional Park.

**Scope:** This project will provide for existing soccer field lighting and the construction of two additional lighted soccer fields with support facilities and associated amenities at Udall Regional Park as well as the construction of a 4-field lighted baseball/softball complex with support facilities and associated amenities at Lincoln Regional Park. Surplus project funding will provide for the replacement of outdated lighting systems on existing softball and soccer fields.

**Benefits:** This project will provide facilities in an area of the city with a shortage of sport fields. This project will address the community's need for sport fields as identified in the City of Tucson Parks and Recreation Ten Year Strategic Service Plan.

**Cost:** \$6,017,398

**Bond Funding:** \$6,000,000

**Other Funding:** \$17,398 City of Tucson

**Project Duration:** Planning, Design and Procurement Phases will require 10 to 12 months. Construction will require another 10 to 12 months.

**Implementation Period:** 1, 2, 3, 4 Complete

**Project Management:** The City of Tucson will manage design and construction for the project pursuant to an intergovernmental agreement between the City of Tucson and Pima County, which will be necessary to implement this project.

**Future Operating and Maintenance Costs:** The City of Tucson will own and operate the completed project. The additional annual operation and maintenance cost for this project is estimated to be \$494,550. This cost will be funded through the City of Tucson Operating Budget - General Fund.

#### **4.31 Northside Regional Park**

**Location:** This project will be located on the City of Tucson's north side and will serve an area of the community with a shortage of park facilities as defined in the City of Tucson Parks and Recreation Strategic Service Plan 2013.

**Scope:** This project includes the design and construction of soccer fields and associated support facilities to serve north side residents. The design of the soccer fields will be confirmed through a public participation process. The fields will be developed at Rillito Regional Park.

**Benefits:** This project will provide additional field sport opportunities for residents living in an area of the City of Tucson with a shortage of parks and recreational facilities. This project will address the community's need for parks and recreational facilities as identified in the City of Tucson Parks and Recreation Ten Year Strategic Service Plan.

**Cost:** \$5,500,000, with Planning/Design being \$800,000, Construction being \$4,200,000, and Other being \$500,000.

**Bond Funding:** \$5,500,000

**Other Funding:** None identified at this time.

**Project Duration:** Planning, Design and Procurement Phases will require 13 to 15 months. Construction will require another 15 to 18 months.

**Implementation Period:** 1, 2, 3, 4, 5, 6

**Project Management:** Pima County will manage the project, pursuant to an intergovernmental agreement with the City of Tucson.

**Future Operating and Maintenance Costs:** Pima County will own and operate the completed project. The additional annual operation and maintenance cost for this project is estimated to be \$120,000 for Phase 1 improvements.

#### **4.32 Southeast Community Park**

**Location:** Based on early planning efforts, this project is anticipated to be located in the vicinity of Esmond Station and adjacent to a new Vail School District high school in southeast Tucson.

**Scope:** This project is the land acquisition and development of a Community Park to serve the expanding southeast area of the community. The design of the park will be determined through a public participation process and in accordance with Community Park standards. Remaining funding will be spent on designing the utility extensions (water and electric) necessary to serve subsequent phases of the park, as well as, an adjacent library.

**Benefits:** Tucson is experiencing explosive growth in the Houghton Corridor area. This area has a shortage of parks and recreation facilities as identified in the City of Tucson Parks and Recreation Strategic Service Plan 2013. The proposed project site will provide the opportunity to partner with the Vail School District to develop joint use facilities for use by the public and the new high school. This collaborative effort will maximize resources to the benefit of the community served. This project will address the community's need for parks and recreational facilities as identified in the City of Tucson Parks and Recreation Strategic Service Plan 2013.

**Cost:** \$6,000,000, with Planning/Design being \$300,000, Construction being \$1,500,000, Land acquisition being \$4,000,000, and Other being \$200,000.

**Bond Funding:** \$6,000,000

**Other Funding:** None identified at this time.

**Project Duration:** Land Acquisition Phase will require 10 to 12 months. Planning, Design and Procurement Phases will require 10 to 12 months. Construction will require another 10 to 12 months. To minimize the impact of increasing land cost, the Land Acquisition Phase of this project should be scheduled at the start of the bond program.

**Implementation Period:** 1, 2, 3, 4, 5, 6, 7

**Project Management:** Pima County will manage the project, pursuant to intergovernmental agreements between the City of Tucson and Pima County and between the City of Tucson and Vail School District.

**Future Operating and Maintenance Costs:** Pima County will own and operate the completed project. The additional annual operation and maintenance cost for this project is estimated to be \$469,200.

#### **4.33 Harrison Greenway**

**Location:** This project is located along the Harrison Road alignment from the Julian Wash Greenway, north to the Pantano Wash.

**Scope:** This project includes the acquisition and development of the Harrison Greenway based on the City/County Divided Urban Pathway Standard, as determined by available funding.

**Benefits:**

The Harrison Greenway will address the community's need for recreation and exercise opportunities, alternate modes of transportation, and enhanced connectivity. The project will continue development of the urban pathway system, The Loop, as defined in the Pima Regional Trails System Master Plan. This project will address the community's need for enhanced trails, connectivity and continued development of the urban pathway system, as identified in the City of Tucson Parks and Recreation Strategic Service Plan 2013. Open space, trails and natural resource parks are important elements of the voter-approved City of Tucson General Plan.

**Cost:** \$1,400,000, with Planning/Design being \$150,000, Construction being \$750,000, Land acquisition being \$400,000, and Other being \$100,000.

**Bond Funding:** \$1,400,000

**Other Funding:** None identified at this time. Pima County will seek other funding, including Federal Transportation Enhancement Grants and private developer contributions.

**Project Duration:** Land acquisition Phase will require 10 to 12 months. Planning, Design and Procurement Phases will require 10 to 12 months. Construction will require another 10 to 12 months. To minimize the impact of increasing land cost, the Land Acquisition Phase of this project should be scheduled at the start of the bond program.

**Implementation Period:** 1,2,3,4,5,6

**Project Management:** Pima County will manage the project.

#### **4.34 Julian Wash Linear Park**

**Location:** This project is located along the Julian Wash from Kolb Road to Rita Road.

**Scope:** This project is the proposed acquisition and development of segments of Julian Wash Linear Park based on the City/County Divided Urban Pathway Standard. The linear park will provide a pathway system with connectivity to parks, schools, open spaces and neighborhoods. The installed linear park extends from Rita Road west along the Julian Wash to a new trailhead including restroom at Kolb Road, and includes an underpass at Kolb Road to connect to pathways further west without requiring a roadway crossing.

**Benefits:** The acquisition and development of this Linear Park will address the community's need for trails, enhanced connectivity and continued development of a growing, more complete

urban pathway system, as identified in the City of Tucson Parks and Recreation Strategic Service Plan 2013 and the Eastern Pima County Trails System Masterplan. Open space, trails and natural resource parks are important elements of the voter-approved City of Tucson General Plan.

**Cost:** \$3,957,817.

**Bond Funding:** \$3,700,000

**Other Funding:** \$257,817 RFCD Tax Levy to support the underpass development at Kolb Road.

**Project Duration:** Land acquisition Phase will require 10 to 12 months. Planning, Design and Procurement phases will require 12 to 14 months. Construction will require another 12 to 18 months. To minimize the impact of increasing land cost, the Land Acquisition Phase of this project should be scheduled at the start of the bond program.

**Implementation Period:** 2, 3, 4 Complete

**Project Management:** The City of Tucson will manage the project, pursuant to an intergovernmental agreement between the City of Tucson and Pima County.

**Future Operating and Maintenance Costs:** Pima County will own and operate the completed project.

#### **4.35 Arroyo Chico Wash Improvements**

**Location:** This project is located along the Arroyo Chico Wash from Country Club Road to Campbell Avenue.

**Scope:** This project will address riparian and recreational features along the Arroyo Chico urban watercourse, including land acquisition.

**Benefits:** Development of these improvements will address the community's need for trails, connectivity and a growing, more complete urban pathway system, as identified in the City of Tucson Parks and Recreation Strategic Service Plan 2013 and the Eastern Pima County Trails System Masterplan. Open space, trails and natural resource parks are important elements of the voter-approved City of Tucson General Plan.

**Cost:** \$1,000,000, with Planning/Design being \$100,000, Land Acquisition being \$700,000, Construction being \$100,000, and Other being \$100,000.

**Bond Funding:** \$1,000,000

**Other Funding:** An additional approximately \$2,000,000 is currently being pursued by the City of Tucson. The City of Tucson will seek other funding, including Arizona Heritage Funds and Regional Transportation Authority funds. Pima County will lend such support as it can to City of Tucson in securing other funding.

**Project Duration:** Planning, Design and Procurement Phases will require 10 to 12 months. Construction will require another 10 to 12 months.

**Implementation Period:** 2, 3, 4, 5

**Project Management:** The City of Tucson will manage the project, pursuant to an intergovernmental agreement between the City of Tucson and Pima County.

**Future Operating and Maintenance Costs:** The City of Tucson will own and operate the completed project. The additional annual operation and maintenance cost for this project is estimated to be \$12,000. This cost will be funded through the City of Tucson Operating Budget - General Fund.

#### **4.36 Atterbury Wash Sanctuary Land Acquisition and Expansion**

**Location:** This project is located in southeast Tucson along the Atterbury Wash, north of Lincoln Park.

**Scope:** This project is the proposed acquisition of land to preserve and protect an important riparian area and existing wildlife corridor along the Atterbury Wash. The project, which expands an existing sanctuary, will also provide the opportunity for the development of some passive recreation amenities.

**Benefits:** Trails are an important part of our heritage. The ancient Hohokam people walked along the major streams that drain the surrounding mountains to hunt game and trade with distant villages. Today, these greenways provide hikers and urban walkers with the same connectivity. Additionally, this project will help preserve and protect wildlife that uses the Atterbury Wash. This project will address the community's need for trails, connectivity and a growing, more complete urban pathway system, as identified in the City of Tucson Parks and Recreation Strategic Service Plan 2013 and the Eastern Pima County Trails System Masterplan. Open space, trails and natural resource parks are important elements of the voter-approved City of Tucson General Plan.

**Cost:** \$1,200,000, with Land acquisition being \$200,000, Planning/Design being \$300,000, Construction being \$500,000, and Other being \$200,000.

**Bond Funding:** \$1,200,000

**Other Funding:** None identified at this time. The City will seek other revenue sources, including Arizona Heritage Funds. Pima County will lend such support as it can to City of Tucson in securing other funding.

**Project Duration:** Land Acquisition Phase will require 10 to 12 months. Planning, Design and Procurement Phases will require 10 to 12 months. Construction will require another 10 to 12 months. To minimize the impact of increasing land cost, the Land Acquisition Phase of this project should be scheduled at the start of the bond program.

**Implementation Period:** 3, 4, 5

**Project Management:** The City of Tucson will manage acquisition, design and construction of the project, with an intergovernmental agreement between the City of Tucson and Pima County.

**Future Operating and Maintenance Costs:** The City of Tucson will own and operate the completed project. The additional annual operation and maintenance cost for this project is estimated to be \$12,000. This cost will be funded through the City of Tucson Operating Budget - General Fund.

#### **4.37 Pantano River Park**

**Location:** This project is located along the east bank of the Pantano River from Kenyon Drive to Sellarole Road, just south of Golf Links Road.

**Scope:** This project is the design and construction of a major segment of the Pantano River Park on the east bank of the Pantano Wash. The design will provide for trail development and incorporate a commemorative tree-planting area in partnership with Trees for Tucson, and a children's memorial garden. The project is being developed in two phases. Phase One extends from Kenyon Drive to Michael Perry Park. Phase Two extends the project length from Michael Perry Park to Sellarole Road.

**Benefits:** This project is the result of a community-driven planning effort, which resulted in a Concept Plan to develop this segment of the river park. The project is a coordinated effort between the City of Tucson, Pima County and Trees for Tucson and will benefit the users of the river park system. This project will address the community's need for enhanced trails, connectivity and continued development of the urban pathway system, as identified in the City of Tucson Parks and Recreation Strategic Service Plan 2013 and the Eastern Pima County Trails System Masterplan. Open space, trails and natural resource parks are important elements of the voter-approved City of Tucson General Plan.

**Cost:** \$4,233,175 Phase One  
\$ 533,000 Phase Two

**Bond Funding:** \$3,500,000

**Other Funding:** \$65,000 (Phase One) from the City of Tucson; \$1,200,000 RTA; \$1,175 Other

**Implementation Period:** 1, 2, 3, 4

**Project Management:** Pima County will manage the project, pursuant to an intergovernmental agreement between the City of Tucson and Pima County.

**Future Operating and Maintenance Costs:** The City of Tucson will own and operate the completed project. The additional annual operation and maintenance cost for this project is estimated to be \$15,000. This cost will be funded through the City of Tucson Operating Budget - General Fund. Volunteers will be utilized to help maintain the park.

#### **4.38 Rio Vista Natural Resource Park**

**Location:** This project is located at the end of Tucson Boulevard, north of Prince Road. The park's northernmost boundary borders the west bank of the Rillito River Park.

**Scope:** This project will expand an existing natural resource park and includes the restoration and revegetation of disturbed areas on the site. The project will complete development of the park.

**Benefits:** This project will complete development of this natural resource park and provide leisure facilities identified through an extensive public input process. It will address community needs in an area of the City with a shortage of parks as defined by the City of Tucson Parks and Recreation Strategic Service Plan 2013. This project will address the community's need for parks and recreational facilities as identified in the City of Tucson Parks and Recreation



Strategic Service Plan 2013. Open space, trails and natural resource parks are important elements of the voter-approved City of Tucson General Plan.

**Cost:** \$1,500,000, with Planning/Design being \$225,000, Construction being \$1,125,000, and Other being \$150,000.

**Bond Funding:** \$1,500,000

**Other Funding:** None identified at this time

**Project Duration:** Planning, Design and Procurement Phases will require 10 to 12 months. Construction will require another 10 to 12 months.

**Implementation Period:** 2, 3, 4

**Project Management:** The City of Tucson will manage the project, pursuant to an intergovernmental agreement between the City of Tucson and Pima County.

**Future Operating and Maintenance Costs:** The City of Tucson will own and operate the completed project. The additional annual operation and maintenance cost for this project is estimated to be \$279,000. This cost will be funded through the City of Tucson Operating Budget - General Fund.

**d. Town of Marana Parks**

**4.39 Cultural and Heritage Park**

**Location:** In the vicinity of Tangerine Road and the Santa Cruz River.

**Scope:** The scope encompasses the planning, design, construction, and restoration of over 120 acres of open space into passive recreation and celebration of heritage.

**Benefits:** The Town's mission with regard to its heritage and cultural resources is to preserve, celebrate and appreciate the cultures and history of the Marana area. This park will attempt to recreate some of what has been lost while at the same time creating a new civic and museum district for the residents of the area to utilize. The park is slated to include a farmers market, an amphitheater, museums, a community garden, a working farm and public buildings for civic groups. The location of the park is central to the Town of Marana but of close proximity and benefit to unincorporated County residents on the east and west of the Town and for City of Tucson residents who live in the northern portions of the City.

**Costs:** \$8,915,000, with Planning/Design being \$1,200,000, Construction being \$7,000,000, and Other being \$715,000.

**Bond Funding:** \$1,000,000

**Other Funding:** \$7,915,000, with the Town of Marana C.I.P. providing \$1,250,000, Town of Marana Impact Fees providing \$5,000,000, and community contributions totaling \$715,000.

**Project Duration:** Planning/Design at 12 to 24 months and Construction at 12 to 24 months.

**Implementation Period:** 2, 3, 4

**Project Management:** The Town of Marana will manage the project, pursuant to an intergovernmental agreement between Pima County and Marana. The Town will also execute intergovernmental agreements with The Arizona Historical Society and Arizona State Land Office.

**Future Operating and Maintenance Costs:** Operating and maintenance impact to the Town of Marana is \$350,000 per year.

#### **4.40 Tortolita Trail System**

**Location:** Tortolita Mountains/Town of Marana's Tortolita Preserve

**Scope:** The scope of the Tortolita Trail System development encompasses the planning, design, construction, and renovation of over 30 miles of new and existing trails associated with the Tortolita Mountain range and Town of Marana's Tortolita Preserve. The trail system is located within the boundaries of the Town of Marana and on neighboring State and County-owned land.

**Benefits:** The benefits of the project include recreational opportunities for hikers, equestrians, and mountain bicyclists by providing access into the 3,245 acre Tortolita Mountain Park and 2400-acre Tortolita Preserve. Facilities include blinds for wildlife observation, scenic overlooks, interpretive signs for natural resource education, and picnic ramadas. Pima County has a planned trailhead to be located at the southern end of the trail system off Tangerine Road, and Cottonwood Properties, developer of Dove Mountain is building a trailhead at the north end of their development off Dove Canyon Pass. The location of the Tortolita Trail System is of primary benefit to residents of the Town of Marana, Oro Valley, and Pima County. Cyclists and hikers from across the state and visiting the region will be drawn to the System.

**Cost:** \$1,450,000, with Planning/Design being \$145,000, Construction being \$1,087,500, and Other being \$217,500.

**Bond Funding:** \$1,200,000

**Other Funding:** \$250,000 from the Town of Marana C.I.P.

**Project Duration:** Planning/Design at 36 to 48 months and Construction at 48 to 56 months.

**Implementation Period:** 1, 2, 3, 4, 5

**Project Management:** The Town of Marana will manage the project, pursuant to an intergovernmental agreement between Pima County, Marana, and Arizona State Land Office.

**Future Operating and Maintenance Costs:** Operating and maintenance impact to the Town of Marana is \$65,000 per year.

#### **e. Town of Sahuarita Parks**

##### **4.41 Anamax Park Multi-Use Ballfield**

**Location:** Camino de las Quintas, between Interstate-19 and La Canada Drive, Town of Sahuarita.

**Scope:** Design and construct two multi-use ballfields, parking, and restroom facilities on 22 acres of newly acquired land adjacent to the existing Anamax Park. The Town is completing a Masterplan for this park facility that will detail more extensive improvements than will be financed by this bond project. This project is a critical first phase of this Masterplan.

**Benefit:** The population of southern Pima County and the Town of Sahuarita are underserved with regard to having adequate ballfield space available for soccer and football team oriented sporting events. At times, the shortage of fields is compounded when such teams from the Tucson area utilize these fields for tournaments and other special events. The addition of 2 more multi-use ballfields in the Sahuarita area will provide relief for this shortage of recreational facilities.

**Cost:** \$502,214

If the Town can secure another source of funding for design, then the entire bond funding will be allocated to construction.

**Bond Funding:** \$500,000

**Other Funding:** General Funds (\$2,214)

**Project Duration:** Planning at 9 to 12 months, Design at 12 to 24 months, and Construction at 18 to 36 months.

**Implementation Period:** 4, 5, 6

**Project Management:** The Town of Sahuarita will manage design and construction of this project, in conjunction with an intergovernmental agreement between Pima County and the Town.

**Future Operating and Maintenance Costs:** The Town will assume ownership of these ballfields and will operate and maintain the fields, in conjunction with an intergovernmental agreement between Pima County and the Town.

#### **4.42 Bicycle Lane on Sahuarita Road**

**Location:** Along both sides of the three-mile stretch of Sahuarita Road from the west Town boundary to the east Town boundary.

**Scope:** Right-of-way acquisition for and construction of bicycle lanes on both the eastbound and westbound sides of Sahuarita Road, which is a popular cycling route in southern Arizona.

**Benefit:** Because Sahuarita Road is one of the main east/west thoroughfares in the Town and is adjacent to the Sahuarita school campuses and the Town Hall Complex, it experiences very heavy traffic demand on a daily basis. Sahuarita Road is also part of a popular bicycling loop that runs through southern Pima County around the perimeter of Tucson and is utilized by cyclists from around the County. Development of bicycle lanes will greatly improve the safety and circulation element of this roadway.

**Cost:** \$1,500,000

**Bond Funding:** \$1,500,000

**Other Funding:** None identified at this time. The Town intends to fund design through Federal Highway Enhancement grants

**Project Duration:** This project will be phased in over a three to four year period. Right-of-way acquisition, if necessary, will be on-going over the course of the project. Construction will be phased in over three fiscal years, which each phase with a duration of approximately 12 months.

**Implementation Period:** 4, 5, 6

**Project Management:** The Town of Sahuarita will manage acquisition, planning, design, and construction of this project, in conjunction with an intergovernmental agreement between Pima County and the Town. Pima County Natural Resources, Parks and Recreation will coordinate for Pima County.

**Future Operating and Maintenance Costs:** The Town of Sahuarita will operate and maintain these bicycle lanes in conjunction with an intergovernmental agreement between Pima County and the Town, and will incorporate conditions on use as requested by Pima County. The annual operating and maintenance costs of this project will be minimal.

f. **Town of Oro Valley Parks**

4.43 **Naranja Town Site Park**

**Location:** 600 Block West Tangerine Road, south side of Tangerine, 1.25 miles west of La Cañada Drive.

**Scope:** Acquire 28 acres of private land.

**Benefits:** Acquisition will provide 28 additional acres to the existing 212 acres proposed for the Naranja Town Site Park. The Naranja Town Site has been master planned as a regional park with a broad assortment of recreational and cultural improvements and amenities including baseball, softball, soccer and football fields, tennis center, basketball courts, skateboarding and rollerblading arena, bicycle/motocross track, improved and primitive trails, community center, aquatics center and performing arts center. The additional land will allow for more trails, open space, expansion of some aforementioned amenities and the opportunity for a new cultural and technology center. The land is also vital for providing a primary access to the regional park facilities from Tangerine Road. All of these improvements will have regional appeal and use. At the request of the Town Council of Oro Valley, this project is terminated and remaining funds are reallocated to 4.6, Steam Pump Ranch Rehabilitation.

**Cost:** \$2,193

**Bond Funding:** \$2,193

**Other Funding:** None identified at this time

**Project Duration:** Land acquisition at 24 months

**Implementation Period:** 1, 2

**Project Management:** The Town of Oro Valley will acquire the land with County Bond Funds

and be responsible for future master planning, development and operational expenses. An intergovernmental agreement is necessary to formalize the timing, release and conditions of the Bond Funds for the land acquisition.

**Future Operating and Maintenance Costs:** Operating and maintenance costs will be the responsibility of the Town of Oro Valley.

**g. Libraries**

**4.44 Marana Continental Ranch New Library**

**Location:** Town of Marana, on property owned by the Town of Marana, in the Continental Ranch area, at Silverbell and Cortaro Farms Road

**Scope:** Design and construct a new 20,000 square foot library to serve the Town of Marana/Continental Ranch area. The library will be constructed to house an eventual 100,000 volume book collection, state-of-the art technology, computer lab, large meeting room and small study rooms, and a parking lot.

**Benefits:** The current Marana Library is too small to serve the growing population in the Continental Ranch area and the nearest library, the Nanini Library, is several miles distant from the population center in Marana. Opening of this new library will relieve pressure on the Nanini Library

**Costs:** \$6,395,000

**Bond Funding:** \$4,500,000

**Other Funding:** \$1,895,000 (\$1,622,500 Library District, \$272,500 Town of Marana)

**Project Duration:** Planning at 8 to 12 months, Design at 15 to 24 months, and Construction at 15 to 30 months.

**Implementation Period:** 1, 2, 3

**Project Management:** Pima County Facilities Management Department

**Future Operating and Maintenance Costs:** County Library District and the Town of Marana, with the possible participation of the Tucson-Pima Public Library.

**4.45 Oro Valley Public Library Expansion**

**Location:** 1305 West Naranja Drive, Oro Valley, Arizona

**Scope:** The new 25,000 square foot library opened August 2002 with 15,000 square feet of finished space and an additional 10,000 square foot unfinished shell for future expansion. The scope of this project is to finish out the shell. Architectural plans and specifications have been completed.

**Benefits:** Features include an expanded learning center for children, a new state-of-the-art teen zone, a multi-functional program room, new book stacks that will accommodate 30,000 more collections and expanded computer access for all ages. The Oro Valley Public Library is an Affiliate of the Tucson Pima Public Library System and is fully integrated with the main library

and all branches. This library has become one of the highest used libraries in the system in its first year of use. It has and will continue to have regional appeal and usage. Fulfills the Strategic Plan of the library and the goals of the Library District Plan.

**Cost:** \$1,100,000, with Construction being \$710,000, Computers/Technology being \$200,000, and Furnishings/Fixtures/Equipment being \$190,000.

**Bond Funding:** \$1,100,000

**Other Funding:** Professional services (A & E) will be paid by the Town of Oro Valley.

**Project Duration:** Construction plans and specifications will be ready to bid fiscal year 2004/05, with Procurement at 3 months and Construction at 9 to 15 months.

**Implementation Period:** 1, 2

**Project Management:** The Town of Oro Valley will provide all project management for design and construction, pursuant to an intergovernmental agreement between Pima County and the Town.

**Future Operating and Maintenance Costs:** All operating and maintenance expenses are to be split 50/50 between the Town of Oro Valley and the County Free Library District, pursuant to an annual intergovernmental agreement.

#### **4.46 Wilmot Branch Library Replacement or Relocation**

**Location:** The area bordered by Craycroft, Speedway, Kolb and Broadway; within the City of Tucson.

**Scope:** Design and construct renovations of the existing 19,000 square foot library. The renovations will maximize efficient use of existing space. Design and construct, as determined necessary, an addition to the existing library of up to 6,000 square feet. The building will house an expanded collection, state-of-the-art technology, information computer commons, large meeting room(s) and small study rooms, and a self-directed service check out. Library operations will be conducted from a temporary facility during renovation and construction. Some funds will be used for the acquisition of State Trust land adjacent to the Winston Reynolds-Manzanita District Park, and expansion of the Eckstrom- Columbus Library, and minor improvements to the Himmel Library, Woods Memorial Library and Nanini Library.

**Benefits:** The current library was constructed in 1965 and is considered by many to be a seminal work by the renowned modernist architect Nicolas Sakellar. A design charette was conducted to determine the most cost-effective and efficient means of retaining the existing building and providing library services in the neighborhood. The charette proved that the existing space could be redesigned and modified to enhance efficiency and minimize the need for new construction. The remodeling and addition will enhance the Pima County Public Library's mission of supporting education, literacy, and lifelong learning throughout Pima County. This library serves customers from all of Pima County. The acquisition of land adjacent to the Winston Reynolds-Manzanita District Park will provide access to the Manzanita Greenway, space to expand the Drexel Heights Community center and associated community center amenities including potential library services, space for sport fields, free play areas, trails, ramadas, and additional parking.

**Cost:** \$7,140,650. This amount will include design and construction of remodel and any addition, the expansion and enhancement of the existing collection and rent payments for a temporary facility.

**Bond Funding:** \$7,000,000

**Other Funding:** \$140,650(In-lieu recreation fees applied to the acquisition of land next to Manzanita Park, and \$38,000Library District Fund balance)

**Project Duration:** Construction will begin in 2007 and be completed by FY2013/14.

**Implementation Period:** 2, 3, 4, 5

**Project Management:** The project will be managed by Pima County Facilities Management.

**Future Operating and Maintenance Costs:** Pima County Library District, a library district established pursuant to the laws of the State of Arizona, operates libraries throughout unincorporated Pima County and in most incorporated cities and towns in the County. Based on an intergovernmental agreement with the City of Tucson, the building will be conveyed by the City to the library district.

E. Question No. 5 - River Parks and Flood Control Improvements

For the purpose of acquiring, constructing, expanding and improving the flood control facilities of the County, including, without limitation, bank stabilization, channels, drainageways, dikes, levees and other flood control improvements and river parks and other related facilities and the acquisition and construction of real or personal property or interests or rights in property for such purpose and paying all expenses properly incidental thereto and to the issuance of such bonds, shall Pima County, Arizona be authorized to issue and sell general obligation bonds of the County in an aggregate principal amount not exceeding \$46,200,000?

**Table 14**

**Projects in Question 5**

| <b><u>Project</u></b>                                    | <b><u>Bond Allocation</u></b> |
|----------------------------------------------------------|-------------------------------|
| <b>Floodprone and Riparian Land Acquisition Program</b>  | <b>\$ 5,000,000</b>           |
| <b>Urban Drainage Infrastructure Program</b>             |                               |
| Urban Drainage Infrastructure Program                    | \$ 8,281,000                  |
| City of South Tucson Projects                            | \$ 1,719,000                  |
| Tohono O’odham Nation Drainage Improvements              | \$ 1,500,000                  |
| Pascua Yaqui Tribe Black Wash Flood Control Improvements | \$ 1,000,000                  |
| <b>Total Urban Drainage Infrastructure Program</b>       | <b>\$12,500,000</b>           |
| <b>River Parks and Flood Control</b>                     |                               |
| Santa Cruz River, Ajo to 29th St                         | \$14,000,000                  |
| Santa Cruz River, Grant to Camino del Cerro              | \$ 2,700,000                  |
| Rillito River Linear Park Completion                     | \$ 3,000,000                  |
| Santa Cruz River in Vicinity of Continental Ranch        | \$ 4,000,000                  |
| Cañada del Oro River Park, Thornydale to Magee           | \$ 5,000,000                  |
| <b>Subtotal River Parks and Flood Control</b>            | <b>\$28,700,000</b>           |
| <b>Total Question 5</b>                                  | <b>\$46,200,000</b>           |

1. Specific Project Description, Scope of Work, and Location

a. Floodprone and Riparian Land Acquisition

5.1 Floodprone and Riparian Land Acquisition

**Location:** Countywide

**Scope:** Purchase floodprone properties to protect public safety and preserve natural floodplain characteristics. Purchase property in fee title or secure drainage and conservation easements where appropriate. Develop land management plans to preserve floodplain and riparian areas of acquired properties. This program provides adaptive floodplain management in urban areas to preserve natural floodplains, protect riparian areas, and provide stormwater quality benefits. For upstream watershed protection in rural areas, the program preserves natural over bank



flood storage and natural floodplain characteristics to minimize potential downstream flooding and protect riparian areas.

**Benefits:** This is a cost-effective strategy to remove people and property from exposure to flood hazards and loss of life, as well as property damage. Preservation of flood water storage capacity in floodplains minimizes future flood damages, reduces the need for structural flood and erosion protection, facilitates groundwater recharge, creates passive-use recreational opportunities, maintains urban open space corridors, and preserves and enhances riparian habitat and corridors of natural biological diversity. This program compliments the goals of the Sonoran Desert Conservation Plan to preserve riparian areas.

**Cost:** \$5,000,000, with Administration being \$35,000 and Land Acquisition being \$4,965,000.

**Bond Funding:** \$5,000,000

**Other Funding:** None identified at this time

**Project Duration:** Estimated project duration is twelve years to locate, appraise and purchase floodprone properties. Typical acquisition requires 18 months to appraise property, negotiate and acquire property.

**Implementation Period:** 1, 2, 3, 4, 5, 6

**Project Management:** Pima County Flood Control District

**Future Operating and Maintenance Costs:** \$140,000 per year. Assumed acquisition of 1,400 acres with an annual operating cost for land management of \$100 per acre.

**b. Urban Drainage Infrastructure Program**

**5.2 Urban Drainage Infrastructure Program**

|                  |                    |                   |
|------------------|--------------------|-------------------|
| <b>Location:</b> | City of Tucson     | Town of Sahuarita |
|                  | Town of Oro Valley | Green Valley      |
|                  | Town of Marana     | Ajo               |

**Scope:** Evaluate, design, and construct drainage improvements that protect public safety through a combination of nonstructural and structural improvements that provide flood and erosion control. Develop solutions to urban areas that have experienced repetitive flooding in residential and commercial areas. Projects will be prioritized by flood damage reduction potential after evaluation, based on a fixed set of criteria, and a recommendation from the Flood Control District Advisory Committee and approval by the Board of Supervisors (Directors of the Flood Control District). Potential projects are discussed below.

City of Tucson: Storm drain and flood control improvements for urban tributaries to the Rillito River including improvements to drainage from Columbus Wash, Mountain Wash, Christmas Wash and Flowing Wells Wash. Storm drain and flood control improvements for the mid-town and urban core including High School Wash, Arroyo Chico (Rosemont to Alvernon), Nebraska Wash and Naylor Wash. Floodplains associated with these tributaries include a significant number of residences and businesses that may be subject to flood damages. Sufficient funding will not be available to cover all of the needs.

Town of Oro Valley: Flood control improvement to tributaries to the Cañada del Oro Wash including Highland Wash, flooding behind the Oro Valley flood control levee in Oro Valley Estates, and Pistachio Wash.

Town of Marana: Assistance to the Town of Marana in development of the Barnett Floodway Channel which will serve as a conveyance system to move floodwaters from the Tortolita Mountains to the Santa Cruz River to remove existing residential areas and schools from flood hazards.

Town of Sahuarita: Improvements to convey tributary drainage to the Santa Cruz River along La Villita Road by a combination of improvements and property acquisition to prevent flooding in existing residential areas along La Villita.

Green Valley: Drainage improvements to control flooding and erosion along Drainageways 1, 3, 6, 9, and 13, which have experienced erosion problems downstream of La Cañada Drive and Interstate 19. For Drainageway 9, flood and erosion protection is needed adjacent to and south of Esperanza Estates.

Ajo: Flood Control to reduce flooding along Gibson Arroyo and other tributaries, especially at the Second Avenue culvert crossing. Provide stormwater detention, channel improvements and culvert improvements.

**Benefits:** Alleviate chronic flooding, protect residential and commercial development adjacent to river courses, and safeguard flood protection benefits provided by existing flood control facilities. Flood control improvements along major watercourses has removed the threat of flooding from the major rivers; however, residences and businesses remain subject to flood damage and are within federal floodplain hazard zones from tributary washes. This program would address flood hazards from these tributary washes.

**Cost:** \$10,332,739.

**Bond Funding:** \$ 8,281,000

**Other Funding:** \$2,051,739 County Flood Control District Tax Levy Revenue.

**Project Duration:** The estimated time to complete all projects throughout Pima County is twelve years. Individual projects are estimated to take an average of 36 to 48 months to complete.

**Implementation Period:** 1, 2, 3, 4, 5, 6

**Project Management:** Varies. Local jurisdictions will manage projects. Pima County will manage projects within unincorporated areas.

**Future Operating and Maintenance Costs:** Varies by project. Typical annual costs for detention basins are \$10,000 per year per 10 acres of basin; channels are \$25,000 per mile, and storm drains are generally \$10,000 per mile.

### **5.3 City of South Tucson Urban Drainage**

**Location:** Various Locations in the City of South Tucson

**Scope:** (1) Design improvements to capture stormwater runoff from Rodeo Wash where it enters public right-of-way at South 4th Avenue and East 40th Street and convey the stormwater downstream in a storm drain system to South 10th Avenue and West 38th Street.

(2) Construct improvements to increase stormwater drainage capacity on South 4th Avenue at the alleyway between East 26th Street and East 27th Street to convey the flow to an existing storm drain under South 5th Avenue.

(3) Design improvements to increase drainage capacity at South 7th Avenue and West 28th 2 Street and link with the existing stormwater drainage facility at West 26th Street.

(4) Design improvements to increase drainage capacity from 25<sup>th</sup> Street and South 8<sup>th</sup> Avenue to South 10<sup>th</sup> Avenue and 25<sup>th</sup> Street.

(5) Design improvements to provide an underground storm drain connection between the culvert under the Union Pacific railroad tracks at East 32nd Street to connect to the downstream storm drain at South 3rd Avenue and East 32nd Street.

(6) Install a box culvert at the intersection of South 7th Avenue and West 34th Street. Eliminate repetitive flooding in streets by providing positive drainage. All projects pertain to improving drainage capacity and mitigating flooding and ponding problems associated with stormwater runoff in the City of South Tucson.

**Benefits:** Alleviate chronic flooding, protect residential and commercial development adjacent to river courses, and safeguard flood protection benefits provided by existing flood control facilities. This is a regional approach since 90 percent of flooding in South Tucson originates in the surrounding City of Tucson areas. Flood control improvements along major watercourses has removed the threat of flooding from the major rivers; however, residences and businesses remain subject to flood damages and are within federal floodplain hazard zones from tributary washes. This program would address flood hazards from the tributary flows. The flood control infrastructure supports the community goal for urban in-fill development and the Comprehensive Land Use Plan.

**Cost:** \$1,719,000, with Administration being \$12,800, Construction being \$1,390,000, Design being \$175,000, Planning being \$20,000, Public Art being \$16,200, Land acquisition being \$85,000, and Utility Relocation being \$20,000.

**Bond Funding:** \$1,719,000

**Other Funding:** None identified at this time

**Project Duration:** Estimated total duration to complete all six projects is six years. Projects will be staggered to reduce disruptions from construction work within roadways. Typical project duration is 30 to 48 months.

**Implementation Period:** 1, 2, 3, 4

**Project Management:** The City of South Tucson will manage design and construction, pursuant to an intergovernmental agreement between the Flood Control District and the City of South Tucson.

**Future Operating and Maintenance Costs:** Annual estimated costs of approximately \$17,000, which will be funded by South Tucson.

c. **Tribal Drainage Improvements**

5.4 **Tohono O'odham Nation Drainage Improvements**

**Location:** Town of Sells, Tohono O'odham Nation; City of Tucson

**Scope:** Construction of a storm drain to collect runoff from the outflow of the Indian Oasis Elementary School and convey the flow underneath the Sells Youth Recreation Center and drain into catch basins adjacent to the Sells Wash. The Tohono O'odham Nation is funding and constructing the Sells Youth Center and Park, and the Oasis Elementary School, which is part of the Arizona Public School District, has received State School Deficiency Funding to correct flooding in classrooms. However, neither the Youth Center funding nor the School funding is sufficient to address the proposed storm drain. The scope also includes drainage improvements within the El Rio Gold Course, within the City of Tucson, to address residential flooding downstream of the golf course.

**Benefits:** Provides improvements necessary for the Sells Community Center and Oasis School for regional recreational and community services for the Tohono O'odham Nation. Local benefits include correction of flooding to prevent health problems and protect the investment in youth and educational facilities.

**Cost:** \$1,500,000, with Administration being \$5,000, Construction being \$1,310,000, Design being \$100,000, Planning being \$20,000, Public Art being \$15,000, and Utility Relocation being \$50,000.

**Bond Funding:** \$1,500,000

**Other Funding:** None identified at this time

**Project Duration:** The Youth Center and School improvements are currently in design with Construction anticipated to begin in fiscal year 2004 and completed in fiscal year 2005. Planning has been completed, Design is at 6 months, Utility Relocation is at 6 months (concurrent with Construction), Construction is at 18 months, and Public Art is at 6 months (concurrent with Construction).

**Implementation Period:** 1, 2, 3, 4, 5, 6, 7

**Project Management:** Sells District Tohono O'odham Nation, pursuant to an intergovernmental agreement between the Nation and Pima County.

**Future Operating and Maintenance Costs:** Estimated at \$1,500 annually, which will be funded by the Tohono O'odham Nation.

5.5 **Pascua Yaqui Tribe Black Wash Urban Drainage Flood Control Improvements**

**Location:** Pascua Yaqui Tribal Land and Unincorporated Pima County

**Scope:** Address deficiencies related to stormwater flooding within developed areas of the Reservation and in particular Black Wash. Upgrade existing culverts, channels, and other drainage facilities experiencing erosion damage.

**Benefits:** This project is important to the Tribe's economic well being, as well as the health,

safety and general welfare of the community and surrounding residents. It will assure the safety of Tribal members from flooding, and protect existing and future infrastructure.

**Cost:** \$1,000,000, with Administration being \$6,000, Construction being \$844,000, Design being \$75,000, Planning being \$60,000, Public Art being \$10,000, and Utility Relocation being \$5,000.

**Bond Funding:** \$1,000,000

**Other Funding:** None identified at this time.

**Project Duration:** Planning at 9 to 15 months, Design at 9 to 15 months, Utility Relocation at 6 to 12 months, and Construction at 18 to 36 months.

**Implementation Period:** 1, 2, 3, 4, 5

**Project Management:** Pascua Yaqui Tribe, pursuant to an intergovernmental agreement between the Pascua Yaqui Tribe and Flood Control District.

**Future Operating and Maintenance Costs:** Estimated at \$1,000 annually; which will be funded by the Pascua Yaqui Tribe.

**d. River Parks and Flood Control**

**5.6 Santa Cruz River, Ajo to 29th Street**

**Location:** Santa Cruz River Park: an approximate 1.5-mile reach between Ajo Way and 29th Street.

**Scope:** This project is considered the first phase of the Paseo de las Iglesias Project for flood control, river park and riparian habitat improvements. The Paseo de las Iglesias project is a joint Pima County and United States Army Corps of Engineers planning and feasibility study for flood control and riparian habitat restoration improvements from Congress south to the Los Reales Road alignment. This project, from 29th Street (Silverlake) to Ajo Way, is the first phase of construction for flood control improvements and linear river park system improvements along the Santa Cruz River to link to existing improvements from Grant Road to 29th Street (Silverlake), and from Ajo Way south to Irvington Road to create a continuous 7-mile long river park system. This project will also join the Santa Cruz River park system to the Tucson Diversion Channel (Julian Wash) linear river trail system. This project will provide flood and erosion control using reinforced soil cement low flow bank protection and one grade control structure along the Santa Cruz River supplementing the river linear park improvements and trails. Ecosystem restoration and riparian habitat enhancement are planned along the Santa Cruz River and the Old West Branch of the Santa Cruz River.

**Benefits:** This project will benefit the community at large as it protects and provides continuation of the Juan Bautista National Trail, the Pima County linear river park and trail systems, and provides alternative modes of transportation along the Santa Cruz River. This project along with the proposed 2004 Bond Project from Grant Road to El Camino del Cerro will provide a continuous system of river improvements and linear park system and trails for a total of 10 river miles by providing a link to connect two existing segments of the Santa Cruz River Linear Park and provide a connection to the linear park and bike paths along the Tucson Diversion Channel to the Sam Lena Park. The project provides for ecosystem restoration and supports the Sonoran Desert Conservation Plan for riparian habitat protection and preservation.

The project also provides erosion and flood control to protect existing residences and businesses along the Santa Cruz River, and to protect former landfill sites to prevent inundation and adverse impacts to groundwater quality.

**Cost:** \$14,380,927

**Bond Funding:** \$14,000,000

**Other Funding:** \$380,927 (\$296,638 Tax Levy, \$82,489 City of Tucson, \$1,800 Misc. Income,).

**Project Duration:** Total project duration is estimated at 72 months, 6 years total to complete flood control improvements, linear park improvements and habitat restoration, with Planning at 24 to 36 months, Design at 24 to 36 months, Land acquisition at 12 to 24 months, and Construction at 48 to 60 months.

**Implementation Period:** 1, 2, 3, 4, 5, 6

**Project Management:** Pima County Flood Control District, in close consultation with the City of Tucson.

**Future Operating and Maintenance Costs:** Pima County Natural Resources, Parks and Recreation for the linear river park. The Flood Control District will provide operating and maintenance for riparian habitat: \$100,000 per year for the initial 5-year vegetation establishment period for erosion control and to meet mitigation and 404 permit requirements, then \$72,250 per mile annually.

## **5.7 Santa Cruz River, Grant Road to Camino del Cerro**

**Location:** Grant Road to Camino del Cerro

**Scope:** In 2003, the Pima County Flood Control District, Pima County Wastewater Management, and the Natural Resource Conservation Service (NRCS) completed soil cement bank protection along the Santa Cruz River from Grant Road to the Ft. Lowell Road alignment. This project connected the bank protection south of Grant Road, and north of Ft. Lowell Road. Pima County desires a linear park to connect into the upstream stream system, and to set the stage for future linear park development at the Silverbell Golf Course and Christopher Columbus Park along the west bank of the Santa Cruz River. This linear park and river pathways will follow and further establish the San Juan Bautista National Historic Trail on the west side of the Santa Cruz River. The proposed project includes a parking node at Grant Road, a connection to the City of Tucson's Juhon Park, and a pedestrian bridge across the Santa Cruz River to connect the linear park to the Sweetwater Wetlands Park and future linear park improvements along the east bank of the Santa Cruz River.

**Benefits:** This project will provide continuation of the Juan Bautista National Trail, the Pima County linear river park and trail systems, as well as provide alternative modes of transportation along the Santa Cruz River. This project will also provide linkage to the Christopher Columbus Regional Park along Silverbell Road and provide connections to bike paths to the Rillito River Linear Park

**Cost:** \$5,270,000, with Administration being \$7,000, Construction being \$4,812,500, Design being \$210,000, Planning being \$20,000, Public Art being \$24,500, Utility Relocation being \$100,000, and Land acquisition being \$96,000.

**Bond Funding:** \$2,700,000

**Other Funding:** \$2,570,000 - Federal and state grant funding will be applied for to help complete improvements on both sides of the Santa Cruz River.

**Project Duration:** Planning at 24 to 36 months, Design at 24 to 36 months, Land acquisition at 12 to 24 months, and Construction at 48 to 60 months.

**Implementation Period:** 2, 3, 4, 5, 6

**Project Management:** Pima County Flood Control District, in close consultation with the City of Tucson.

**Future Operating and Maintenance Costs:** Pima County Natural Resources, Parks and Recreation, with annual maintenance costs of \$72,250 per mile when completed.

### **5.8 Rillito River Linear Park Completion**

**Location:** Rillito River, Alvernon Way to Craycroft Boulevard

**Scope:** In 1996, the Army Corps of Engineers (ACOE) and Pima County Flood Control District completed soil cement bank protection along the Rillito River from Alvernon Way to Craycroft Road. In 2000, the ACOE and Flood Control District completed the paved pathway on the north bank, a decomposed granite pathway on the south bank, pedestrian bridges over the major washes, installation of an irrigation supply system, and provided landscape improvements. The ACOE and Flood Control District are currently working on developing an environmental restoration project called the Swan Wetlands Project. This project would include parking nodes at the end of Columbus Boulevard on the south bank. Parking on the north bank at Craycroft Road is being undertaken through the Rio Antiquo Project. This project will enhance and effectively complete the linear park. In addition, access to the linear park system would be provided at Mehl Park.

**Benefits:** This project will provide enhanced vegetation along the south bank between Columbus Boulevard and Swan Road and between the Alamo Wash and St. Gregory High School. Pima County wants to provide additional planting and landscaping to match and extend the scenic experience and quality of the existing River Park system between La Cholla and Campbell Avenue. This project will benefit the community at large, as it protects and provides continuation of the Pima County linear river park and trail systems, and provides alternative modes of transportation along the Rillito River.

**Costs:** \$5,421,947, with Planning being \$128,431, Construction being \$3,858,463, Design being \$784,409, Public Art being \$69,239, Utility Relocation being \$4,205, and Land acquisition being \$577,200.

**Bond Funding:** \$3,000,000

**Other Funding:** \$2,421,947 Flood Control Tax Levy

**Project Duration:** Planning at 24 to 36 months, Design at 24 to 36 months, and Construction at 48 to 60 months.

**Implementation Period:** 1, 2, 3, 4, 5

**Project Management:** Pima County Flood Control District

**Future Operating and Maintenance Costs:** Pima County Natural Resources, Parks and Recreation, with annual maintenance costs of \$72,250 per mile when completed.

### **5.9 Santa Cruz River in the Vicinity of Continental Ranch**

**Location:** Santa Cruz River, Yuma Mine Wash to El Rio Neighborhood Park

**Scope:** The Town of Marana is developing plans for bank protection on the west bank of this segment of the Santa Cruz River between the Yuma Mine Wash and Cortaro Road as part of the development of a regional park that was authorized in Pima County's 1997 General Obligation Bond election. The project includes the construction of a soil cement underpass at Cortaro Road. The County is providing bond funding and flood control funds for the park and bank protection, respectively. The Town of Marana is securing all right-of-ways for this project.

The Town of Marana is also working with the Arizona Department of Transportation (ADOT) to construct a paved pathway following the eastern boundary of the Continental Ranch community along the western top of bank and low flow bank of the Santa Cruz River beginning at the Yuma Mine Wash, south of Cortaro Road and ending north of the proposed Cortaro Mesquite Bosque project, at El Rio Neighborhood Park, a total of approximately 4.1 miles. ADOT will provide \$998,000 of the total estimated project cost of \$2,400,000 for the Marana Shared Use Project. Plans for the northern 2.7 miles of the path are completed and construction is nearing completion. The Town is continuing to develop the southern 1.4 miles of the project. The project includes paving of the underpass ramp at Cortaro Road, landscaping and irrigation along the pathways, two pedestrian bridges, and three informational kiosks. This proposal includes the construction costs for the bank protection, the cost of developing a landscaped linear park and shared use path alongside the bank protection that would connect with the existing Marana Shared Use Path at the El Rio Neighborhood Park. The project will also include two parking nodes with ramadas.

**Benefits:** This project will benefit the Town of Marana and the Continental Ranch community as it will further protect the existing Cortaro Road Bridge, the commercial development, the proposed Rattlesnake Park and the Wheeler Taft Abbott Library south of the bridges from flood and erosion damage. The project will also provide continuation of the Juan Bautista de Anza National Historic Trail, the Pima County linear river park and trail systems, and provides alternative modes of transportation along the Santa Cruz River.

**Cost:** \$5,740,067.

**Bond Funding:** \$4,000,000

**Other Funding:** Bank Protection Fees (\$83,244), Funds from Tucson Water (\$33,489), Flood Control Tax Levy (\$1,623,334).

**Project Duration:** Bank Protection: Design Completion at 3 to 6 months and Construction at 6 to 9 months.

**Implementation Period:** 1, 2, 3, 4, 5

**Project Management:** The Town of Marana will manage design and construction, pursuant to an intergovernmental agreement between the Flood Control District and the Town.



**Future Operating and Maintenance Costs:** Pima County Natural Resources, Parks and Recreation, with annual maintenance costs of \$72,250 per mile when completed.

#### **5.10 Cañada del Oro River Park, Thornydale to Magee**

**Location:** Thornydale Road to Magee Road

**Scope:** This section of the Cañada del Oro Wash is bank protected from the Union Pacific Railroad on the south bank and from just west of Thornydale on the north bank to the Omni Tucson National Golf Resort. The proposed project would provide a river linear park on the south river bank between Thornydale Road and the north end of Omni Tucson National Golf Resort plus a paved bike path connection to the Rillito River Park via Thornydale Road. It would include a paved pathway, the south bank, landscaping, irrigation, and 3 pedestrian crossings. There will also be underpass ramps at Thornydale, Ina Road and Magee Road, a parking node at Magee Road with ramadas and a restroom, a parking easement at Thornydale and at Hardy Road, as well as a reclaimed water irrigation system.

**Benefits:** Pima County desires to provide additional planting and landscaping along the Cañada del Oro river park system to match and extend the scenic experience and quality of other completed and developed segments of the regional river park system.

**Cost:** \$7,797,151, with Administration being \$10,000, Construction being \$3,980,000, Design being \$250,000, Planning being \$50,000, Public Art being \$50,000, reclaimed water line being \$500,000, Utility Relocation being \$160,000, and Flood Control Tax Levy being \$2,797,151.

**Bond Funding:** \$5,000,000

**Other Funding:** \$2,797,151(Flood Control Tax Levy)

**Project Duration:** Planning at 24 to 36 months, Design at 24 to 36 months, and Construction at 48 to 60 months.

**Implementation Period:** 3, 4, 5, 6

**Project Management:** Pima County Flood Control District

**Future Operating and Maintenance Costs:** Pima County Natural Resources, Parks and Recreation, with annual maintenance costs of \$72,250 per mile when completed.

F. Question No. 6 - Sewer System Revenue Bonds

For the purpose of paying the costs of improvements, expansions and extensions to the sewer plant and system of the County, both within and without the County, including, without limitation, additional, expanded or enhanced effluent reuse, recharge and environmental protection facilities or facilities required for regulatory compliance, additional storage and treatment facilities, pumps, conduits, pipelines, mains and all necessary rights, properties, facilities and equipment therefor, and to acquire land, interests in land and rights-of-way for such purposes and paying all expenses properly incidental thereto and to the issuance of such bonds, shall Pima County, Arizona be authorized to issue and sell sewer system revenue bonds of the County in an aggregate principal amount not exceeding \$150,000,000, to be payable solely from the revenues of the sewer system of the County?

**Table 15**

**Projects in Question 6**

| <b><u>Project</u></b>                                          | <b><u>Bond Allocation</u></b> |
|----------------------------------------------------------------|-------------------------------|
| <b>Rehabilitation and Repair</b>                               |                               |
| 6.1 Roger Road WWTP Rehabilitation                             | 19,557,718                    |
| 6.2 Miscellaneous Conveyance System Rehabilitation and Repair  | 12,800,000                    |
| <b>Augmentation/Addition of Conveyance Capacity</b>            |                               |
| 6.3 Santa Cruz Interceptor, Prince to Franklin                 | 25,000,000                    |
| 6.4 Roger Road WWTP to Ina Road WPCF Plant Interconnect        | 22,629,144                    |
| 6.5 Tanque Verde Interceptor, Craycroft to Tucson Country Club | -                             |
| 6.6 Marana Regional Airport Sewer Connection                   | 393,345                       |
| <b>Enhanced Processing-Regulatory</b>                          |                               |
| 6.7 Ina Road WPCF - Denitrification                            | 17,000,000                    |
| 6.8 Ina Road WPCF Central Plant and Electric Upgrade           | -                             |
| 6.9 Ina Road WPCF Laboratory and Office Building               | -                             |
| <b>System Treatment Capacity</b>                               |                               |
| 6.10 New Marana WWTP Expansion                                 | 12,406,655                    |
| 6.11 Avra Valley BNROD Expansion                               | 39,700,000                    |
| 6.12 Mt. Lemmon Sewer System                                   | 513,138                       |
| <b>Total Question 6</b>                                        | <b>150,000,000</b>            |

1. Specific Project Description, Scope of Work, and Location

a. Rehabilitation and Repair

6.1 Roger Road Wastewater Treatment Plant (WWTP) Infrastructure and Environmental Improvements

**Location:** Sweetwater Drive West of Interstate-10 near the Santa Cruz River

**Scope:** Portions of the Roger Road WWTP site have been in service since the early 1950s. The plant has been expanded and improved a number of times. Staff and consultant evaluations indicate that older elements of the plant are in need of either significant rehabilitation and/or replacement to maintain the existing capacity of the plant and to meet water quality permit requirements. Plant process modifications and environmental upgrades have also been recommended.

Specific project tasks will include:

**Additional Odor Control Facilities:** This project includes design and construction of additional onsite and interceptor sewer scrubbers, changes to the current biotower mechanical process systems, improvements to the quality of gas generated onsite, and covering of primary clarifier units, which will reduce odor production at the facility. The project also includes preliminary design and investigation of the need for supplementary items such as covering additional onsite unit processes and replacement of biotower media. Total cost of these improvements is estimated to be \$4,500,000.

**Electrical Upgrade:** Existing electrical equipment, such as transformers and switchgear, is old and cannot effectively be used to power current computer-controlled processes. The system is subject to high power surges which may result in damaged equipment and may be hazardous to personnel. High spikes in electrical power result in equipment failure and excessive maintenance. This project will reconstruct the main electrical service, upgrade/replace existing switching equipment, replace defective feeder lines, and maximize the production of the backup power system. Worker safety will be improved and equipment repairs/maintenance will be reduced. Both design and construction funding are included in this three phase project. The total cost is estimated to be \$4,719,000.

**Biosolids Facility Upgrade:** The existing six digesters (oldest 53 years) are aging and in need of rehabilitation and/or replacement. All viable options will be evaluated during the planning/preliminary design stage to select the most cost-effective and “good neighbor” approach to the treatment of the biosolids. Estimated cost: \$7,093,000 (planning, design and initial phase construction.)

**Thickener Replacement:** The existing gravity thickeners are not adequate to handle the thickening process during the plant turnover period, which occurs every year, and their structural degradation is extensive. New thickeners will be constructed to replace the existing gravity thickeners, thereby improving odor control, worker safety, restoring plant capacity, and reducing costs of operation and maintenance. This project includes facility design, as well as construction. Total cost is estimated to be \$2,132,000.

**Overflow Basins:** The existing facility has inadequate storage for temporary stormwater detention and no alternative for temporary storage of untreated wastewater flows in the event of an unforeseen equipment failure. This project will allow containment of plant emergency overflow in the event of a process failure or mechanical failure. The project consists of concrete lined collection basins which could be used for emergency overflow, stormwater detention, or as a drying bed and/or to allow shutdown of the existing drying beds for rehabilitation. Total cost is estimated to be \$1,556,000 which includes design and construction of the new facilities.

**Benefits:** The Roger Road WWTP provides for treatment of approximately 60 percent of the total metropolitan area wastewater. Because of this, it is important to keep the facility in good operating condition. This allows the Wastewater Management Department to continue to provide safe, effective wastewater treatment in compliance with Federal and State environmental laws and provide increased odor control.

**Cost:** \$19,844,744

**Bond Funding:** \$19,557,718

**Other Funding:** System Development Funds (\$65,255), RWRD Obligations (\$221,771)

**Project Duration:** A typical component schedule is as follows - All project tasks will be sequenced so that the Roger Road WWTP can be kept in operation during rehabilitation, with Planning at 1 to 5 months, Design at 14 to 16 months, and Construction at 15 to 18 months.

**Implementation Period:** 1, 2, 3, 4, 5

**Project Management:** Pima County Wastewater Management Department

**Future Operating and Maintenance Costs:** These projects will reduce the maintenance expenses by \$35,000 per year allowing for increased maintenance for the remainder of the plant. The costs are paid for from Wastewater Management's budget, which is funded by user fees.

## **6.2 Miscellaneous Conveyance Rehabilitation Projects**

**Location:** Projects are located throughout the Tucson Metropolitan Area

**Scope:** The current conveyance condition assessment projects - both the Closed Circuit TV (CCTV) and the Sanitary Sewer Inspection and Identification Program (SSIIP) - are identifying areas within the regional sewage conveyance system in need of repair, rehabilitation or replacement. It is estimated that re-lining will cost between \$200 and \$300 per linear foot to rehabilitate the larger sewers. These projects will be completed based on order of need identified by the CCTV and SSIIP evaluation projects. This funding will allow for the re-lining/replacement of approximately 5 to 6 miles of gravity conveyance lines and rehabilitation of miscellaneous associated siphon inlet and outlet chambers and manholes/junction chambers. The interceptors being examined include:

1. Santa Cruz Central; from 18th Street to Prince Road.
2. Santa Cruz East; from University Boulevard to Fort Lowell
3. Old Nogales Highway; from Hughes Access Road to Ajo Way
4. North Rillito; from Wentworth Road to Ina Road
5. Continental Ranch Pumping System; from Lambert Lane Alignment to Ina Road
6. Southeast Interceptor; from Rita Ranch to Franklin Street
7. Numerous Conveyance System siphon facilities including Alameda, Julian Wash, Tucson Boulevard at Rillito, Northwest Outfall, Golf Links, Sabino Creek, and Craycroft Road at Rillito
8. Carrillo Neighborhood Rehabilitation

The design will be done primarily by Wastewater Management engineering staff. The design, installation and/or required reconstruction work on conveyance system facilities will be achieved through several individual projects throughout the next 4 to 5 years.

**Benefits:** Recent experience indicates that unlined concrete sewer pipe, initially designed to last 50 years, may last only 35 to 40 years when high levels of hydrogen sulfide and corrosion are present. The Department is currently inspecting all unlined concrete pipe, as well as other older reaches of the system, in order to identify those sections of the system that have experienced deterioration and merit rehabilitation.

Planned rehabilitation of the interceptors will reduce the possibility of potential failures, and their associated liabilities, including environmental concerns and potential large regulatory fines. Emergency repairs cost 10 times more than planned repairs/rehabilitation.

Emergency and/or unscheduled maintenance costs average \$ 4,400/mile. After rehabilitation, preventive maintenance costs are \$2,000 per mile.

**Cost:** \$15,000,000, with Administration being \$300,000, Design being \$1,000,000, and Construction being \$13,700,000.

**Bond Funding:** \$12,800,000

**Other Funding:** \$2,200,000 from System Development Funds

**Project Duration:** 8 years - The overall project includes identification and prioritization of reaches of interceptors requiring rehabilitation, specification of rehabilitation work, and construction. A typical interceptor rehabilitation schedule is: Design at 12 to 18 months and Construction at 12 to 24 months.

**Implementation Period:** 1, 2, 3, 4, 5, 6

**Project Management:** Pima County Wastewater Management Department

**Future Operating and Maintenance Costs:** In the first year after construction, the line is structurally under warranty. Operating and maintenance costs thereafter are approximately \$2,000 per mile. The costs are paid from Wastewater Management's budget, which is funded by user fees.

**b. Augmentation/Addition of Conveyance Capacity**

**6.3 Santa Cruz Interceptor, Prince to Franklin**

**Location:** Located along the easterly bank of the Santa Cruz River, from downtown near Franklin Street northerly to Prince Road for a total of approximately 19,000 linear feet.

**Scope:** Construct a new, large diameter (66-inch and 72-inch) gravity interceptor sewer north from downtown near Franklin Street to Prince Road where it will connect to the 78-inch diameter interceptor tributary to the Roger Road WWTP. A section of the interceptor, between Grant Road and Miracle Mile (Phase I), has been constructed in conjunction with a Flood Control bank stabilization project. This bond project provides for the installation of Phase II, approximately 11,000 linear feet, and Phase III, approximately 8,000 linear feet, and the associated construction administration.

**Benefits:** This project was identified in the 1990 Facility Plan. The Construction of the project will provide hydraulic relief for the Northwest Outfall Interceptor and provide needed conveyance capacity for future flows originating in the south and southeast areas of the metropolitan service area including Rio Nuevo.

**Cost:** \$45,305,172

**Bond Funding:** \$25,000,000

**Other Funding:** \$666,592 System Development Funds, \$19,638,580 RWRD Obligations.

**Project Duration:** Right-of-way negotiations are currently underway. Right-of-way is accomplished concurrently with Planning and any needed design modifications, with Design at 6 to 12 months, Right-of-way at 12 to 24 months, and Construction at 33 to 48 months.

**Implementation Period:** 1, 2, 3, 4

**Project Management:** Pima County Wastewater Management Department

**Future Operating and Maintenance Costs:** In the first year after construction, operating and maintenance costs are under warranty. After that period, the operating and maintenance costs would be approximately \$2,000 per mile annually, or \$8,000 for the entire 4-mile reach. The costs are paid for from Wastewater Management's budget, which is funded by user fees.

**6.4 Roger Road Wastewater Treatment Plant (WWTP) to Ina Road Water Pollution Control Facility (WPCF) Plant Interconnect**

**Location:** Within the corridor bounded on the west by Silverbell Road and on the east by Interstate-10 from Sweetwater Drive to Walker Road, as well as a location along the Rillito River between Campbell Road and Craycroft Road. Actual alignments will be determined by an initial project study.

**Scope:** Design, acquire easements and construct approximately 5 miles of sewer (gravity/pressure) and the associated wastewater pumping system (WWPS) and other system improvements needed to provide operational flexibility to treat tributary flows at either the Roger Road or the Ina Road treatment facilities.

The Plant Interconnect will provide the ability to divert part of the flow normally treated at the Roger Road Facility to the Ina Road Facility and vice-versa. This will allow de-activation of parts of either plant for repairs or maintenance; and allow the balancing of treatment demand with available plant capacity. Another integral component of the project is construction of a new WWPS positioned between Campbell and Craycroft, in combination with a force main crossing the Rillito River which will provide the ability/flexibility of routing flows - through the existing South Rillito interceptor/plant interconnect system - to the Ina Road Facility for treatment.

**Benefits:** This project was initially identified in the 1978 and 1990 Facility Plans as a future mechanism to assist in managing flows between the existing Ina Road and Roger Road treatment plants. A 12.5 mgd expansion is nearly complete at the Ina Road WPCF. The overall goal is to use available conveyance and treatment capacity at both WWTF's to maximize the efficiency of the sewerage system.

**Cost:** \$42,587,885

**Bond Funding:** \$22,629,144

**Other Funding:** \$19,902,130 RWRD Obligations, \$54,052 SS-15 1997 Bonds, \$2,559 SDF.

**Project Duration:** Right-of-way will be acquired concurrently with Planning, Design Procurement, and Design, with Planning at 2 to 6 months, Design at 19 to 24 months, Right-of-Way at 10 to 20 months, and Construction at 26 to 40 months.

**Implementation Period:** 1, 2, 3, 4

**Project Management:** Pima County Wastewater Management Department

**Future Operating and Maintenance Costs:** Costs for a new two-way pumped interconnect installation, with a pump station at each end, are estimated at approximately \$140,000 per month of actual operation. The costs are paid from the Wastewater Management budget, which is funded by user fees.

## **6.5 Tanque Verde Interceptor, Craycroft to Tucson Country Club (PhaselI)**

**Location:** Sewer alignment along the southerly bank of the Tanque Verde Wash – from Craycroft Road to the east end of the Tucson Country Club golf course.

**Scope:** This project includes construction of approximately 8,500 linear feet of 36-inch diameter sewer, in conjunction with approximately 3,250 feet of soil cement bank protection.

**Benefits:** The Tanque Verde Interceptor: Craycroft to Tucson Country Club, a 1997 Bond Election project, called for a 36-inch diameter interceptor sewer. Even though every reasonable effort has been made to find the most cost-effective route, the resulting alignment entails a structural crossing, bank protection and additional easements along the Pantano Wash and pipe protection along the southerly side of the Tanque Verde Wash. Larger flow management structures were needed to provide a high level of safety for sewer workers and the flexibility to reroute flows to the other interceptors. These features added to the level of complexity of this project and are beyond the scope of the project's initial cost estimate. The available route is both environmentally and topographically challenging and adds to the overall cost of the project. Due to the increased complexity, additional funding is requested to augment the \$4.05 million allocated to this project in the 1997 Bond Authorization. This project is a vital component of the

region's interceptor system. With the completion of this portion of the Tanque Verde Interceptor system, flows can be rerouted from the North Rillito Interceptor system to the South Rillito Interceptor system.

The monies from this bond authorization for the Tanque Verde Interceptor will be used in conjunction with funds authorized by the 1997 bond ballot to construct the project. Design is substantially completed and easement acquisition is underway. Construction will begin when funds become available.

**Cost:** \$9,050,000, with Administration being \$100,000, Design being \$515,000, Right-of-Way being \$3,635,000, and Construction being \$4,800,000.

**Bond Funding:** \$0

**Other Funding:**

**Project Duration:** Right-of-Way at 12 to 24 months and Construction at 20 to 36 months.

**Implementation Period:** On-Hold

**Project Management:** Pima County Wastewater Management Department

**Future Operating and Maintenance Costs:** In the first year after construction, the line is structurally under warranty. The operating and maintenance costs thereafter are approximately \$2,000 per mile per year, or \$3,000 for the entire 1.5-mile reach. The costs are paid from Wastewater Management's budget, which is funded by user fees.

## **6.6 Marana Regional Airport Sewer Connection**

**Location:** Town of Marana from the airport located on Avra Valley Road to Sanders Road and the Santa Cruz River.

**Scope:** Design and construct a sanitary sewerage conveyance system to serve the Marana Airport and vicinity. The conveyance system is conceptually planned to consist of a gravity outfall sewer from the Marana airport west to Sanders Road, then north to a pump station on the south bank of the Santa Cruz River. Sewage would be pumped from there, through a pressure line to an existing gravity sewer serving the Honea Heights Area.

**Benefits:** Will assist the economic development program planned for the airport and its adjacent area.

**Bond Funding:** \$393,345

**Other Funding:** \$187 System Development Funds

**Project Duration:** Design at 12 to 18 months and Construction at 15 to 30 months.

**Implementation Period:** Retired

**Project Management:** Pima County Wastewater Management Department, in close consultation with the Town of Marana.



**Future Operating and Maintenance Costs:** In the first year after construction, the line is structurally under warranty. The operating and maintenance costs thereafter are approximately \$2,000 per mile per year, or \$6,000 for the entire 3-mile reach. The costs are paid from Wastewater Management's budget, which is funded by user fees.

**c. Enhanced Processing-Regulatory Ina Road WPCF**

**6.7 Ina Road WPCF-Denitrification**

**Location:** Ina Road at Interstate-10/Roger Road on Sweetwater Drive

**Scope:** The project funded initial planning and initial design for the implementation of the Regional Optimization Master Plan (ROMP).

**Benefits:** The ROMP objectives are: 1) developing the optimal treatment process and plan to comply with regulatory requirements to reduce nitrogen concentrations in effluent discharged from the wastewater treatment facilities; 2) master plan for foreseeable regulatory requirements; 3) determining the long-term capacity needs of the County metropolitan treatment facilities, conveyance system and outlying growth areas; 4) developing a long-term plan for treatment, handling and reuse of system bio-solids and bio-gas that is produced by the treatment process; 5) developing a detailed implementation schedule to meet regulatory implementation deadlines and the optimization master plan; 6) and developing a financial plan to support the systems regulatory and other needs for the next 15 years.

**Cost:** \$35,382,470

**Bond Funding:** \$17,000,000

**Other Funding:** \$18,382,470 System Development Funds and RWRD Obligations

**Implementation Period:** 3, 4, 5, 6

**Project Management:** Pima County Wastewater Management Department

**Future Operating and Maintenance Costs:** The future operating and maintenance costs are paid from Wastewater Management's budget, which is funded by user fees.

**6.8 Ina Road Water Pollution Control Facility (WPCF) Central Plant and Electrical Upgrade**

**Location:** Ina Road at Interstate-10.

**Scope:** This project will supplement and continue the work involved with the overall Ina Road WPCF 12.5 million gallons per day (mgd) expansion in regard to electrical and HVAC. There are two major elements in this project. The first element is replacement of the temporary overhead on-site power system installed during the construction of the 12.5 mgd expansion with permanent underground power distribution facilities. The second element is the installation of a new central plant which will contain chillers, boilers, pumps and back-up generators for the heating and cooling of the new 12.5 mgd Biological Nutrient Removal (BNR) plant processes, buildings and the new laboratory. This project was canceled and the Bond Funding reallocated to project 6.11 Avra Valley BNROD Expansion.

**Benefits:** The first element of this project will install an underground in-plant distribution system with switchgear and transformers to increase efficiency of plant operations. The second element includes additional heating, cooling and pumping facilities for the new 12.5 mgd plant as well as for the proposed new laboratory, in order to provide a climate controlled environment for facilities at the new treatment train and the new laboratory.

**Cost:** \$0

**Bond Funding:** \$0

**Other Funding:** \$0

**Project Duration:** Design at 14 to 24 months and Construction at 22 to 36 months.

**Implementation Period:** 3, 4, 5

**Project Management:** Pima County Wastewater Management Department

**Future Operating and Maintenance Costs:** The energy costs for the existing Central plant are presently estimated at \$900,000 per year, which includes the purchase of natural gas for the generators. The cost of electrical power from an outside source for the 12.5 mgd plant is estimated at \$1,200,000 per year for a combined energy cost of \$2,100,000 per year for the Central Plant and Laboratory. The costs are paid from Wastewater Management's budget, which is funded by user fees.

## **6.9 Ina Road WPCF Laboratory and Office Building**

**Location:** Ina Road at Interstate-10

**Scope:** This project will construct a new laboratory (and offices) at the Ina Road WPCF. The design for this project was completed in conjunction with the Ina Road 12.5 mgd expansion. This project relies upon the Central Plant and Electrical Upgrade project (#8) for heating and cooling. This project was canceled and the Bond Funding reallocated to project 6.11 Avra Valley BNROD Expansion.

**Benefits:** Over the last decade the number and complexity of regulatory permits has increased significantly (AZPDES and APP). This has resulted in an increased requirement for analytical tests to monitor surface water discharge, groundwater, and biosolids compliance with these permits.

Currently the Department operates an ADHS certified lab that produces the compliance information required for state and federal permits. The current laboratory performs operational and compliance testing for the Ina Road WPCF, the Roger Road WWTF, the Randolph WRF, and the 8 Outlying Treatment Facilities.

The existing laboratory facilities are currently scattered among three separate buildings and occupy space originally designated for offices. As a result, the current laboratory spaces lack adequate ventilation, power availability and the square footage required to house the necessary analytical equipment. Laboratory analyses that cannot be accommodated in-house are often sent out to contract laboratories at an additional expense.

The existing laboratory does not meet the County's increasing wastewater compliance testing needs for existing and projected future regulations. The new building will allow the laboratory to be located at a single facility as well as provide necessary office space for the Industrial Waste Group and Permitting and compliance personnel.

**Cost:** \$0

**Bond Funding:** \$0

**Other Funding:** \$0

**Project Duration:** Design funds are allocated for any required changes to the existing final design, with Design at 12 to 15 months and Construction at 24 to 36 months.

**Implementation Period:** 4, 5, 6

**Project Management:** Pima County Wastewater Management Department

**Future Operating and Maintenance Costs:** Costs for water service and power for lights and ventilation together with building maintenance for the facility are estimated at \$155,000 per year. The costs are paid from Wastewater Management's budget, which is funded by user fees.

**d. System Treatment Capacity**

**6.10 New Marana Wastewater Treatment Plant (WWTP) Expansion**

**Location:** East of Trico Road and North of Marana Road near the Santa Cruz River

**Scope:** This project provides an expansion of the existing Marana WWTP, including acquisition of property for the required setbacks, to provide capacity for the growth in the area, as well as produce effluent for reuse and/or recharge.

**Benefits:** Expanding population in the Marana WWTP service area necessitates increased wastewater treatment capacity. Wastewater flows are rapidly increasing. In cooperation with the Town of Marana, a 208 Plan was developed for the entire Marana sewer system, which includes utilizing the existing WWTF's site for an expanded treatment facility for the Northwest Marana area. The \$2 million from the 1997 Bond Authorization originally envisioned the relocation and construction of a much smaller facility. The 1997 Bond Authorization will augment the 2004 bond funds. The capacity of the Marana facility is currently 150,000 GPD. This project will expand the overall facilities treatment capacity to approximately 2 MGD on a schedule compatible with the tributary area's projected new growth. Additional acreage surrounding the plant site will be acquired to meet current setback requirements. The expansion will provide effluent for reuse, recharge and/or environmental restoration.

**Cost:** \$38,564,024

**Bond Funding:** \$12,406,655

**Other Funding:** \$3,454,951 SDF, \$22,702,418 RWRD Obligations

**Project Duration:** Right-of-way is concurrent with Procurement Design, with Design at 12 to 18 months, Right-of-Way at 10 to 20 months, and Construction at 24 to 36 months.

**Implementation Period:** 1, 2, 3

**Project Management:** Pima County Wastewater Management Department

**Future Operating and Maintenance Costs:** Based on similar plants (such as the Avra Valley WWTF), costs of \$750,000 per year are estimated. The costs are paid for from Wastewater Management's budget, which is funded by user fees.

### **6.11 Avra Valley BNROD Expansion**

**Location:** Avra Valley BNROD Facility, 10,000 West Snyder Hill Road

**Scope:** To assist in funding the design and construction of a new 4 mgd Biological Nutrient Removal Oxidation Ditch (BNROD) wastewater treatment facility.

**Benefits:** The increased treatment capacity will be available to meet the projected future demand for wastewater service due to the anticipated large population increase and will also produce high quality effluent. The effluent produces will be suitable for either reuse, recharge of environmental restoration in riparian areas.

**Cost:** \$54,322,782 Design being \$4,000,000, Land Acquisition being \$1,500,000 and Construction being \$48,822,782.

**Bond Funding:** \$39,700,000 This includes the original \$4,000,000 for 6.11 Miscellaneous Water Reclamation Facilities, the original \$12,000,000 for 6.8 Ina Road WPCF Central Plant and Electric Upgrade and the original \$9,000,000 for 6.9 Ina Road WPCF Laboratory and Office Building and \$5 million from the Tanque Verde Interceptor project. The Ina Road WPCF funding is being reallocated to this project because it is expected that the Santa Cruz Basin Nitrification/DeNitrification Study recently begun will provide valuable new information that will impact the future planning for the Ina Road WPCF and the planned Central Plant and Electric Upgrade and the Laboratory and Office Building.

**Other Funding:** \$14,622,782 (Additional System Development Funds and other funds)

**Project Duration:** Planning at 3 to 9 months, Design at 18 to 30 months, and Land Acquisition at 14 to 24 months.

**Implementation Period:** 1, 2, 3

**Project Management:** Pima County Wastewater Management Department

**Future Operating and Maintenance Costs:** There are no costs for this project until a WRF is constructed. Costs for a typical 4.0 mgd WRF with lift station are estimated at \$2 million per year. The costs are paid from Wastewater Management's budget, which is funded by user fees.

### **6.12 Mt. Lemmon Sewer System**

**Location:** Village of Summerhaven along Sabino Canyon Parkway and immediate areas tributary to the existing sewer system.

**Scope:** To improve and expand the Mt. Lemmon WWTF and Effluent Disposal system in the area damaged in the Aspen Forest Fire of June/July of 2003 in order to better serve the needs of the greater Summerhaven area and to provide a source of reclaimed water for beneficial reuse, such as fire protection and subsequent recharge. Should this approval not be forthcoming, unneeded bond funds will be transferred to the Roger Road WWTP (Wastewater Treatment Plant) Infrastructure and Environmental Improvements Project for odor control mitigation purposes. The remaining bond funding totaling \$986,862 will be applied to 2004 Bond Project SS6.04 Roger Road WWTP to Ina Road WPCF Plant Interconnect.

**Benefits:** Due to the extent of the Aspen Fire damage, and the anticipated rebuilding of the Summerhaven area, it may be necessary to reconfigure and expand the entire Mt. Lemmon public sanitary sewerage treatment system, including conveyance, treatment and effluent disposal/reuse systems. Initially the system was authorized to serve only 47 specific properties with the public sewer system and dispose of the correspondingly limited amount of effluent in a spray field to the San Pedro drainage. The impact of the fire and subsequent rebuilding of the Summerhaven area will result in a new master plan. There is also community interest in providing wastewater treatment for additional residential hook-ups in lieu of private septage disposal. The resulting development will require the expansion of the existing 12,500 gallon per day wastewater treatment facility, upgrade of the water quality treatment to meet environmental permits (AZPDES, APP and Reuse permits) and evaluation and siting of additional disposal areas.

**Cost:** \$521,055

**Bond Funding:** \$513,138

**Other Funding:** \$7,917 SDF

**Project Duration:** Planning at 12 to 15 months, Design at 18 to 30 months, Land Acquisition at 13 to 26 months, and Construction at 24 to 36 months.

**Implementation Period:** 4, 5, 6

**Project Management:** Pima County Wastewater Management Department

**Future Operating and Maintenance Costs:** Costs are estimated at \$575,000 per year. The costs are paid from Wastewater Management's budget, which is funded by user fees.

**AS AMENDED by the Board of Supervisors of Pima County, Arizona, on this 17<sup>th</sup> day of April, 2018.**

Attest:

\_\_\_\_\_  
Clerk, Pima County Board of Supervisors

Approved as to Form:

\_\_\_\_\_  
Civil Deputy County Attorney

\_\_\_\_\_  
Chair, Pima County Board of Supervisors

Reviewed by:

\_\_\_\_\_  
County Administrator

# Appendix i - List of 1997 and 2004 Conservation Properties

## Pima County Conservation Acquisition Bond Programs List of Properties

1997 – On May 20, 1997, Pima county voters approved funding in the amount of \$27.9 million for the acquisition of properties for conservation. To date, 27 properties have been purchased, totaling 7,200 acres.

2004 – On May 18, 2004, voters approved \$164.3 million in bond funds for conservation purposes. To date, 50 properties have been acquired, totaling 45,300 acres in fee lands and 127,000 acres of grazing leases. Approximately \$7 million remains in this program.

### 1997 and 2004 Bond Acquisitions

| Property (Location)                                                    | Acres | Grazing Lease Acres | Acquisition Cost | Acquisition Date |
|------------------------------------------------------------------------|-------|---------------------|------------------|------------------|
| A-7 Ranch (San Pedro Valley Reserve)                                   | 6,829 | 34,195              | \$2,041,933      | Sep-04           |
| Akers/Dailey (Cienega Valley-Empire Ranch Reserve)                     | 158   |                     | \$1,222,720      | Oct-99           |
| Alpher (Cienega Valley-Empire Ranch Reserve)                           | 147   |                     | \$514,412        | Feb-00           |
| Amadon (Cienega Valley-Empire Ranch Reserve)                           | 39    |                     | \$122,257        | Dec-06           |
| Baker (Cienega Valley-Empire Ranch Reserve)                            | 155   |                     | \$226,342        | Oct-04           |
| Bar V Ranch (Cienega Valley-Empire Ranch Reserve)                      | 1,763 | 12,674              | \$8,189,228*     | Feb-05           |
| Baxter (Tucson Mountains Reserve)                                      | 33    |                     | \$274,472        | Mar-99           |
| Bee (Northern Altar Valley Reserve)                                    | 120   |                     | \$60,873         | Feb-05           |
| Belvedere (Tucson Mountains Reserve)                                   | 72    |                     | \$615,972        | Jan-06           |
| Berard (Tucson Mountains Reserve)                                      | 7     |                     | \$81,792         | Aug-05           |
| Bradley (Cienega Valley-Empire Ranch Reserve)                          | 40    |                     | \$266,036        | Oct-99           |
| Bucklew Farms (Northern Altar Valley Reserve)                          | 505   | 2,200               | \$5,080,467      | Oct-06           |
| Canoa Ranch (Upper Santa Cruz-Southern Altar Valley Reserve)           | 4,700 |                     | \$6,150,000*     | May-01           |
| Canoa Ranch II (Upper Santa Cruz-Southern Altar Valley Reserve)        | 33    |                     | \$1,801,106      | Aug-05           |
| Canoa Ranch Phase III (Upper Santa Cruz-Southern Altar Valley Reserve) | 52    |                     | \$1,200,581      | Dec-06           |
| Carpenter Ranch (Tortolita Reserve)                                    | 200   |                     | \$520,011        | Apr-99           |
| Carpenter Ranch Phase II (Tortolita Reserve)                           | 360   |                     | \$1,180,036      | Aug-05           |
| Cates (Cienega Valley-Empire Ranch Reserve)                            | 39    |                     | \$132,957        | May-06           |
| Chess (Cienega Valley-Empire Ranch Reserve)                            | 37    |                     | \$124,865        | Feb-07           |
| Clyne Ranch (Cienega Valley-Empire Ranch Reserve)                      | 880   |                     | \$4,979,434      | Jan-10           |
| Cochie Canyon (Tortolita Reserve)                                      | 290   |                     | \$2,901,044      | Jun-08           |
| Continental Ranch Development LLC (Wildlife Corridor)                  | 15    |                     | \$750,448        | Jul-07           |
| Cortaro and Hartman (Tortolita Reserve)                                | 50    |                     | \$1,175,000*     | Aug-09           |
| Des Rochers (Tucson Mountains Reserve)                                 | 19    |                     | \$294,028        | Oct-06           |
| Diamond Bell Ranch (Northern Altar Valley Reserve)                     | 191   | 30,702              | \$897,730        | Mar-08           |
| Diocese of Tucson (Tucson Mountains Reserve)                           | 216   |                     | \$636,462        | Jun-98           |
| Dos Picos (Tucson Mountains Reserve)                                   | 60    |                     | \$1,425,677      | Nov-09           |
| Doucette (Agua Caliente Wash)                                          | 21    |                     | \$569,608        | Dec-04           |
| Drewes (Agua Caliente Wash)                                            | 11    |                     | \$388,000        | Mar-98           |
| Empirita (Cienega Valley-Empire Ranch Reserve)                         | 2746  |                     | \$10,835,000     | Aug-09           |
| Firkins (Tucson Mountains Reserve)                                     | 1.4   |                     | \$30,987         | Mar-06           |
| Habitat for Humanity (Tucson Mountains Reserve)                        | 80    |                     | \$1,102,832*     | Jul-08           |
| Heater (Tucson Mountains Reserve)                                      | 50    |                     | \$991,743        | Sep-05           |
| Hiett (Tucson Mountains Reserve)                                       | 25    |                     | \$721,863        | Sep-05           |
| Holsclaw (Tucson Mountains Reserve)                                    | 10    |                     | \$159,969        | Jun-99           |
| Hyttington (Tucson Mountains Reserve)                                  | 3.6   |                     | \$72,163         | Jan-06           |
| Jacobs Trust (Tucson Mountains Reserve)                                | 80    |                     | \$601,336        | Mar-04           |

\* Acquisition cost includes non-bond funding



|                                                                       |       |        |              |        |
|-----------------------------------------------------------------------|-------|--------|--------------|--------|
| Joshua Tree II (Tucson Mountains Reserve)                             | 40    |        | \$130,389    | May-00 |
| King 98 Ranch (Northern Altar Valley Reserve)                         | 1,034 | 3,096  | \$2,102,921  | Mar-05 |
| Knez (Cienega Valley-Empire Ranch Reserve)                            | 80    |        | \$240,967    | Aug-06 |
| L & F International (Tucson Mountains Reserve)                        | 294   |        | \$2,589,225  | Jun-99 |
| Las Lomas 1 & 2 (Tucson Mountain Park)                                | 50    |        | \$748,400    | Jun-99 |
| Leef (Tortolita Reserve)                                              | 80    |        | \$280,000    | Mar-98 |
| Lefkovitz/Lakia (Tucson Mountains Reserve)                            | 115   |        | \$275,825    | Jul-01 |
| Linda Vista/Patrick (Tortolita Reserve)                               | 9.1   |        | \$451,561    | Feb-07 |
| Madera Highlands (Upper Santa Cruz-Southern Altar Valley Reserve)     | 366   |        | \$385,733    | Aug-05 |
| Marley Ranch Phase I (Upper Santa Cruz-Southern Altar Valley Reserve) | 6,337 |        | \$20,006,112 | Apr-09 |
| Matesich (Tucson Mountains Reserve)                                   | 4     |        | \$85,586     | Nov-05 |
| Mission and 33rd Street (Tucson Mountains Reserve)                    | 9     |        | \$191,896    | Sep-10 |
| Mordka (Northern Altar Valley)                                        | 40    |        | \$20,265     | Feb-05 |
| Nunez (Cienega Valley-Empire Ranch Reserve)                           | 19    |        | \$68,502     | May-06 |
| Orach (Tucson Mountains Reserve)                                      | 3     |        | \$60,620     | May-01 |
| Pacheco (Tucson Mountains Reserve)                                    | 20    |        | \$241,010    | Dec-05 |
| Perper/Rollings (Tucson Mountains Reserve)                            | 746   |        | \$5,975,258  | Feb-00 |
| Poteet (Cienega Valley-Empire Ranch Reserve)                          | 83    |        | \$275,820    | Aug-05 |
| Rancho Seco (Upper Santa Cruz-Southern Altar Valley Reserve)          | 9,574 | 27,361 | \$18,503,948 | May-05 |
| Reid (Tortolita Reserve)                                              | 4     |        | \$316,920    | Mar-07 |
| Route 606 (Tucson Mountains Reserve)                                  | 22    |        | \$241,134    | Oct-06 |
| Ruddick (Agua Caliente Wash)                                          | 13    |        | \$369,993    | Sep-00 |
| Saguaro Cliffs (Tucson Mountains Reserve)                             | 155   |        | \$1,548,244  | Nov-98 |
| Sands Ranch (Cienega Valley-Empire Ranch Reserve)                     | 5,040 |        | \$21,015,503 | Dec-08 |
| Selective Marketing (Tucson Mountains Reserve)                        | 10    |        | \$92,372     | Oct-05 |
| Serr (Tucson Mountains Reserve)                                       | 10    |        | \$94,776     | Dec-05 |
| Six Bar Ranch (San Pedro Valley Reserve)                              | 3,292 | 9,000  | \$11,525,322 | Aug-06 |
| Sopori Ranch Phase (Upper Santa Cruz-Southern Altar Valley Reserve)   | 4,135 | 10,480 | \$18,602,695 | Jan-09 |
| South Wilmot LLC (Pima Pineapple Cactus Mitigation Bank)              | 36    |        | \$112,690    | Jul-06 |
| Sweetwater (Tucson Mountains Reserve)                                 | 695   |        | \$11,733,653 | Jun-04 |
| Tang (Tortolita Reserve)                                              | 40    |        | \$2,377,079  | Jul-07 |
| Tanque Verde & Houghton LLC (Agua Caliente Wash)                      | 77    |        | \$1,558,137  | Sep-10 |
| Terra Rancho Grande (Agua Caliente Wash)                              | 72    |        | \$1,376,628  | Jan-10 |
| Treehouse Realty (Wildlife Corridor)                                  | 13    |        | \$922,742    | Apr-10 |
| Tumamoc Hill                                                          | 277   |        | \$5,209,640* | Feb-09 |
| Valenica Site                                                         | 67    |        | \$940,000*   | Mar-10 |
| Walden (Cienega Valley-Empire Ranch Reserve)                          | 477   |        | \$1,400,000* | Sep-04 |

\* Acquisition cost includes non-bond funding



**ATTACHMENT 2I.**



**PIMA COUNTY NATURAL RESOURCES,  
PARKS AND RECREATION DEPARTMENT**

.....  
**TUCSON MOUNTAIN PARK  
MANAGEMENT PLAN**  
.....

**MAY 2008**

**PREPARED BY:  
MCGANN & ASSOCIATES INC.  
LANDSCAPE ARCHITECTS AND PLANNERS  
6814 NORTH ORACLE ROAD, SUITE 210 / TUCSON AZ 85704 / 520-297-9540**



**PIMA COUNTY NATURAL RESOURCES,  
PARKS AND RECREATION DEPARTMENT**

# **TUCSON MOUNTAIN PARK MANAGEMENT PLAN**

**MAY 2008**

**PREPARED BY:  
MCGANN & ASSOCIATES INC.  
LANDSCAPE ARCHITECTS AND PLANNERS  
6814 NORTH ORACLE ROAD, SUITE 210 / TUCSON AZ 85704 / 520-297-9540**

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**Park Expansion**

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**Park Staffing and Administration**

---

## 1. Introduction

---

### 1.0 Purpose of this Document:

The purpose of this document is to present a plan that identifies management objectives, that articulates policies, and that lists specific actions that will be taken related to the management of Tucson Mountain Park.

### 1.1 Related Documents:

This document was one of two that were prepared as part of the management plan project. A “Background Report” was also prepared. The “Background Report,” dated November 2007, provides a comprehensive summary of the existing conditions, resources, and features of the Park. It includes information related to:

- The history of the park
- Conditions surrounding the park
- The park’s physical resources
- The park’s biological resources
- The park’s cultural resources
- The park’s visual resources
- Developed public use facilities within the park
- The park’s trail system
- Leased facilities within the park
- The existing park infrastructure
- Current public use
- Current park staffing

By reference, the “Background Report” is made an integral part of this Management Plan. Copies of the “Background Report” are on file at the offices of the Pima County Natural Resources, Parks, and Recreation Department. A digital version of the “Background Report” is also available on the Pima County website. ([www.pima.gov/nrpr/places/tucs\\_mtpk/TMP\\_Mgmt\\_Plan\\_Bkgd\\_Rpt\\_Nov07.pdf](http://www.pima.gov/nrpr/places/tucs_mtpk/TMP_Mgmt_Plan_Bkgd_Rpt_Nov07.pdf)).

### 1.2 The Planning Process

This Management Plan was prepared with input from various stakeholders and members of the public. Public input was solicited at a series of public open houses. The first of these open houses was conducted on October 17, 2007. At this event, participants were asked to provide input related to existing conditions at Tucson Mountain Park and how they might be changed to enhance resource conservation and public use. Written comments were received and evaluated.

The initial public open house was followed-up with an on-line survey. Survey questions were designed to elicit comments related to the public’s perception of facilities at the park, the condition of the park resources, and current public use of the park. Though not a scientifically valid sample, respondents did provide useful information related to these important issues.

A second public open house was conducted on February 28, 2008. At this meeting key elements of the proposed Management Plan were presented. Written comments were received and evaluated. This public input received is reflected in this Management Plan.



Input was also solicited from other resource management agencies and Pima County Departments. Two workshops were conducted, one on July 27, 2007, and the other on February 21, 2008. Agencies represented at these workshops included: the Arizona Game and Fish Department, the United States Fish and Wildlife Service, the National Park Service (Saguaro National Park), the Bureau of Land Management, the Bureau of Reclamation, and the Tohono O’Odham Nation. Pima County Departments represented at these workshops included the Department of Transportation, the Development Services Department, the Office of Economic Development and Tourism, and the Sheriff’s Department.

### 1.3 Data Collection

A variety of techniques were utilized to collect data related to the park’s resources and the public’s use of the park. These included:

- Literature reviews
- General field reconnaissance
- Review of maps and files as provided by the Pima County Geographic Information Systems (GIS) Department
- Review of current leases and other agreements
- Review of Tucson Mountain Park related information from the Pima County Natural Resource, Parks, and Recreation Department files
- Review of revenue data from park facilities that assess user fees
- Personal communications with current and retired park staff
- Vehicle counts on park roads at entrances to the park
- Vehicle counts at the entrances to the developed trailheads
- Observational surveys of users at trailheads and overlooks
- Mapping of trails using global positioning system (GPS) equipment
- Trail user counts using electronic counting equipment

The efforts of the many individuals, departments, and agencies that participated in this process through the provision of valuable information is acknowledged.

## 2. Overview of Existing Conditions

### 2.1 The Park Site:

Tucson Mountain Park is a 37 square mile natural resource park located in Pima County, Arizona. The site encompasses much of the southern portion of the Tucson Mountain range and portions of the alluvial area to the west. (See Figures 2-A and 2-B).

There are several distinct areas that are collectively managed as Tucson Mountain Park. These include:

1. Lands historically included in Tucson Mountain Park
2. The Central Arizona Project (CAP) Wildlife Mitigation Corridor
3. The Robles Pass Trails Park
4. The BLM Expansion Area

These sub-areas of the park are illustrated in Figure 2-C.

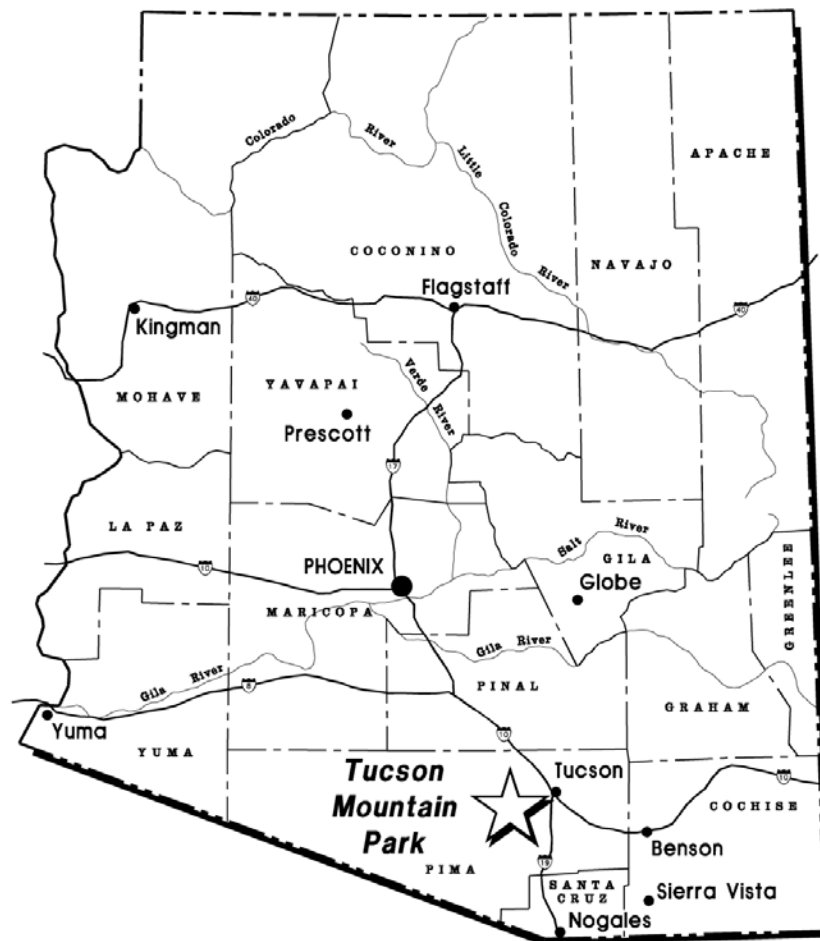
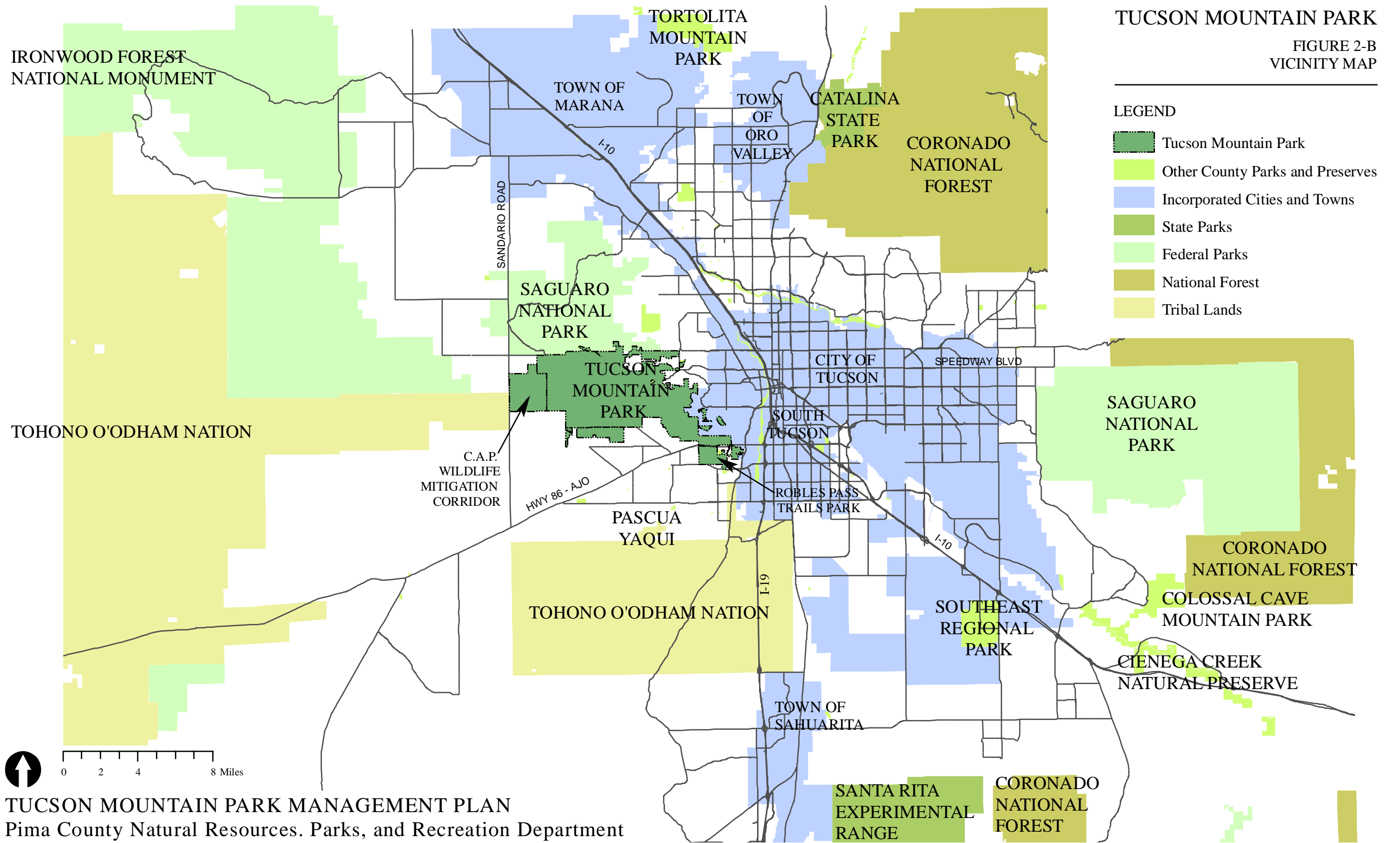


Figure 2-A: Location Map

TUCSON MOUNTAIN PARK

FIGURE 2-B  
VICINITY MAP



LEGEND

- Tucson Mountain Park
- Other County Parks and Preserves
- Incorporated Cities and Towns
- State Parks
- Federal Parks
- National Forest
- Tribal Lands








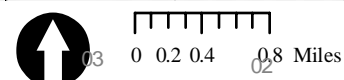
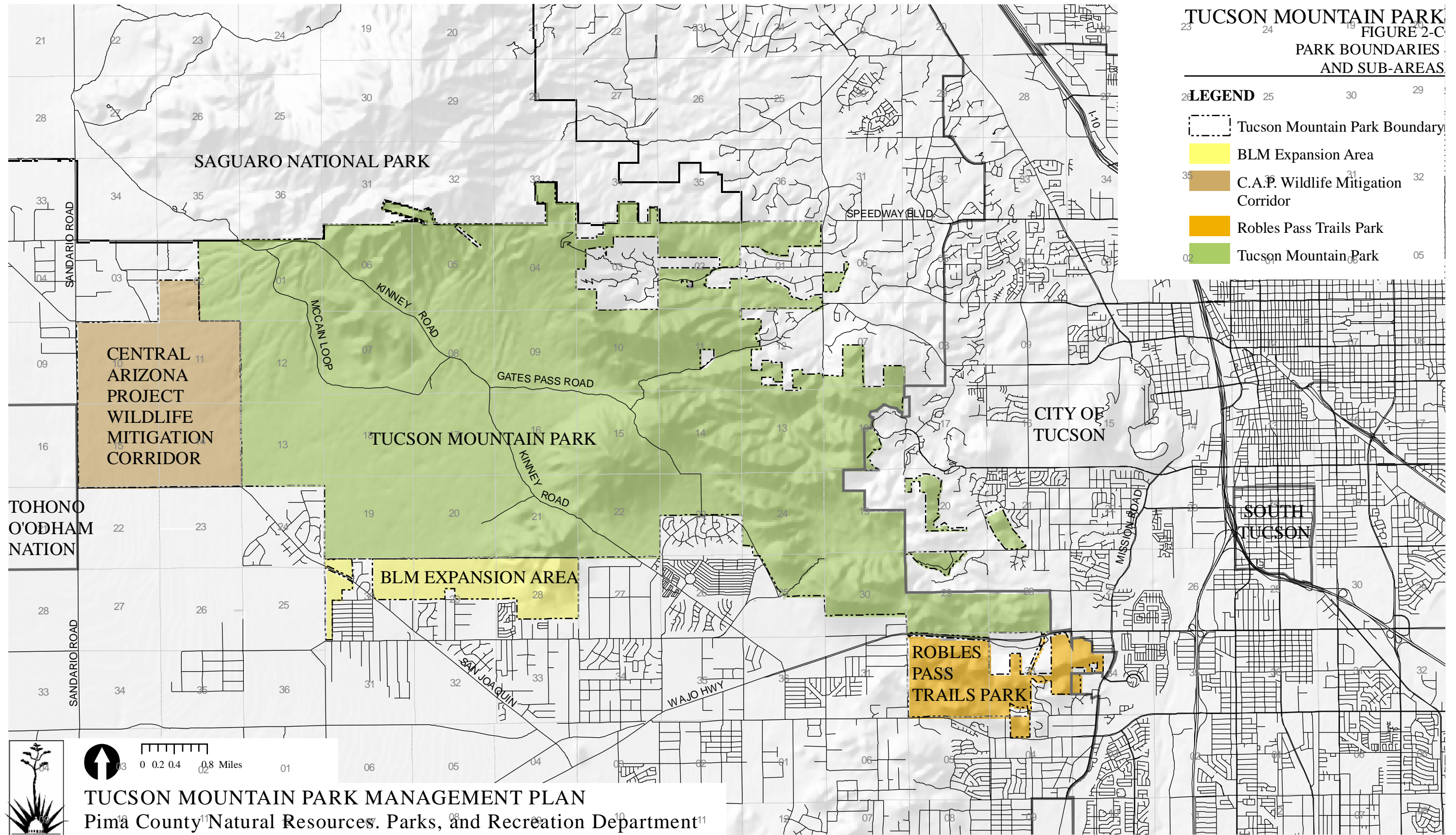
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TUCSON MOUNTAIN PARK MANAGEMENT PLAN  
Pima County Natural Resources, Parks, and Recreation Department

Prepared by McGann & Associates Landscape Architects and Planners

**TUCSON MOUNTAIN PARK**  
**FIGURE 2-C**  
**PARK BOUNDARIES**  
**AND SUB-AREAS**

- LEGEND**
-  Tucson Mountain Park Boundary
  -  BLM Expansion Area
  -  C.A.P. Wildlife Mitigation Corridor
  -  Robles Pass Trails Park
  -  Tucson Mountain Park



**TUCSON MOUNTAIN PARK MANAGEMENT PLAN**  
 Pima County<sup>11</sup> Natural Resources, Parks, and Recreation Department<sup>10</sup>  
 Prepared by McGann & Associates Landscape Architects and Planners

---

## 2. Overview of Existing Conditions

### 2.2 Park History:

The park was established in 1929 when 29,988 acres of federal land in the Tucson Mountains were withdrawn from mining and homesteading at the request of U.S. Senator Carl Hayden. Pima County leased these lands in 1930 and 1931 at an annual rental rate of three cents (\$0.03) per acre and established Tucson Mountain Park. At the time, Tucson Mountain Park was the largest county park in the nation.

In 1932, the Pima County Board of Supervisors appointed a five-member commission to assist the Board with the administration of the park. These individuals were T.D. Mallory of the Tucson Natural History Society, L.B. Hart of the Tucson Protective Game Association, Stanley Kitt of the Tucson Chamber of Commerce, Dr. E.P. Mathewson and C.B. Brown representing the public at-large. Under the direction of the commission, the park was managed to conserve the resources of the site and to provide opportunities for outdoor recreation in a natural setting. Nearly 80 years later, the park continues to be operated for these important public purposes.

During the 1930's and 1940's various projects were undertaken within the park as part of program implemented by the Civilian Conservation Corps (CCC), the Works Projects Administration (WPA), and the Emergency Conservation Work Program (ECWP). These projects resulted in park buildings and other facilities, some of which are still present within Tucson Mountain Park.

In 1937, a Master Plan was prepared for the park under the direction of the National Park Service. This master plan called for the construction of several picnic areas that would serve as destinations for day trips to the park. The Master Plan also shows the Pima County Preventorium, a public health facility for individuals who had been diagnosed with tuberculosis. This facility was subsequently redeveloped and became the Gilbert Ray Campground that continues to operate today.

In 1959, the United States Department of the Interior issued a Public Land Order, that would have reversed the 1929 withdrawal and reopened 7,600 acres of land within the Tucson Mountains to mining entry. This action was met with intense local opposition spearheaded by the Pima County Board of Supervisors. Their efforts resulted in a rescinding of the order and led to a series of legislative proposals to address the long-term status of the park lands. These proposal culminated in a November 15, 1961 proclamation by President John F. Kennedy that transferred 15,360 acres of land to the National Park Service and the establishment of the Tucson Mountain Unit of Saguaro National Park. The remaining park lands were incrementally patented by Pima County under the Recreation and Public Purposes Act to become the Tucson Mountain Park that exists today.

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## 2. Overview of Existing Conditions

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**2.3 The Park Setting:** Tucson Mountain Park is located within the rapidly growing Tucson metropolitan area. When the park was established in 1929, the population of Tucson was approximately 32,506 and the urbanized portion of the city covered a few square miles east of the mountain range. Today, the population of the metropolitan area has grown to over 1,000,000 people and urban development extends around the mountain range.

In the 1970's, 80's and 90's, most of the growth was east of the Tucson Mountain Range. It was characterized by medium to low-density residential development in the Tucson Mountain foothills. It also included the Starr Pass Resort which includes a hotel and golf course adjacent to the park.

Recent years have seen a significant amount of growth in areas southwest and west of Tucson Mountain Park and this growth pattern is anticipated to continue and will include residential, commercial and other land uses. The scope of this anticipated growth resulted in Pima County initiating an area-wide planning effort, the Southwest Infrastructure Plan. The goal of the plan is to outline a strategy for the development of the infrastructure and public services needed to support the anticipated growth.

Urban growth west and southwest of the park is significant in that it will impact the visual resources and unique vistas that have become a distinguishing feature of Tucson Mountain Park. It will also result in higher volumes of automobile traffic on the park's roads not generated by, or related to, facilities within the Park.

**2.4 Physical Resources of the Park:**

Tucson Mountain Park encompasses much of the southern half of the Tucson Mountain Range. The highest peak in the park is Golden Gate Peak, elevation 4,288 feet. The several other peaks that form the ridge line of that range, Tower Peak, Bushmaster Peak, Bren Peak, and Cat Mountain are above, or near, the 4,000 ft. elevation. Collectively, these peaks and ridges create a dramatic and colorful backdrop for the Tucson metropolitan area.

There are three distinct geological zones within the park; the steep mountain peaks, the foothill areas, and the flat alluvial zones. The mountain peaks are characterized by Rhyolite, an igneous, volcanic (extrusive) formation with shallow soil cover. The foothills are characterized by Andesite, and other rock formations with variable soil cover. The flatter areas in the western half of the park are characterized by alluvial deposits of gravel, sand, silt, and clay.

Anklam - Pantano - Chimenea soils predominate in the mountainous and foothill areas. These are shallow, well-drained soils. Pinaleno - Nickel - Palos Verdes soils predominate in the flatter western portion of the site. These soil types are well-drained and very deep alluvial soils.

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## 2. Overview of Existing Conditions

There are a number of small caves within the park. Also present are numerous small mine shafts and excavations.

As a mountain ridge, the Park drains both east to the Santa Cruz River and west to the Brawley Wash / Black-Wash drainage system. Numerous washes originate and flow out of the park. Because the washes are located near the uppermost elevations of their watersheds, they are not major watercourses. They are, however, important in that they create biological corridors that connect the park with other natural resource and habitat areas.

### 2.5 Biological (Vegetative) Resources of the Park:

Tucson Mountain Park contains a range of Sonoran Desert vegetative communities. These vegetative communities shift in an elevational gradient from creosote flats on the basin floor to bajadas with palo verde and saguaro cacti to ridges with other vegetative associations.

As classified in the “Biotic Communities of the Southwestern United States and Northwestern Mexico,” (Brown, 1994) the following vegetative communities are present within Tucson Mountain Park.

#### Arizona Upland - Palo Verde Mixed Cacti Community:

This vegetative community is the most prevalent in the park, encompassing approximately 90% of the park area. Predominant overstory species include foothills palo verde (*Parkinsonia microphylla*), blue palo verde (*Parkinsonia floridum*), ironwood (*Olneya tesota*), ocotillo (*Fouquieria splendens*), and saguaro (*Carnegiea gigantea*). Understory species include triangle-leaf bursage (*Ambrosia deltoidea*), brittlebush (*Encelia farinosa*), and jojoba (*Simmondsia chinensis*).

#### Mixed Scrub *Parkinsonia microphylla* - *Olneya tesota* Mixed Scrub Association:

This community occurs within the palo verde - mixed cacti matrix and consists of stands of ironwood (*Olneya tesota*). Ironwood stands are identified as a “special element” in the Pima County Sonoran Desert Conservation Plan.

#### Lower Colorado River Series - Creosote - Bursage Community:

This community occurs in the lowest elevation, westernmost portions of the park. Predominant species are creosote (*Larrea tridentata*) and triangle-leaf bursage (*Ambrosia deltoidea*).

#### Semidesert Grassland Community:

Small patches of this community occur in the upper elevations of the park. Characteristic species include Arizona cottontop (*Digitaria californica*), Green sprangletop (*Leptochloa dubia*), Plains lovegrass (*Eragrostis intermedia*), and gramma grasses (*Bouteloua* spp.).

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## 2. Overview of Existing Conditions

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### Sonoran Riparian Scrubland (*Prosopis velutina* mixed scrub series) Community:

This community occurs along canyon bottoms and washes creating relatively dense, lush vegetation. Overstory species include velvet mesquite (*Prosopis velutina*), and blue palo verde (*Parkinsonia floridum*). Understory species include wolfberry (*Lycium* spp.), desert hackberry (*Celtis pallida*), white-thorn acacia (*Acacia constricta*), and catclaw acacia (*Acacia greggii*).

### Sacaton Scrub Series (*Sporobolus wrightii* Association) Community:

This plant community occurs in a very limited area of the park along the San Juan Wash. Representative species include Sacaton (*Sporobolus wrightii*), seep willow (*Baccharis salicifolia*), graythorn (*Ziziphus obtusifolia*), white-thorn acacia (*Acacia constricta*), and catclaw acacia (*Acacia greggii*).

### *Simmondsia chinensis* - Mixed Scrub Association:

This community occurs in small patches on isolated north and east facing slopes in middle portions of the range. Jojoba (*Simmondsia chinensis*) is the predominant species in this community.

Two Pima County Priority Vulnerable Species are known to occur, or may occur, within Tucson Mountain Park. The Tumamoc globeberry (*Tumamoca macdougalii*) is known to be present within the park. The Pima pineapple cactus (*Coryphantha scherri* var. *robustispina*) has not been observed, but could potentially exist within the creosote flats in the southwestern portion of the site.

Over 100 invasive, non-native plant species have been observed within Tucson Mountain Park. These include species such as fountain grass (*Pennisetum setaceum*) introduced to the area for use in constructed landscapes. Also present are introduced range species such as buffelgrass (*Pennisetum ciliare*). Buffelgrass is a fire-prone grass introduced from the African savannah that grows in dense stands and crowds out native plants. It can provide the fuel needed for frequent and destructive fires.

### **2.6 Biological (Wildlife) Resources of the Park:**

Tucson Mountain Park supports a wide range of wildlife including large mammals, small mammals, birds, reptiles and amphibians. It would be possible for a visitor to the park to observe in the course of a single day large mammals (deer, coyote, javelina), small mammals (pack rats, mice, and bats), birds (hawks, owls, and songbirds), and reptiles (desert tortoise, Gila monsters, and rattlesnakes).

The presence of the Tucson Mountain Unit of Saguaro National Park adjacent to the site results in a 64 square mile area that can support diverse populations of various wildlife species. At the same time, urban growth in areas surrounding the park is effectively creating an island with restricted connections to other natural resource parks and preserves. The maintenance of viable linkages between the park and other preserved natural resource areas will be important to the long term success of certain wildlife populations currently present within the Park.



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## 2. Overview of Existing Conditions

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Several Pima County Priority Vulnerable Species are known to occur or may occur within Tucson Mountain Park. Bird species that may be present include the rufous-winged sparrow (*Aimophila carpalis*), the western burrowing owl (*Athene cunicularia hypugaea*), Swainson's hawk (*Buteo swainsonii*), the cactus ferruginous pygmy owl (*Glaucidium brasilianum cactorum*), Abert's towhee (*Pipilo aberti*), and Bell's vireo (*Vireo bellii*).

A priority vulnerable reptile species that is known to occur within the park is the Sonoran desert tortoise (*Gopherus agassizii*). Mammal species from this list that are known to occur or that potentially occur within Tucson Mountain Park include the Mexican long-tongued bat (*Choeronycteris mexicana*), the pale Townsend's big-eared bat (*Corynorhinus townsendii pallescens*), the lesser long-nosed bat (*Leptonycteris curasoae yerbabuenae*), the California leaf-nosed bat (*Macrotus californicus*), Merriam's mouse (*Peromyscus merriami*), and the Arizona shrew (*Sorex arizonae*).

Tucson Mountain Park is also an important element of Pima County's Sonoran Desert Conservation Plan (SDCP). The plan identifies the park as a multiple-use area within the County's Conservation Land System (CLS). Linkages between the park and other natural resource parks and preserves have been identified as important wildlife corridors.

### 2.7 Cultural Resources within the Park:

Tucson Mountain Park is located on the western side of the Santa Cruz River. Native populations have lived in the area for thousands of years and utilized the resources of the Tucson Mountains. Rock art sites, artifact scatters, quarries, and rock features (piles, circles, and linear features) are evidence of this prehistoric use.

Also present within Tucson Mountain Park are historic features that were constructed more recently. These include various structures, homesteads, ranches, ranch related features, mines, roads, Civilian Conservation Corps (CCC) sites, and Works Progress Administration (WPA) sites.

A total of 48 prehistoric and historic cultural resource sites have been recorded within Tucson Mountain Park. The full extent of the Park's prehistoric and historic features, however, is not known because only 25% of the land area within the current boundary of the park has been surveyed. Additionally, the quality of some of the early surveys is unknown, and the results of these early surveys have not been checked to confirm the status of the cultural resources.

### 2.8 Visual Resources of the Park:

The Sonoran Desert is a unique and particularly beautiful environment. It is characterized by dramatic landforms, unusual plants, and visual elements that are found in no other location on earth. Its iconic images, in many ways, define Tucson, Pima County and much of southern Arizona. Tucson Mountain Park is a repository of these unique features and iconic images. Collectively, they make the park a popular destination for visitors from the community, from across the United States, and from countries around the globe.

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## 2. Overview of Existing Conditions

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Some of the features that contribute to the visual quality of Tucson Mountain Park are:

1. Landforms (mountain peaks, ridges, cliffs, and outcrops)
2. Plant communities (saguaro forests, ironwood forests, riparian woodlands)
3. Specimen plants (saguaro, ocotillo, and prickly-pear)
4. Spaces of various scales (broad valleys, narrow canyons, winding arroyos)
5. Atmospheric / light conditions (summer monsoon season sunsets)
6. Rural / natural character (narrow roads, vegetation to the edge of pavement)
7. Limited development (very few, low profile buildings)
8. Facilities constructed with natural materials (stone walls, stone buildings)

All of these features contribute to the visual quality of Tucson Mountain Park.

An additional feature of Tucson Mountain Park's visual resources is its visual prominence. The peaks and upper elevations of the park are visible from throughout the Tucson basin. More than 1,000,000 area residents can potentially view portions of Tucson Mountain Park each day as they travel to and from various destinations within the metropolitan area.

While the park is generally undeveloped, there are a few existing features within and adjacent to the site that diminish the visual quality of Tucson Mountain Park. These include developed in-holdings, overhead utility lines, foothill residential developments, and communication towers. Some of these conditions can be eliminated over time, while others will likely continue for the foreseeable future.

Of greater concern is the scope of urban development surrounding the park, particularly to the west and southwest. Urban development is becoming a much more prominent feature of the landscape as viewed from the Gates Pass Overlook and other upper elevation sites within the park. Observing the region's spectacular sunsets from the Gates Pass Overlook has long been a popular activity. It is estimated that more than 200,000 people visit the overlook each year. Until recently, the view from the vantage point west of the overlook was of largely undisturbed natural desert. More and more the view is of residential subdivisions and rural homesteads.

### 2.9 Developed Public Use Facilities:

There are developed sites within the park that offer opportunities for public recreation. (See Figure 7-D). An overview of the scope and conditions of these public use facilities is as follows:

#### Gilbert Ray Campground:

The campground includes 130 RV spaces each with a 30 amp electrical hook-up, three tent spaces, three educational ramadas, picnic ramadas, centrally located rest room buildings, a dump station, and a registration building. The campground provides a unique opportunity for camping in a Sonoran Desert setting.

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## 2. Overview of Existing Conditions

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The electrical distribution system is in fair condition but the 30 amp services at the RV sites need to be upgraded to the current industry standard of 50 amp. Improvements to the water distribution system and sanitary sewage system are also required. The campground registration building is in poor condition and in need of replacement.

### Juan Santa Cruz Picnic Area:

The Juan Santa Cruz picnic area consists of a paved drive with pull-outs, picnic tables, three ramadas, and a restroom building. The ramadas are constructed of native stone and are of a style that is similar to many of the original CCC buildings constructed within the park. They are, however, in poor condition and in need of major renovation. The restroom building is only a few years old and is in good condition. The Juan Santa Cruz picnic area is adjacent to the Arizona-Sonora Desert Museum. There have been preliminary discussions between the Museum and Pima County related to the possible expansion of the museum into the area currently occupied by Juan Santa Cruz picnic area. Detailed plans for the possible expansion of the museum have not been finalized.

### Brown Mountain Picnic Area:

The Brown Mountain Picnic Area consists of a paved drive with pull-outs, two ramadas, and picnic tables. There are no restrooms at this site. The existing ramadas are in fair condition but in need of some renovation.

### Ironwood Picnic Area:

The Picnic Area consists of a paved drive with pull-outs, four ramadas, picnic tables and two restroom buildings. The existing ramadas are in fair condition but need some renovation. The restroom buildings have vault toilets without water service and are in generally good condition.

### Archery Range:

The Archery Range consists of a practice range with targets at distances of 20 to 70 yards. There are also three roving target or trail courses. Other improvements at the site include an unpaved access road, and unpaved parking lot, a large ramada, and a restroom building with potable water service. The ramada structure and the restroom building are in need of renovation.

### Rifle and Pistol Range:

The range is a bermed facility with shooting distances between 5 and 100 yards. A safety fan, 300 yards beyond the containment berm has been established, fenced, and signed in accordance with applicable standards. The noise levels emanating from the facility are monitored and are below the threshold decibel

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## 2. Overview of Existing Conditions

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level for facilities of this type as established by Arizona state statutes.

Other improvements at the rifle and pistol range include an unpaved entry drive, an unpaved parking lot, a large ramada, a small office building, and a vault toilet without water.

### Gates Pass Overlook:

The Gates Pass Overlook is a very popular park facility and is considered a premier vantage point for viewing spectacular desert sunsets. Improvements at the site include a paved entry drive, paved parking lots, accessible walkways, viewing areas, a restored look-out building, and a restroom with vault toilets and no water, and interpretive displays.

### G-3 Overlook:

The G-3 Overlook consists of a small, paved parking lot, a viewing area, and a few benches. The facility is sometimes used as an alternative overlook when the Gates Pass facility is full. The G-3 Overlook also serves as a trail access point.

### **2.10 The Park Trail System:**

In addition to developed sites, Tucson Mountain Park contains an extensive, multiple-use, non-motorized trail system. (See Figure 8-A). The park's trail system is used by an estimated 150,000 visitors per year.

The popularity of the trail system has not been without consequence. Users of the trail system have not only used the trails developed by the Pima County Natural Resources, Parks, and Recreation Department, they have developed new trails without authorization. Of the 100 miles of trails present within the park, only 62 miles have been evaluated by the Department and made a part of the park's official trail system. The remaining 38 miles of trail are wildcat trails.

Many of these wildcat trails are of poor quality, some extend into sensitive resource areas, and others are unnecessary duplications of parallel trails. The Pima County Natural Resources, Parks, and Recreation Department has begun the process of reviewing these wildcat trails with the intent of closing and revegetating those trails that are of poor quality or that are found to be detrimental to the park's natural and cultural resources.

### **2.11 Park Trailheads:**

As an adjunct to this trail system, there are several developed trailheads that provide for safe and legal public access to the park site. These trailheads are as follows:

#### Starr Pass Trailhead:

The Starr Pass Trailhead consists of a paved parking lot with 45 spaces and an area large enough to maneuver and park a truck with an equestrian trailer. The paving of the access road and various other improvements are needed.

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## 2. Overview of Existing Conditions

### 36<sup>th</sup> Street Trailhead:

The 36<sup>th</sup> Street Trailhead consists of a paved parking lot with approximately 20 parking spaces. The entry drive is equipped with a gate that can be closed to prevent vehicular access at night.

### Camino de Oeste Trailhead:

This recently renovated trailhead consists of an unpaved entry drive and a small unpaved parking lot. Expansion of the lot is not planned due to the constraints of land ownership and topography.

### King Canyon Trailhead:

The King Canyon Trailhead consists of an unpaved trailhead that is internal to Tucson Mountain Park. It provides access to certain trails, most of which are located within Saguaro National Park. It is proposed that this trailhead be closed and that a replacement trailhead be constructed in the vicinity of the existing site. The proposed relocation will enhance traffic safety at the point of entry from Kinney Road.

### Mile Wide Trailhead:

The Mile Wide Trailhead was constructed to serve the CAP Trail, but its proximity to Tucson Mountain Park allows for its occasional use by park visitors. It consists of a paved parking lot with adequate space for the parking of a truck with equestrian trailer.

### J.W. Marriott Resort Hotel Walk-In Entry:

Located near the hotel, this walk-in entry allows hotels guests and others to enter the park on-foot.

### Tucson Estates Walk-In Entry:

This walk-in entry is located north of the Tucson Estates subdivision. It provides for pedestrian and bicycle access to the park's trail system but does not include any motor vehicle parking spaces.

### Sarasota Trailhead (Planned):

The planned Sarasota Trailhead is located near the Tucson Estates subdivision and consists of two separate sites. The Sarasota (North) Trailhead will include parking spaces for standard automobiles. The Sarasota (South) Trailhead will include access drives and parking spaces for truck / equestrian trailer rigs.

### Explorer Trailhead (Planned):

The proposed Explorer Trailhead is located near Kennedy Park, a City of Tucson active recreation park. When developed, this trailhead will include a parking lot for both automobiles and trucks with equestrian trailers.

### **2.12 Park Roads:**

Two principal public roads are present within Tucson Mountain Park. Gates Pass Road provides public access from the City of Tucson and other

## 2. Overview of Existing Conditions

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communities to the east. Kinney Road bisects the park and provides a north-south route through the park. These park roads are maintained by the Pima County Department of Transportation.

The volume of traffic on Gates Pass Road and Kinney Road has increased significantly during the past decade. Current traffic volumes, and traffic volumes recorded ten years ago at the same location are as follows.

### Gates Pass Road at East Entry to Park:

- 2007 ADT ..... 4,400 Vehicles
- 1997 ADT ..... 2,400 Vehicles
- Percent Change ..... + 75%

### Kinney Road at South Entry to Park:

- 2007 ADT ..... 3,800 Vehicles
- 1997 ADT ..... 1,400 Vehicles
- Percent Change ..... + 171%

### Kinney Road at North Entry to Park:

- 2007 ADT ..... 2,900 Vehicles
- 1997 ADT ..... 2,200 Vehicles
- Percent Change ..... + 32%

Some of this traffic is being generated by visitors to the park but an estimated 45% of the overall traffic volume is not park related. In-park traffic that is not generated by facilities within Tucson Mountain Park consists of trips that use the park roads to get to and from destinations that are outside the park.

### 2.13 Utility Systems:

Utility systems have been constructed to serve the developments within the park. The Pima County Natural Resources, Parks, and Recreation Department (PCNRPR) operates a water system consisting of a well, water storage reservoirs, pump stations, and pipelines. This system provides water to the Arizona-Sonora Desert Museum, Old Tucson, the Gilbert Ray Campground, the Archery Range, and the Juan Santa Cruz Picnic Area.

There is no sanitary sewage collection system within the park. Sewage disposal at the various facilities within Tucson Mountain Park is addressed with on-site collection, treatment, and disposal facilities.

Commercial electric power is provided to the site by the Trico Electric Cooperative. Overhead power lines extend power to the ASDM, Old Tucson, the Gilbert Ray Campground, and a few other park facilities. Overhead power lines also extend through the park to the communication towers on Tower Peak.

Qwest provides telephone service to the park with an underground system that follows the Kinney Road corridor.

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## 2. Overview of Existing Conditions

### 2.14 Leased Facilities within the Park:

There are three leased facilities within the park, the Arizona-Sonora Desert Museum, Old Tucson Studios, and Sonoran Arthropods Studies Inc.

#### Arizona-Sonora Desert Museum:

Established in 1952, the Arizona-Sonora Desert Museum (ASDM) is a world renown facility with exhibits and programs that present and interpret the natural and cultural resources of the Sonoran Desert. It is located on 95 acres of land near the northern boundary of Tucson Mountain Park. The Museum's collections include:

- 106 mammals of 31 taxa
- 241 birds of 72 taxa
- 361 reptiles of 86 taxa
- 122 amphibians of 234 taxa
- 840 arthropods of 78 taxa
- 40,000 plant specimens representing 1,300 species
- 14,095 gem, mineral, and fossil specimens

The Museum attracts approximately 445,000 visitors each year. It's mission to preserve, protect, and interpret the unique resources of the Sonoran Desert makes it a compatible use within Tucson Mountain Park.

The current lease agreement between Pima County and the Arizona-Sonora Desert Museum extends through 2028. A key provision of these lease requires Pima County to supply a specified volume of water to the site each year.

#### Old Tucson Studios:

Old Tucson Studios was established in 1939 and used for several decades as a movie production facility that took advantage of the park's spectacular natural setting. The facility occupies a 180 acre site near the intersection of Gates Pass Road and Kinney Road. Much of the original facility was destroyed in a fire in 1995. The facilities were rebuilt shortly thereafter, but as an old western town theme park.

Old Tucson sponsors several events each year and attracts approximately 230,000 visitors annually. The current lease between Pima County and Old Tucson extends through 2023. Pima County is required by the lease agreement to provide a specified volume of potable water to the Old Tucson Studio site.

#### Sonoran Arthropods Studies Inc. (SASI):

The Sonoran Arthropods Studies Inc. (SASI) occupies a group of small buildings near the center of the park. The organization conducts research related to Sonoran Desert arthropods and sponsors a limited number of public outreach

**2. Overview of Existing Conditions**

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programs. The number of participants in these programs is limited to a few hundred per year. The current lease between Pima County and SASI extends through 2009.

**2.15 Public Use of Tucson Mountain Park:**

It is estimated that 2,500,000 people visit or drive through Tucson Mountain Park annually. Of this total, approximately 1,400,000 enter the park to visit or use park facilities. The balance use the park’s road system to travel from off-site points of origin to off-site destinations.

The approximate number of visitors traveling to various park destinations is as follows:

|                                                            |                        |
|------------------------------------------------------------|------------------------|
| Arizona-Sonora Desert Museum . . . . .                     | 445,000 per year       |
| Old Tucson Studios . . . . .                               | 230,000 per year       |
| Other Pima County operated Facilities and Trails . . . . . | 725,000 per year       |
| <br>Total . . . . .                                        | <br>1,400,000 per year |

An approximate breakdown of the 725,000 individuals who visit Pima County-operated park facilities or who travel to the park to work or volunteer at the leased facilities is as follows:

|                                                      |                      |
|------------------------------------------------------|----------------------|
| Overlooks and Pull-Out Users . . . . .               | 415,000 per year     |
| Hikers and Trail Runners . . . . .                   | 105,000 per year     |
| Mountain Bicyclists . . . . .                        | 50,000 per year      |
| Overnight Campers (Gilbert Ray Campground) . . . . . | 34,000 per year      |
| Road Bicyclists . . . . .                            | 22,000 per year      |
| Picnickers . . . . .                                 | 22,000 per year      |
| Rifle / Pistol Range Users . . . . .                 | 5,000 per year       |
| Equestrians . . . . .                                | 4,900 per year       |
| Archery Range Users . . . . .                        | 2,900 per year       |
| Hunters (Archery only) . . . . .                     | 1,200 per year       |
| S.A.S.I. Program Participants . . . . .              | 200 per year         |
| Leased Facility Employees and Volunteers . . . . .   | 18,000 per year      |
| <br>Total . . . . .                                  | <br>725,000 per year |

**2.16 Park Administration and Staffing:**

Park operations and management are currently coordinated by the PCNRPR Department’s Natural Resource Park Superintendent. He is supported by a Park Manager.

On-site staff consists of five full-time employees and seasonal employees that are the equivalent of one full-time employee. These employees are responsible for operating and maintaining the facilities and infrastructure associated with the park’s developed sites. Volunteers also make up part of the workforce.



## **2. Overview of Existing Conditions**

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The Department's off-site shops and trades support staff are resources that are used from time to time to operate and maintain Tucson Mountain Park. A unit of the Pima County Sheriff's Department provides law enforcement within the park.

At the present time, there are no park staff members specifically assigned to resource management / monitoring or back-country patrol.

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### 3. Biological Resource Management

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- 3.1 Management Objectives:** Tucson Mountain Park will be managed with the objective of preserving and enhancing the biological resources of the park as a healthy, discrete Sonoran Desert ecosystem and as part of Pima County’s overall conservation land system.
- 3.2 Policies Related to Biological Resource Management:** It shall be the policy of the Pima County Natural Resources, Parks, and Recreation Department to:
- Support actions by Pima County, other jurisdictions, and resource management agencies that maintain, enhance, and expand biological connections between Tucson Mountain Park and other natural resource areas, parks, and preserves.
  - Accommodate a wide range of public uses within Tucson Mountain Park while concurrently restricting activities, participation levels, and use areas so as to prevent the long-term degradation of the park’s biological resources.
  - Utilize sites at or near the perimeter of the park for moderate and high intensity recreational activities and to use these perimeter sites to buffer the park’s core area from adjacent urban development.
  - Operate and manage the park as required to comply with federal, state, and local mandates related to the protection of special status plant and animal species.
  - Conduct park-specific biological resource monitoring as outlined herein and as recommended by broader Pima County Ecological Monitoring Program (EMP).
  - Support the development and implementation of programs and projects intended to eliminate invasive, non-native, noxious species from the park and to revegetate and restore previously disturbed park areas to a natural condition.
  - Support programs and projects that will reduce or mitigate the negative impacts of urban development surrounding Tucson Mountain Park on the park’s biological resources.
- 3.3 Planned Actions:** The following actions related to the management of Tucson Mountain Park’s biological resources are planned.
- Implement the site / species specific biological resource monitoring program as outlined herein.
  - Participate in the implementation of those elements of the overall Pima County Ecological Monitoring Program (EPM) that relate to Tucson Mountain Park.

### 3. Biological Resource Management

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- Conduct an annual resource management workshop with representatives of the Arizona Game and Fish Department, Saguaro National Park, the Bureau of Land Management, the Bureau of Reclamation, and other resource management agencies to coordinate resource conservation and management activities.
- Conduct field assessments of all unauthorized trails within the park and make a determination as to which of these trails will be retained and which of the trails will be eliminated from the park's trail system.
- Conduct an on-going program to close and revegetate social / wildcat trails that are to be eliminated from the park's trail system.
- Construct the new trails proposed for the Robles Pass Trails Park and other perimeter areas to reduce demand for trails within the park's core area.
- Conduct periodic reconnaissance surveys and prepare maps that identify the presence, scope, and location of non-native and invasive species populations.
- Continue to support the Sonoran Desert Weed Wackers and other volunteer organizations with training, equipment, and logistical support as needed to conduct invasive species removal programs within Tucson Mountain Park.
- Repair existing fences and install new fences as required to minimize trespass and illegal off-highway vehicle (OHV) operation within the park.
- Work with the Pima County Department of Transportation to develop and implement strategies for mitigating the impacts of motor vehicle traffic within the park that is not related to park visitation.
- Construct the traffic calming, traffic safety improvements along Kinney Road and Gates Pass Road as recommended by this Management Plan.
- Work with the Pima County Development Services Department to review development proposals associated with lands adjacent to or near the park to evaluate their compatibility with, or impacts on, the park's biological resources.
- Work with the Pima County Development Services Department to review development proposals within Sonoran Desert Conservation Plan (SDCP) designated corridors that connect Tucson Mountain Park with other natural areas and evaluate the need for dedicated natural open-space corridors within the proposed developments.

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### 3. Biological Resource Management

- Install gates on the entries to caves and mine shafts as needed to protect bat roosts and to eliminate potential hazards to the safety of wildlife and park users.
- Fill-in or modify mine shafts that do not have habitat value and that create a potential hazard to wildlife and park users.
- Maintain the wildlife watering guzzlers and minimize the public's use of park areas that are in the vicinity of these features.
- Continue to work with the Pima County Sheriff's Department to enforce State Statutes, Pima County Ordinances, and Pima County park rules related to:
  - The collection and release of plants and animals within the park
  - The protection of Tucson Mountain Park's natural resources
  - The prohibition related to domestic animals / pets within the park
  - Archery hunting and the use of firearms within the park
- Amend the existing Pima County park rules to require that trail users remain on designated trails or obtain a permit for off-trail activities.

#### 3.4 Framework for Biological Resource Monitoring:

It is recommended that a biological resource monitoring program be implemented at Tucson Mountain Park to assist in the on-going management of park resources and to contribute to the overall Pima County Ecological Monitoring Program (EPM). It is recommended that the Tucson Mountain Park monitoring program include the following elements.

- Site Specific Monitoring
- Species Specific Monitoring
- Landscape Level Monitoring
- Collaborative Monitoring Efforts

The activities associated with each of these elements are described below.

### 3. Biological Resource Management

| SITE SPECIFIC MONITORING: |                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Activity:</b>          | <b>Repeat Photography</b>                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Frequency:                | Annual                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Description:              | Activity involves photographing specific sites within the park to document changes over time. Site should include high activity zones near public use areas, restored / revegetated areas, invasive species eradication sites, and similar areas. UTM coordinates for photo sites should be recorded and used for repeat photography. File to be established at NRP&R Department to allow for periodic review / comparison of photos taken from the same location. |
| Adaptive Response:        | Sites where the degradation of resources is observed to be added to priority list for restoration. If appropriate, public use restrictions or the closure of the subject area may be implemented.                                                                                                                                                                                                                                                                  |
|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Activity:</b>          | <b>Inspection of Special Habitat Features</b>                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Frequency:                | Annual                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Description:              | Activity involves field reconnaissance to check the condition of special habitat features such as wildlife guzzlers and bat caves. Human disturbance and/or other modifications to these sites to be recorded.                                                                                                                                                                                                                                                     |
| Adaptive Response:        | Sites where the degradation of resources is observed to be added to a priority list for restoration and/or other remedial work. If appropriate, public use restrictions or the closures of the subject area may be implemented.                                                                                                                                                                                                                                    |
|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Activity:</b>          | <b>Inspection of Invasive Species Eradication Sites</b>                                                                                                                                                                                                                                                                                                                                                                                                            |
| Frequency:                | Annual                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Description:              | Activity involves field reconnaissance and the inspection of a sample set of sites where invasive species have been removed from the site to determine if additional eradication work is needed.                                                                                                                                                                                                                                                                   |
| Adaptive Response:        | Areas where stands of invasive species have reestablished shall be added to list of priority sites for on-going eradication work.                                                                                                                                                                                                                                                                                                                                  |

### 3. Biological Resource Management

| SPECIES SPECIFIC MONITORING |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Activity:</b>            | <b>Monitoring of Indicator Plant and Wildlife Species</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Frequency:                  | Periodic (at 1 to 10 year intervals, as appropriate)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Description:                | Activity involves periodic studies to document changes in the population and/or health of plant and wildlife species in the park. Species recommended for monitoring are the saguaro cactus and the desert tortoise. Monitoring of saguaro to follow protocols established for on-going saguaro monitoring program at Saguaro National Park (Turner and Funicelli 2000). Protocols for monitoring of desert tortoise to be established by the Pima County Natural Resources, Parks, and Recreation Department in conjunction with the Arizona Game and Fish Department (AGFD) and/or others. |
| Adaptive Response:          | If significant changes in population are observed, initial response shall be an attempt to isolate and identify cause (or causes) of change. If human caused, appropriate changes in public use rules and regulations will be identified and implemented.                                                                                                                                                                                                                                                                                                                                    |
| <b>Activity:</b>            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                             | <b>Monitoring of Pima County Priority Vulnerable Species</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Frequency:                  | As identified by Pima County Ecological Monitoring Program (EPM)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Description:                | Activity involves the on-going monitoring and/or implementation of special studies related to Pima County Priority Vulnerable Species and/or other special status species as may be identified by the Pima County Ecological Monitoring Program.                                                                                                                                                                                                                                                                                                                                             |
| Adaptive Response:          | Response to findings to be as identified by the Pima County Ecological Monitoring Program and as coordinated with, and approved by, the Pima County Natural Resources, Parks, and Recreation Department.                                                                                                                                                                                                                                                                                                                                                                                     |

### 3. Biological Resource Management

| LANDSCAPE LEVEL MONITORING |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Activity:</b>           | <b>Invasive Species Mapping</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Frequency:                 | Annual Updates                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Description:               | Activity involves field reconnaissance and the mapping of park areas that have become infested with buffelgrass. Maps to be created in digital format for incorporation into the Pima County GIS database. The mapping of other invasive species should also be conducted, as appropriate.                                                                                                                                                                                                                                      |
| Adaptive Response:         | Maps to be used to establish priorities for eradication work and to document changes in the range of invasive species over time. Maps also to be used in conjunction with on-going field work related to the eradication effort.                                                                                                                                                                                                                                                                                                |
| <hr/>                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Activity:</b>           | <b>Establishment / Survey of Vegetative Conditions Within Designated Plots and/or Transects</b>                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Frequency:                 | Periodic (at 1 to 10 year intervals, as appropriate)                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Description:               | Representative plots and/or transects to be identified and marked (with permanent field markings and the recording of the coordinates associated plot / transect limits). Once established, the monitoring of annual and perennial plants to be conducted at appropriate intervals. The use of protocols currently being used at Saguaro National Park is recommended.                                                                                                                                                          |
| Adaptive Response:         | To be identified as changes and trends are observed over time.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <hr/>                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Activity:</b>           | <b>Comprehensive Flora and Vertebrate Fauna Inventory</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Frequency:                 | To be developed over a period of several years                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Description:               | Activity involves the compilation of a comprehensive inventory of flora and vertebrate fauna in park as baseline data. Work should be modeled on the repeatable study designs and standardized field methods utilized by the Plant and Vertebrate Inventory of Saguaro National Park, Tucson Mountain District (Powell et. al. 1996). Floral inventory work should specifically target areas within the park that were not well documented in the Annotated Flora and Vegetation of the Tucson Mountains (Rondeau et. al. 1996) |

### 3. Biological Resource Management

| COLLABORATIVE MONITORING EFFORTS    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Activity:</b>                    | <b>Inter-Agency Monitoring Workshop</b>                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Frequency:                          | Annual                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Description:                        | Activity involves an annual workshop to review new monitoring activities, on-going efforts, and specific project results related to the biological resources of the park, the Tucson Mountains, and adjacent areas. Potential participants include the U.S. Fish and Wildlife Service, National Park Service, Bureau of Land Management, Arizona Game and Fish Department, the Desert Laboratory at Tumamoc Hill, the University of Arizona, and Arizona-Sonora Desert Museum. |
| OTHER MONITORING RELATED ACTIVITIES |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Activity:</b>                    | <b>Establishment and Operation of Weather Station</b>                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Frequency:                          | Operation of weather station to be on-going                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Description:                        | It is recommended that a weather station be constructed and maintained at the proposed new Visitor Contact Station. The data collected at this station to be used in conjunction with the results from other monitoring activities to identify potential relationships between weather conditions (drought, temperature extremes, etc.) and the observed condition of the park's biological resources.                                                                         |

#### 3.5 Funding and Staffing Needed for Biological Resource Monitoring:

The assignment of new staff to Tucson Mountain Park, as recommended herein, and the appropriation of needed funds will be essential to the implementation of the monitoring program outlined above. The Pima County Natural Resources, Parks, and Recreation Department will engage in monitoring activities at intervals and frequencies that can be supported by available staff and project / program funding.

#### References Cited:

Powell, B., W. Halvorson, C. Schmidt. 2006. Plant and vertebrate inventory of Saguaro National Park, Tucson Mountain District Final Report. Sonoran Desert Research Station and School of Natural Resources, University of Arizona, Tucson, Arizona. 108 pp.

Rondeau, R., T. R. Van Devender, C. D. Bertelsen, P. Jenkins, R. K. Wilson, and M. A. Dimmit. 1996. Annotated Flora and Vegetation of the Tucson Mountains, Pima County, Arizona. *Desert Plants* 12 (2). 47 pp.

Turner, D.S., and C.S. Funicelli. 2000. Ten-year resurvey of epidermal browning and population structure of saguaro cactus (*Carnegiea gigantea*) in Saguaro National Park, Arizona. Technical Report No. 69, U.S. Geological Survey, Sonoran Desert Field Station, Tucson, AZ. 29 pp.



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## 4. Cultural Resource Management

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- 4.1 Management Objectives:** Tucson Mountain Park will be managed with the objective of preserving, protecting, and where appropriate interpreting the cultural resources present within Tucson Mountain Park.
- 4.2 Policies Related to Cultural Resource Management:** It shall be the policy of the Pima County Natural Resources, Parks, and Recreation Department to:
- Operate and manage the park as required to comply with all federal, state, and local mandates related to the protection of cultural resources.
  - Encourage and support on-going research by qualified professionals related to archaeological sites and historic properties within Tucson Mountain Park.
  - Conduct cultural resource surveys in conjunction with future park development and improvement projects.
  - Support the development and implementation of educational and interpretive programs related to the park's cultural, biological and physical resources.
  - Periodically monitor known cultural resource sites to determine their condition.
- 4.3 Planned Actions:** The following actions related to the management of Tucson Mountain Park's cultural resources are planned.
- Conduct a park-wide cultural resource sample survey to establish priorities for subsequent, more detailed surveys.
  - Conduct cultural resource surveys along the park's authorized trail corridors and make adjustments to the trail system when conflicts with cultural resources are identified.
  - Conduct cultural resource surveys in conjunction with all new park development projects and design these projects in a manner that protects the subject resources.
  - Collaborate with the Pima County Cultural Resources Office and others as required to establish and implement a monitoring program utilizing trained volunteers from the Arizona Site Steward Program.
  - Assist the Pima County Cultural Resources Office with an evaluation of the CCC and WPA era structures within the park (and within the Tucson Mountain Unit of Saguaro National Park) to determine if these resources are eligible for nomination to the National Register of Historic Places as a Historic Landscape.

## 4. Cultural Resource Management

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### 4.4 Scope of Proposed Sample Survey

It is recommended that the scope of the cultural resources sample survey include the following.

- Examination of previously recorded sites to determine and document their current condition.
- Re-recording of known sites (where appropriate) to update the site descriptions based on observed field conditions and contemporary standards for documenting the subject resource.
- A general examination of areas proposed for new development, such as the proposed Visitor Contact Station site.
- Examination of trail segments within and near known sites to evaluate the potential impact of trail use on the subject cultural resources.
- Identification of park areas not previously surveyed with physical features and conditions likely to support cultural resource sites, and an examination of some of these areas.
- Recommendations for follow-up, phased, targeted cultural resource survey work, as appropriate.

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## 5. Visual Resource Management

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### 5.1 Management Objectives:

Tucson Mountain Park will be managed with the objective of protecting and enhancing the visual resources associated with Tucson Mountain Park including views internal to the park, off-site vistas as seen from prominent vantage points inside the park, and views of the park from external vantage points in the region.

### 5.2 Policies Related to Visual Resource Management:

It shall be the policy of the Pima County Natural Resources, Parks, and Recreation Department to:

- Protect the natural landforms, vegetation, and other features of Tucson Mountain Park that contribute to the visual quality of the site.
- Construct new park facilities and improve existing park facilities in a manner that minimizes the visual impact of the subject development when viewed from on-site and off-site vantage points.
- Actively oppose the construction of above-ground utility lines, communication towers, highways, large structures, and infrastructure improvements within, or in the vicinity of, the site that will diminish the visual resources associated with Tucson Mountain Park.
- Consider visual resource protection when evaluating potential land acquisitions and park expansion.

### 5.3 Planned Actions:

The following actions related to the management of Tucson Mountain Park's visual resources are planned.

- Actively participate in the review of feasibility studies, alignment studies, and other documents related to new pipelines, transmission lines, and regional infrastructure improvements proposed for areas within or near Tucson Mountain Park to determine their potential impact on the visual resources of the park.
- Work with the Pima County Development Services Department to review the plans for proposed new developments in the vicinity of the park to determine their impact on the visual resources of Tucson Mountain Park.
- Design and construct new or renovated park facilities in a manner that protects and enhances the visual resources associated with Tucson Mountain Park.
- Periodically implement clean-up, restoration, and revegetation projects as may be needed to restore the visual quality of disturbed sites within Tucson Mountain Park.

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## 6. Physical Resource Management

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- 6.1 Management Objectives:** Tucson Mountain Park will be managed with the objective of preserving, without degradation, the soils, geologic features, and water resources present within Tucson Mountain Park.
- 6.2 Policies Related to Physical Resource Management:** It shall be the policy of the Pima County Natural Resources, Parks, and Recreation Department to:
- Develop and use the park site in a manner that conserves the soil resources present on the site and that minimizes soil erosion.
  - Develop and use the park site in a manner that preserves the natural character of the geologic formations and surface rock features present within the park.
  - Operate the park in a manner that protects surface water quality, natural surface water drainage patterns, and opportunities for ground water recharge within the park.
  - Prohibit the removal of minerals from the ground surface and the subsurface mining of minerals within the park.
  - Actively participate in the review of all proposals related to mineral extraction on lands adjacent, or in close proximity, to the park site.
  - Require that all new facilities, roadways, utilities, and infrastructure improvements constructed within the park be designed in a manner that will prevent visible excavations, large fill slopes, and exposed rock cut-slopes.
  - Actively participate in the review of development proposals for areas adjacent or near the site to determine their potential impact on the physical resources of Tucson Mountain Park.
- 6.3 Planned Actions:** The following actions related to the management of Tucson Mountain Park's physical resources are planned.
- Review all new construction and park development projects relative to their potential impact on the park's physical resources and require that these impacts be minimized and/or mitigated.

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## 7. Public Use Facilities

### 7.1 Introduction:

The picnic areas, shooting ranges, and overlooks within Tucson Mountain Park get extensive public use. Facilities at some of these sites date back more than half a century. Others were constructed more recently. All continue to be valuable recreational resources for the community.

Improvements of some type and scope are needed at most of the existing public use facilities within the park. These improvements are necessary to bring the facilities up to reasonable contemporary standards and to meet applicable codes, statutes, and other regulations.

Missing from Tucson Mountain Park is a central facility where visitors can get information about the park, where they can make contact with a park employee, and where they can report observed violations of park rules and regulations. A small Visitor Contact Station is planned to correct this existing deficiency.

### 7.2 Management Objective:

Tucson Mountain Park will be managed with the objective of providing the public with developed facilities that accommodate a range of uses and activities that are appropriate for the park's natural resource setting, that are safe, and that can be conducted without degradation of the park's biological, cultural, visual, or physical resources.

### 7.3 Policies Related to Public Use:

It shall be the policy of the Pima County Natural Resources, Parks, and Recreation Department to:

- Provide and maintain trails, picnic areas, overlooks, roadside pull-outs, and other recreational facilities within Tucson Mountain Park that are available for public use without fee.
- Provide and maintain certain developed facilities within the park, including but not limited to: a campground, a shooting range, and an archery range, that are available for public use upon payment of a designated user fee.
- Consider and allow under certain circumstances the use of the park for special events and activities provided that such events and activities do not result in damage to the park's resources, do not create unsafe conditions, do not preclude or hinder normal park operations, and that do not unduly restrict general public use of the park, as determined by the Natural Resources, Parks, and Recreation Department. A user fee shall be charged for approved special events and activities.
- Prohibit all public use of the park for activities that may result in damage to the park's resources, that may create unsafe conditions, that may preclude or hinder normal park operations, or that may unduly restrict general public use of the park, as determined by the Natural Resources, Parks, and Recreation Department.

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## 7. Public Use Facilities

### 7.4 Planned Actions:

The following actions related to the public's use of Tucson Mountain Park are planned.

- Construction of a new Visitor Contact Station where park users can; obtain information related to park facilities, obtain information related to park rules and regulations, and where users can report observed violations and/or hazardous conditions to Park staff.
- Operate, maintain, and construct as-needed improvements to the existing system of picnic areas, overlooks, roadside pull-outs and other recreational facilities that are available for public use free-of-charge. (Proposed improvements shall be as outlined herein).
- Continue to operate, maintain, and construct as-needed improvements to the campground, shooting range, archery range, and other park facilities that are available to the public on a fee-for-use basis. (Proposed improvements shall be as outlined herein).
- Continue to utilize the special activity / event application form that, when completed, provides the Department with sufficient information related to scope, character, and potential impacts of proposed special activity or event.
- Conduct reviews of all special activity and event proposals based on the various provisions of this Management Plan and issue a timely decision of approval or denial in response to each proposal.
- Collaborate with the Pima County Sheriff's Department to enforce all Pima County park system rules and regulations and all Tucson Mountain Park site specific rules and regulations as they relate to the public's use of the park.
- Periodically update the rules and regulations pertaining to the public's use of the park as deemed necessary and appropriate by the Natural Resources, Parks, and Recreation Department and the Pima County Parks Commission.

## 7. Public Use Facilities

### 7.5 New Visitor Contact Station:

It is proposed that a new Visitor Contact Station be constructed at a site near the intersection of Kinney Road and McCain Loop Road. This facility is needed to provide a location where park users can; obtain information related to park facilities, obtain information related to park use rules and regulations, and report observed violations and/or hazardous conditions to park staff.

The proposed Visitor Contact Station will also create a location where interpretive and educational programs can be conducted and/or staged. These programs may be developed and conducted by Pima County staff but may also be presented in partnership with the Arizona-Sonora Desert Museum and/or Saguaro National Park.

The proposed Visitor Center is intended to complement and work in concert with existing facilities and on-going programs at the Desert Museum and at the Saguaro National Park Red Hills Visitor Center.

#### Recommended Improvements:

|                              |                                                                                                                                |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| SITE DEVELOPMENT             |                                                                                                                                |
| x                            | Modify Kinney Road / McCain Loop Road intersection as traffic calming measure and to provide access to Visitor Contact Station |
|                              | Construct paved entry drive and parking lot                                                                                    |
| BUILDINGS AND STRUCTURES     |                                                                                                                                |
|                              | Construct new Visitor Contact Station as illustrated in Figure 7-A                                                             |
|                              | Construct new interpretive / educational plaza as illustrated in Figure 7-A                                                    |
| UTILITIES AND INFRASTRUCTURE |                                                                                                                                |
|                              | Extend water service to new Visitor Contact Station                                                                            |
|                              | Construct septic system for Visitor Contact Station wastewater treatment                                                       |
|                              | Extend electrical service to new Visitor Contact Station                                                                       |
|                              | Extend telephone service to new Visitor Contact Station                                                                        |
| OTHER IMPROVEMENTS           |                                                                                                                                |
|                              | Construct interpretive trail originating at Visitor Contact Station                                                            |
|                              |                                                                                                                                |
|                              |                                                                                                                                |

x Indicates high priority improvement

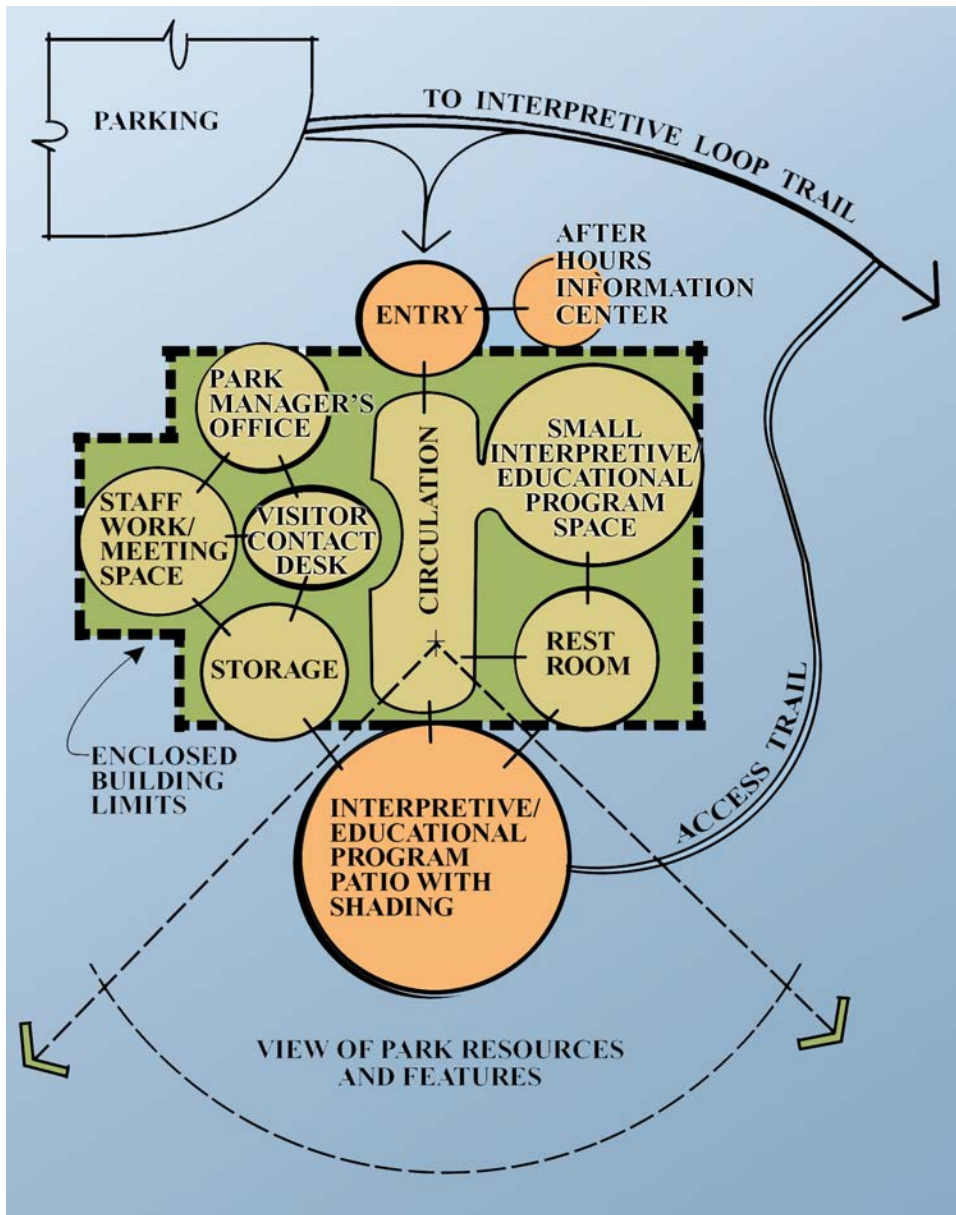


Figure 7-A: Visitor Contact Station Diagram



## 7. Public Use Facilities

### 7.6 Gilbert Ray Campground:

The Gilbert Ray Campground continues to be a valued recreational resource that provides users with an opportunity to camp in a natural Sonoran Desert setting. It also complements the facilities at the Tucson Mountain Unit of Saguaro National Park which does not have a campground.

#### Recommended Improvements:

|                              |                                                                                                                                      |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| SITE DEVELOPMENT             |                                                                                                                                      |
|                              | Seal cracks and slurry-seal campground roads                                                                                         |
|                              | Construct islands in registration building parking lot to provide screening and organize traffic circulation and vehicle parking     |
| BUILDINGS AND STRUCTURES     |                                                                                                                                      |
| x                            | Replace existing Registration Building w/ new structure. See Figure 7-B.                                                             |
|                              | Repair, renovate, or replace each of 4 ramadas at Camp Host Area.                                                                    |
|                              | Restore CCC era Generator Building as interpretive site                                                                              |
|                              | Make as-needed repairs to restroom near Registration Building                                                                        |
|                              | Make as-needed repairs to restroom buildings in A-Loop and C-Loop                                                                    |
|                              | Remove old restroom building                                                                                                         |
| UTILITIES AND INFRASTRUCTURE |                                                                                                                                      |
|                              | Replace potable water distribution system                                                                                            |
|                              | Make as-needed repairs to dump station and sewage lagoon as required to maintain compliance with ADEQ and other applicable standards |
|                              | Replace overhead electrical line to camp host area with an underground service                                                       |
|                              | Replace electrical distribution system and install new 50A electrical pedestals at all RV sites                                      |
| OTHER IMPROVEMENTS           |                                                                                                                                      |
|                              | Relocate tent sites to be further away from road                                                                                     |
| x                            | Construct new campground entry monument sign                                                                                         |
|                              | Construct screen wall to enclose dumpster in C-Loop                                                                                  |
|                              | Install concrete slab at all A-Loop and C-Loop Picnic Tables                                                                         |

x Indicates high priority improvement.

7. Public Use Facilities

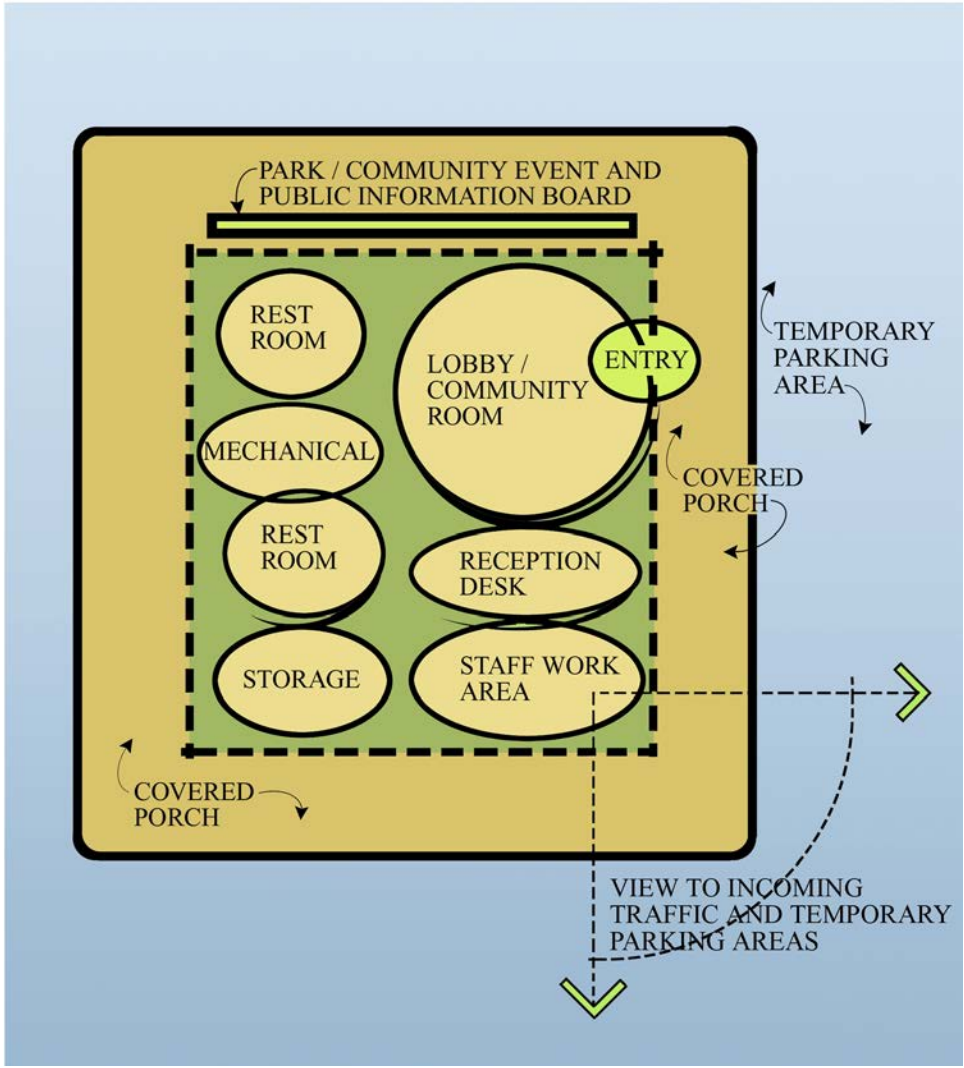


Figure 7-B: New Campground Registration Building Diagram

## 7. Public Use Facilities

### 7.7 Juan Santa Cruz Picnic Area:

The Juan Santa Cruz Picnic Area is extensively used, in part due to its proximity to the Arizona-Sonora Desert Museum. Many visitors to the museum plan a picnic as part of their trip but picnicking is not allowed within the museum grounds. The Juan Santa Cruz Picnic Area is a convenient and desirable alternative location for this activity. Included at this site are ramadas and picnic tables that were developed in the 1960's and are now half a century old.

This picnic facility is located in an area where future Arizona-Sonora Desert Museum expansion might occur. If the museum does expand into this site, it is essential that a comparable picnic area be constructed in the immediate vicinity. The salvage and reconstruction of the existing ramada structures should be part of the relocation project.

#### Recommended Improvements:

|                              |                                                                                                          |
|------------------------------|----------------------------------------------------------------------------------------------------------|
| SITE DEVELOPMENT             |                                                                                                          |
|                              | Seal cracks and slurry seal picnic area drive and parking areas                                          |
| BUILDINGS AND STRUCTURES     |                                                                                                          |
|                              | Preserve rock work, reconstruct Ramada No. 1 with new roof structure, new roof deck, and new floor slab. |
|                              | Preserve rock work, reconstruct Ramada No. 2 with new roof structure, new roof deck, and new floor slab. |
|                              | Preserve rock work, reconstruct Ramada No. 3 with new roof structure, new roof deck, and new floor slab. |
|                              | Make as-needed repairs to restroom building                                                              |
| UTILITIES AND INFRASTRUCTURE |                                                                                                          |
|                              | Connect water system to new main in Kinney Road. Renovate on-site water distribution system as-needed.   |
| OTHER IMPROVEMENTS           |                                                                                                          |
| x                            | Construct new Picnic Area Monument Sign at entry                                                         |
| x                            | Install new Park Rules and Regulations sign with Trail Map                                               |
|                              | Repair and/or replace picnic tables No. 1 through No. 6 and related improvements as-needed               |
| x                            | Make provisions to handicapped access to picnic sites / tables                                           |

x Indicates high priority improvement.

## 7. Public Use Facilities

### 7.8 Brown Mountain Picnic Area:

The Brown Mountain Picnic Area consists of a drive that parallels Kinney Road with pull-out parking spaces and picnic sites. The picnic sites include picnic tables and a ramada. The ramada structures were constructed by Youth Conservation Corps crews in 1976. There are no restrooms at the Brown Mountain Picnic Area.

#### Recommended Improvements:

|                              |                                                                                                                                             |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| SITE DEVELOPMENT             |                                                                                                                                             |
|                              | Seal cracks and slurry seal picnic area drive and parking areas                                                                             |
|                              |                                                                                                                                             |
| BUILDINGS AND STRUCTURES     |                                                                                                                                             |
|                              | Add new floor slab. Repair rock work, make as-needed structural repairs, replace asphalt felt roof with new metal roof deck at Ramada No. 1 |
|                              | Add new floor slab. Repair rock work, make as-needed structural repairs, replace asphalt felt roof with new metal roof deck at Ramada No. 2 |
|                              | Add new floor slab. Repair rock work, make as-needed structural repairs, replace asphalt felt roof with new metal roof deck at Ramada No. 3 |
|                              |                                                                                                                                             |
| UTILITIES AND INFRASTRUCTURE |                                                                                                                                             |
|                              | Provide water line stub-out in new irrigation main in Kinney Road for potential future use at picnic area                                   |
|                              |                                                                                                                                             |
| OTHER IMPROVEMENTS           |                                                                                                                                             |
| x                            | Construct new Picnic Area Monument Sign at entry                                                                                            |
| x                            | Install new Park Rules and Regulations sign with Trail Map                                                                                  |
| x                            | Make provisions for handicapped access to picnic sites / tables                                                                             |
|                              |                                                                                                                                             |

x Indicates high priority improvement.

Note: New restroom building not recommended for Brown Mountain Picnic Area due to the small number of picnic sites and its proximity to the proposed Visitor Contact Station which will have public restrooms. These restrooms will be open during hours when picnic area is typically in use.

## 7. Public Use Facilities

### 7.9 Ironwood Picnic Area:

The location of the Ironwood Picnic Area, close to Old Tucson Studios and close to the southern entrance to the park, make it a popular day-use facility. The picnic area has two restroom buildings with vault toilets. There is no existing water service to this site. The ramadas at this site were constructed by Youth Conservation Corps crews in 1978.

#### Recommended Improvements:

|                              |                                                                                                                                                                                                     |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SITE DEVELOPMENT             |                                                                                                                                                                                                     |
|                              | Seal cracks and slurry seal picnic area drive and parking areas                                                                                                                                     |
| BUILDINGS AND STRUCTURES     |                                                                                                                                                                                                     |
|                              | Make as-needed structural and roof repairs and add new floor slab at Ramada No. 1                                                                                                                   |
|                              | Make as-needed structural and roof repairs and add new floor slab at Ramada No. 2                                                                                                                   |
|                              | Make as-needed structural and roof repairs and add new floor slab at Ramada No. 3                                                                                                                   |
|                              | Make as-needed structural and roof repairs and add new floor slab at Ramada No. 4                                                                                                                   |
|                              | Make as-needed repairs to restroom buildings 1 and 2                                                                                                                                                |
| UTILITIES AND INFRASTRUCTURE |                                                                                                                                                                                                     |
|                              | Extend water service to site terminating in the vicinity of the restroom buildings. Construct exterior hand-wash sinks at each rest room. (Retrofitting of existing restroom fixtures not proposed) |
| OTHER IMPROVEMENTS           |                                                                                                                                                                                                     |
| x                            | Construct new Picnic Area Monument Sign at entry                                                                                                                                                    |
| x                            | Install new Park Rules and Regulations sign with Trail Map                                                                                                                                          |
|                              | Repair and/or replace picnic tables No. 1 through No. 7 and related improvements as-needed                                                                                                          |
| x                            | Make provisions to handicapped access to picnic sites / tables                                                                                                                                      |

x Indicates high priority improvement.

## 7. Public Use Facilities

### 7.10 Archery Range:

The Archery Range is a self-pay facility operated by the Pima County NRP&R Department, Recreation Division, Shooting Sports Section. Facilities at this site include a range with targets at 20 to 70 yards and three roving or trail courses. A large shooting ramada and a restroom building with water and electricity are present on the site. There are two additional small ramadas. Access to the site is via an unpaved road. There is also a large unpaved parking lot.

#### Recommended Improvements:

|                              |                                                                                                                                                                                          |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SITE DEVELOPMENT             |                                                                                                                                                                                          |
|                              | Pave entry drive to parking lot                                                                                                                                                          |
|                              | Pave portions of the cleared area as a parking lot. Mark designated spaces and drives. Revegetate perimeter areas not used for parking.                                                  |
| BUILDINGS AND STRUCTURES     |                                                                                                                                                                                          |
|                              | Make as-needed structural and roof repairs to large shooting ramada                                                                                                                      |
|                              | Make as-needed structural repairs, replace roof deck, and install metal roof at small ramadas 1 and 2                                                                                    |
|                              | Make as-needed repairs to restroom building roof. Make as needed repairs to restroom mechanical, plumbing, and electrical systems. Repair stone veneer at exterior of restroom building. |
| UTILITIES AND INFRASTRUCTURE |                                                                                                                                                                                          |
|                              | Connect water system to new water main in Kinney Road and renovate on-site water distribution system, as-needed                                                                          |
| OTHER IMPROVEMENTS           |                                                                                                                                                                                          |
| x                            | Construct new Archery Range Monument Sign at entry.                                                                                                                                      |
| x                            | Install new Park Rules and Regulations Sign with Trail Map                                                                                                                               |
|                              | Redevelop roving courses. Provide new signs and miscellaneous improvements associated with each course.                                                                                  |
| x                            | Install fence or markers at perimeter of site to warn off-trail hikers, equestrians, and/or mountain bicyclists                                                                          |

x Indicates high priority improvement.

Note: Construction of additional multi-purpose ramada at this site should be considered. These ramadas could be reserved for approved activities when range is closed. The existing restrooms would serve small groups using these multi-purpose ramadas.

## 7. Public Use Facilities

### 7.11 Rifle and Pistol Range:

The Rifle and Pistol Range is a staffed facility operated by the Pima County NRP&R Department, Recreation Division, Shooting Sports Section. Fees are collected for use of the range. Facilities at this site include a bermed shooting range, a large shooting ramada, small vault toilet building, and a small office / storage building. There are no water or electrical services to the site. Access to the site is via an unpaved road. There is also a small unpaved parking lot.

#### Recommended Improvements:

| SITE DEVELOPMENT             |                                                                                                                                      |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
|                              | Pave entry drive to parking lot                                                                                                      |
|                              | Pave the parking lot. Mark designated spaces and drives.                                                                             |
| BUILDINGS AND STRUCTURES     |                                                                                                                                      |
|                              | Make as-needed structural and roof repairs to large shooting ramada                                                                  |
|                              | Construct a new restroom, office, storage building as a single structure or separate structure based on additional site planning.    |
|                              |                                                                                                                                      |
| UTILITIES AND INFRASTRUCTURE |                                                                                                                                      |
|                              | Extend water system to site and new restroom building                                                                                |
|                              | Construct on-site septic system for wastewater disposal                                                                              |
|                              | Extend electrical service to site and to new on-site buildings                                                                       |
| OTHER IMPROVEMENTS           |                                                                                                                                      |
| x                            | Construct new Rifle - Pistol Range Monument Sign at entry.                                                                           |
| x                            | Install new Park Rules and Regulations Sign                                                                                          |
| x                            | Repair and/or install fence and markers at perimeter of safety fan to warn off-trail hikers, equestrians, and/or mountain bicyclists |
| x                            | Make provisions for handicapped access to range site / facilities                                                                    |

x Indicates high priority improvement.

## 7. Public Use Facilities

**7.12 Gates Pass  
Overlook:**

The Gates Pass Overlook is one of the most popular destinations in the park. It is used extensively by both local residents and visitors to the community. Facilities at the overlook include a primary parking lot, a lower overflow parking lot, a restroom building, an accessible overlook area, a restored look-out building, and fixed interpretive displays.

**Recommended Improvements:**

|                              |                                                                                                                                                                                                                                                                                                                                   |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SITE DEVELOPMENT             |                                                                                                                                                                                                                                                                                                                                   |
|                              | Seal cracks, slurry seal drives and parking areas, and re-stripe parking areas as-needed.                                                                                                                                                                                                                                         |
| x                            | Install self-closing (solar powered) gate at entry to site.                                                                                                                                                                                                                                                                       |
| BUILDINGS AND STRUCTURES     |                                                                                                                                                                                                                                                                                                                                   |
|                              | Make as-need repairs to restroom building, look-out building, and overlook ramada.                                                                                                                                                                                                                                                |
|                              |                                                                                                                                                                                                                                                                                                                                   |
| UTILITIES AND INFRASTRUCTURE |                                                                                                                                                                                                                                                                                                                                   |
|                              | (Note: There are no utility services to this site and none are planned)                                                                                                                                                                                                                                                           |
|                              |                                                                                                                                                                                                                                                                                                                                   |
| OTHER IMPROVEMENTS           |                                                                                                                                                                                                                                                                                                                                   |
| x                            | Construct new Overlook Monument Sign at entry                                                                                                                                                                                                                                                                                     |
| x                            | Install new Park Rules and Regulations sign with Trail Map                                                                                                                                                                                                                                                                        |
| x                            | Construct accessible trail to remote overlook to provide handicapped accessible viewing opportunity separated from parking lot (and to minimize off-trail pedestrian travel on hillsides). Trail was proposed as part of the 1999 renovation of the overlook but deleted from the scope of the project due to budget constraints. |

x Indicates high priority improvement.



## 7. Public Use Facilities

### 7.13 G-3 Overlook:

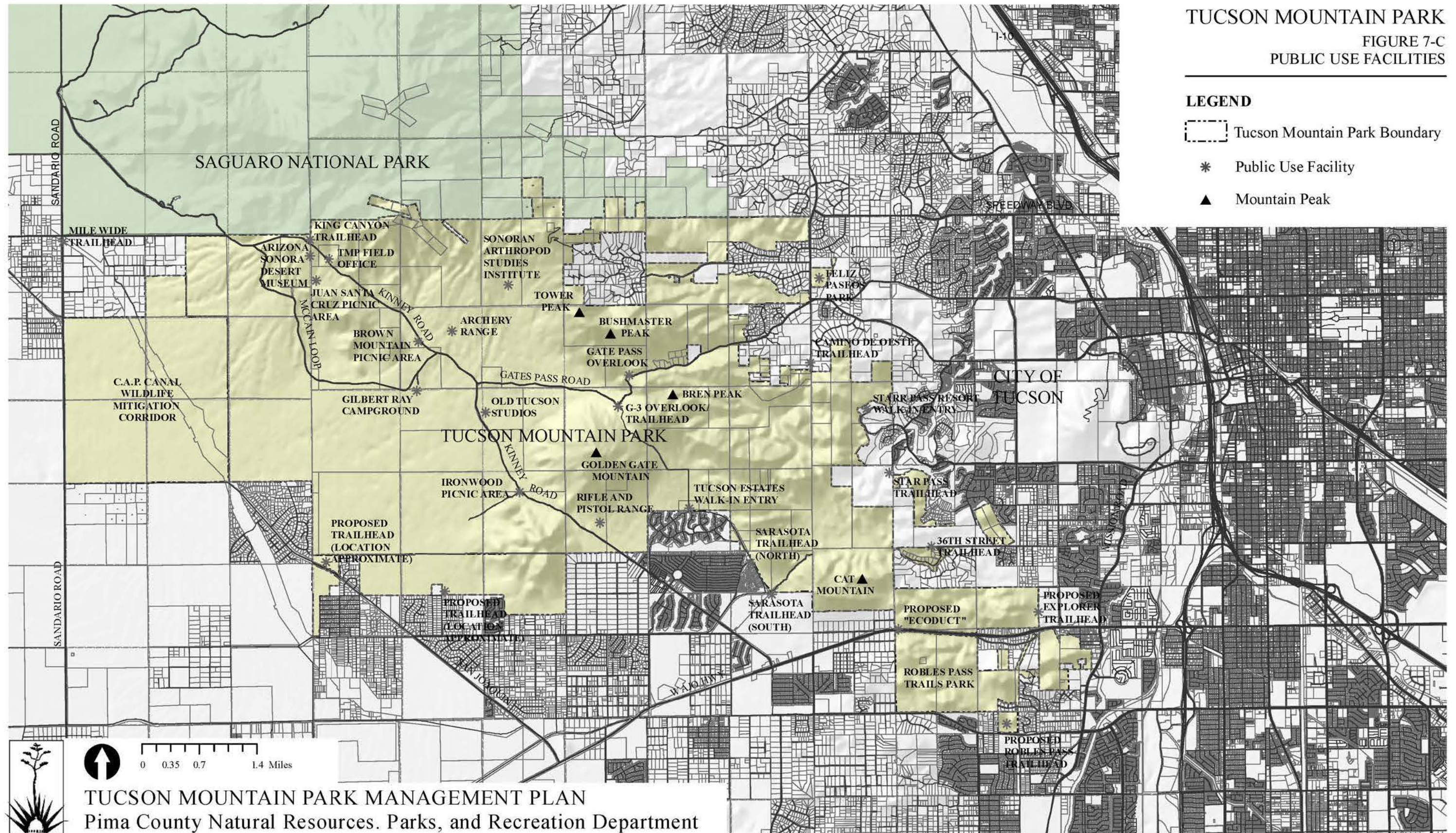
The G-3 Overlook, located on the west side of Gates Pass Road is a popular location for viewing sunsets and taking photographs of the park. Facilities at the overlook include a small paved parking lot, short segments of paved walkway, and a few benches. The popularity and high-level of use at this site warrant the reconstruction and reconfiguration of this overlook.

#### Recommended Improvements:




|                              |                                                                                                                                                                                                                                                                                      |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SITE DEVELOPMENT             |                                                                                                                                                                                                                                                                                      |
| x                            | Reconstruct entry and parking lot with a single entry / exit drive, with designated (striped) parking spaces, with a handicapped accessible parking space, and with an accessible walkway to a viewing area.                                                                         |
|                              |                                                                                                                                                                                                                                                                                      |
| BUILDINGS AND STRUCTURES     |                                                                                                                                                                                                                                                                                      |
|                              | (Note: There are no buildings at this site and none are planned)                                                                                                                                                                                                                     |
|                              |                                                                                                                                                                                                                                                                                      |
| UTILITIES AND INFRASTRUCTURE |                                                                                                                                                                                                                                                                                      |
|                              | (Note: There are no utility services to this site and none are planned)                                                                                                                                                                                                              |
|                              |                                                                                                                                                                                                                                                                                      |
| OTHER IMPROVEMENTS           |                                                                                                                                                                                                                                                                                      |
| x                            | Construct new Overlook Monument Sign at entry                                                                                                                                                                                                                                        |
| x                            | Install new Park Rules and Regulations sign with Trail Map                                                                                                                                                                                                                           |
|                              | Construct small, accessible viewing area with interpretive signs. Due to topography in this area, small retaining walls may be necessary. Retaining walls and other site features should be constructed of native stone to match the existing facilities at the Gates Pass Overlook. |

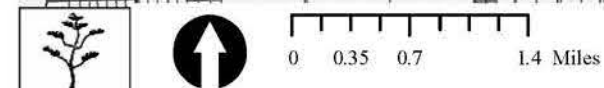
x Indicates high priority improvement.

TUCSON MOUNTAIN PARK  
 FIGURE 7-C  
 PUBLIC USE FACILITIES



**LEGEND**

-  Tucson Mountain Park Boundary
-  Public Use Facility
-  Mountain Peak



TUCSON MOUNTAIN PARK MANAGEMENT PLAN  
 Pima County Natural Resources, Parks, and Recreation Department  
 Prepared by McGann & Associates Landscape Architects and Planners

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## 8. Park Trail System

### 8.1 Introduction

The trail system within Tucson Mountain Park is a valued and extensively utilized recreational amenity consisting of more than 60 miles of single-track trail. It is estimated that more than 150,000 visitors use the park's trail system annually.

A significant issue associated with the Tucson Mountain Park trail system is the construction of new social or wildcat trails by individuals without authorization by the Pima County Natural Resources, Parks, and Recreation Department. In recent years, this activity has resulted in the construction of more than 40 miles of unauthorized trails. There is a need to evaluate and, in some instances, eliminate these unauthorized trails.

### 8.2 Management Objectives:

Tucson Mountain Park will be managed with the objective of providing a safe trail system with opportunities for hiking, trail running, mountain bicycling, horseback riding, and similar activities. The trail system will be developed, operated, and maintained in a manner that protects the physical, biological, cultural, and visual resources of the site.

### 8.3 Policies Related to Tucson Mountain Park Trails:

It shall be the policy of the Pima County Natural Resources, Parks, and Recreation Department to:

- Provide safe and legal access to the Tucson Mountain Park trail system at designated trailheads, entry points, and developed park facilities.
- Prohibit access to the park's trail system from adjacent properties through private gates.
- Prohibit the construction of new trails and/or the modification of existing trails, except as may be approved by the Pima County Natural Resources, Parks, and Recreation Department.
- Accommodate hiking, trail running, mountain bicycling, equestrian use, and similar non-motorized uses on all trails within the park. (Closure of specific segments of individual trails to one or more uses may be considered and implemented if deemed necessary by the Natural Resources, Parks, and Recreation Department for resource protection and/or public safety).
- Prohibit the use of off-highway vehicles (OHV's) and all other motorized vehicles on the park's trails, except as may be needed for maintenance, search-and-rescue operations, and/or law enforcement activities.
- Require that trail users remain on designated trails, except as may be authorized on a case-by-case basis through the issuance of an off-trail activity permit.

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## 8. Park Trail System

### 8.4 Planned Actions:

The following actions related to the development and operation of the Tucson Mountain Park Trail System are planned.

- Improvement of and development of existing trailheads and designated trailhead sites as outlined herein.
- Construction of two new trailheads or public access points to provide public access to the BLM Expansion Site portion of Tucson Mountain Park.
- Closure and restoration of the existing King Canyon Trailhead and construction of a new King Canyon Trailhead in a nearby location where vehicular access and traffic safety will be enhanced.
- Periodic inspection of all authorized trails, identification of trail deficiencies, and implementation of as-needed remedial work.
- Phased inspection of all unauthorized trails and issuance of a final determination as to whether each of these unauthorized trails should be retained or eliminated.
- Closure of trails to be eliminated including the posting of a closure notice at access points to the subject trail and the phased revegetation / restoration of the trail corridor.
- Preparation, printing, and distribution of trail maps that identify authorized trails and trailheads within the park.
- Posting of the official trail map on the Pima County website with accompanying information related to trail use rules and regulations.
- Installation of informational signs at trailheads and access points that identify authorized trails and applicable rules and regulations.
- Installation of trail identification markers at intervals along each authorized trail.
- Development of a detailed trail plan for the Robles Pass Trails Park portion of Tucson Mountain Park.
- Phased construction of the Robles Park trail system.
- Development of a process for reviewing requests for off-trail activities and for the issuance of off-trail use permits.

## 8. Park Trail System

### 8.5 Recommended Trailhead Improvements (Existing Trailheads):

The following improvements to existing trailheads are recommended.

| STARR PASS TRAILHEAD              |                                                                                                                                                        |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| x                                 | Pave Clearwell Road from Starr Pass Boulevard to trailhead. Work to be implemented in conjunction with the City of Tucson Department of Transportation |
| x                                 | Install directional sign at the intersection of Starr Pass Boulevard and Clearwell Road                                                                |
|                                   | Restore / revegetate disturbed areas at the perimeter of the trailhead parking lot                                                                     |
| x                                 | Install sign(s) with trail map and park rules / regulations                                                                                            |
| 36 <sup>th</sup> STREET TRAILHEAD |                                                                                                                                                        |
|                                   | Restore / revegetate disturbed areas at the perimeter of the trailhead parking lot                                                                     |
|                                   | Install directional sign at the intersection of 36 <sup>th</sup> Street and La Cholla Boulevard                                                        |
| x                                 | Install sign(s) with trail map and park rules / regulations                                                                                            |
| CAMINO DE OESTE TRAILHEAD         |                                                                                                                                                        |
|                                   | Pave (unpaved portion of) Camino de Oeste and parking lot. Work to be implemented in conjunction with the City of Tucson Department of Transportation  |
|                                   | Install directional sign at the intersection of Camino de Oeste and Gates Pass Road                                                                    |
|                                   | Restore / revegetate disturbed areas at the perimeter of the trailhead parking lot                                                                     |
| x                                 | Install sign(s) with trail map and park rules / regulations                                                                                            |
| KING CANYON TRAILHEAD             |                                                                                                                                                        |
|                                   | Construct new trailhead with paved entry drive and parking lot at new (nearby) site as needed to improve traffic safety.                               |
|                                   | Construct new Trailhead Monument Sign at intersection of new entry drive and Kinney Road                                                               |

x Indicates high priority improvement

## 8. Park Trail System

|                              |                                                                                                                                         |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| x                            | Install sign(s) with trail map and park rules / regulations                                                                             |
| MILE WIDE TRAILHEAD          |                                                                                                                                         |
|                              | Construct new Trailhead monument sign at intersection of new entry drive and Sandario Road                                              |
| x                            | Install sign(s) with trail map and park rules / regulations                                                                             |
| SARASOTA TRAILHEAD           |                                                                                                                                         |
|                              | Install directional sign at the intersection of Kinney Road and Sarasota Boulevard                                                      |
|                              | Construct new Trailhead Monument Sign at entry to trailhead                                                                             |
| x                            | Install sign(s) with trail map and summary of park rules and regulations                                                                |
| J.W. MARRIOTT WALK-IN ENTRY  |                                                                                                                                         |
| x                            | Install sign(s) with trail map and park rules / regulations (at terminus of Bowen Trail and Hidden Canyon Trail and hotel access drive) |
| TUCSON ESTATES WALK-IN ENTRY |                                                                                                                                         |
| x                            | Install sign(s) with trail map and park rules / regulations                                                                             |
| x                            | Modify gates to accommodate pedestrian, equestrian, and mountain bicycle access while restricting OHV access                            |

### 8.6 New Trailhead Development:

|                             |                                                                                                                                                                                                     |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EXPLORER TRAILHEAD (FUTURE) |                                                                                                                                                                                                     |
|                             | Construct new trailhead with paved entry drive and parking lot. Trailhead to have access from La Cholla Boulevard. Trailhead to be configured to accommodate pick-up truck with equestrian trailers |
|                             | Construct new fencing and gates as required to control motor-vehicle access to and circulation through site and to restrict OHV access to park                                                      |
|                             | Construct new Trailhead monument sign at entry to trailhead                                                                                                                                         |
|                             | Install sign(s) with trail map and park rules / regulations                                                                                                                                         |

x Indicates high priority improvement

## 8. Park Trail System

|                                       |                                                                                                                                                                                                                                                                                     |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LEAD FLOWER AVENUE TRAILHEAD (FUTURE) |                                                                                                                                                                                                                                                                                     |
|                                       | Construct new trailhead with paved entry drive and parking lot. Trailhead to be constructed in the vicinity of Lead Flower Avenue and Banks Elementary School. (Actual location to be as selected by PCNRPR upon completion of field reconnaissance and other appropriate studies)  |
|                                       | Install directional sign at the intersection of Bopp Road and Lead Flower Avenue (or other appropriate off-site location)                                                                                                                                                           |
|                                       | Construct new Trailhead Monument Sign at entry to trailhead                                                                                                                                                                                                                         |
|                                       | Install sign(s) with trail map and park rules / regulations                                                                                                                                                                                                                         |
| SAN JOAQUIN TRAILHEAD (FUTURE)        |                                                                                                                                                                                                                                                                                     |
|                                       | Construct new trailhead with paved entry drive and parking lot. Trailhead to be constructed on the north side of San Joaquin Road west of Purple Sky Trail. (Actual location to be as selected by the PCNRPR upon completion of field reconnaissance and other appropriate studies) |
|                                       | Construct new Trailhead Monument Sign at entry to trailhead                                                                                                                                                                                                                         |
|                                       | Install sign(s) with trail map and park rules / regulations                                                                                                                                                                                                                         |
| IRONWOOD TRAILHEAD (FUTURE)           |                                                                                                                                                                                                                                                                                     |
|                                       | Construct a small trailhead with parking spaces for truck / horse trailer parking northwest of the intersection of Kinney Road and the Ironwood Picnic Area entry drive.                                                                                                            |
| WELL ROAD TRAILHEAD (FUTURE)          |                                                                                                                                                                                                                                                                                     |
|                                       | Construct a small trailhead with parking spaces for truck / horse trailer parking at the intersection of McCain Loop Road and the (unpaved / controlled access) Well Road.                                                                                                          |

### 8.7 Trail System Improvements:

The following improvements to the existing trail system are proposed.

|                                   |                                                                                    |
|-----------------------------------|------------------------------------------------------------------------------------|
| GENERAL TRAIL SYSTEM IMPROVEMENTS |                                                                                    |
| x                                 | Install trail identification markers at intervals along all authorized park trails |
| x                                 | Install sign(s) trail maps at trailheads                                           |
| x                                 | Install sign(s) with park rules and regulations at trailheads                      |

x Indicates high priority improvement

## 8. Park Trail System

|                               |                                                                           |
|-------------------------------|---------------------------------------------------------------------------|
| 36 <sup>th</sup> STREET TRAIL |                                                                           |
|                               | Perform general trail maintenance                                         |
| AVERY BRYCE TRAIL             |                                                                           |
|                               | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
| BOWEN TRAIL                   |                                                                           |
| x                             | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
| BROWN MOUNTAIN TRAIL          |                                                                           |
| x                             | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
| CALICHE FLATS TRAIL           |                                                                           |
|                               | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
| CAMPGROUND TRAIL              |                                                                           |
|                               | Relocate and/or reconstruct wash crossing(s)                              |
|                               | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
| CHAPARRAL TRAIL               |                                                                           |
|                               | Realign portions of trail (near pull-out G-3)                             |
|                               | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
| CHEOPS TRAIL                  |                                                                           |
|                               | Relocate and/or reconstruct wash crossing(s)                              |
|                               | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
| COUGAR TRAIL                  |                                                                           |
|                               | Relocate and/or reconstruct wash crossing (near Gates Pass Road)          |
|                               | Realign portions of trail (near powerline)                                |
| x                             | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
| COYOTE TRAIL                  |                                                                           |
|                               | Perform general trail maintenance                                         |

x Indicates high priority improvement



## 8. Park Trail System

|                     |                                                                           |
|---------------------|---------------------------------------------------------------------------|
| CREOSOTE TRAIL      |                                                                           |
|                     | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
|                     | Prune vegetation as-need to provide safe trail corridor                   |
| EXPLORER TRAIL      |                                                                           |
|                     | Realign portions of trail (along powerline)                               |
|                     | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
| GATES PASS TRAIL    |                                                                           |
|                     | Realign portions of trail (as-needed to reduce erosion)                   |
|                     | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
| GOLDEN GATE TRAIL   |                                                                           |
| x                   | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
| x                   | Prune vegetation as-need to provide safe trail corridor                   |
| HIDDEN CANYON TRAIL |                                                                           |
|                     | Perform general trail maintenance                                         |
| IRONWOOD TRAIL      |                                                                           |
| x                   | Realign portions of trail (in vicinity of Ironwood Wash)                  |
| x                   | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
| KERR JAR TRAIL      |                                                                           |
|                     | Stabilize and/or reconstruct wash crossings                               |
|                     | Prune vegetation as-need to provide safe trail corridor                   |
| MARIPOSA TRAIL      |                                                                           |
|                     | Relocate and/or reconstruct wash crossing(s)                              |
| OLD ADOBE TRAIL     |                                                                           |
|                     | Relocate and/or reconstruct wash crossing(s)                              |

x Indicates high priority improvement

## 8. Park Trail System

|                    |                                                                           |
|--------------------|---------------------------------------------------------------------------|
| ORCUTT TRAIL       |                                                                           |
|                    | Relocate and/or reconstruct wash crossing(s)                              |
|                    | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
|                    | Prune vegetation as-need to provide safe trail corridor                   |
| PALO VERDE TRAIL   |                                                                           |
|                    | Relocate and/or reconstruct wash crossing(s)                              |
|                    | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
|                    | Prune vegetation as-need to provide safe trail corridor                   |
| PEAK VIEW TRAIL    |                                                                           |
| x                  | Realign portions of trail                                                 |
| x                  | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
|                    | Prune vegetation as-need to provide safe trail corridor                   |
| PRICKLY PEAR TRAIL |                                                                           |
|                    | Relocate and/or reconstruct wash crossing(s)                              |
|                    | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
|                    | Prune vegetation as-need to provide safe trail corridor                   |
| PROSPECTOR TRAIL   |                                                                           |
|                    | Realign portions of trail                                                 |
|                    | Relocate and/or reconstruct wash crossing(s)                              |
|                    | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
|                    | Prune vegetation as-need to provide safe trail corridor                   |
| RATTLESNAKE TRAIL  |                                                                           |
|                    | Relocate and/or reconstruct wash crossing(s)                              |
|                    | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
| RINGTAIL TRAIL     |                                                                           |
| x                  | Stabilize, repair, revegetate areas with erosion / trail-side degradation |

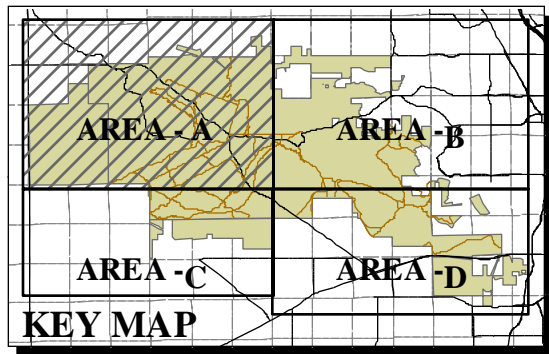
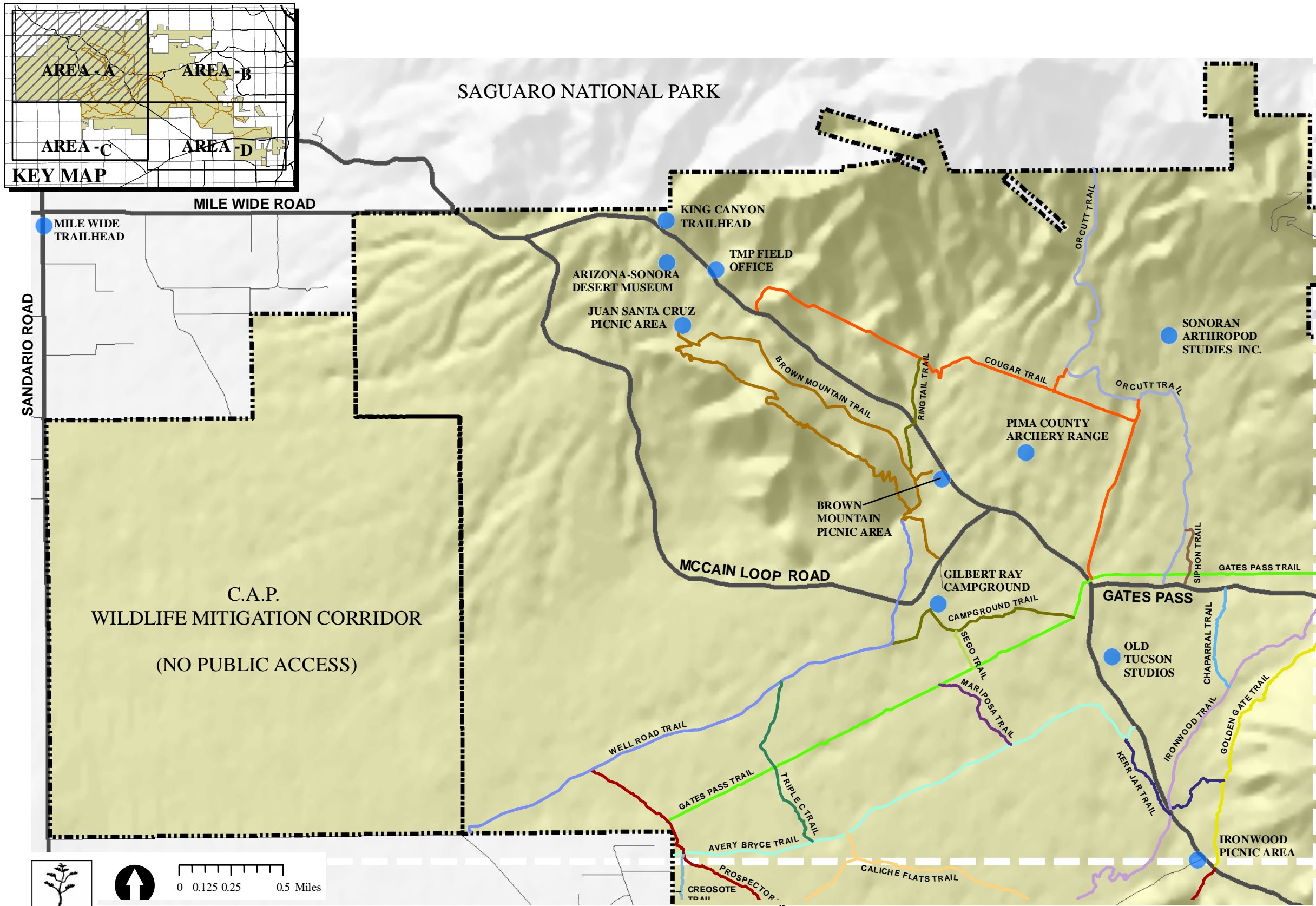
x Indicates high priority improvement

## 8. Park Trail System

|                      |                                                                           |
|----------------------|---------------------------------------------------------------------------|
| ROCK WREN TRAIL      |                                                                           |
|                      | Perform general trail maintenance                                         |
| SAGUARO RIB TRAIL    |                                                                           |
|                      | Perform general trail maintenance                                         |
| SEGO TRAIL           |                                                                           |
| x                    | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
| SILVER ORE TRAIL     |                                                                           |
|                      | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
| SIPHON TRAIL         |                                                                           |
|                      | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
| STARR PASS TRAIL     |                                                                           |
|                      | Realign portions of trail                                                 |
|                      | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
| TRIPLE C TRAIL       |                                                                           |
| x                    | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
| TUCSON ESTATES TRAIL |                                                                           |
| x                    | Relocate and/or reconstruct wash crossing(s)                              |
| x                    | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
|                      | Prune vegetation as-need to provide safe trail corridor                   |
| WELL ROAD TRAIL      |                                                                           |
|                      | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
| YETMAN TRAIL         |                                                                           |
|                      | Realign portions of trail (to eliminate trail within wash bottom)         |
|                      | Stabilize, repair, revegetate areas with erosion / trail-side degradation |
|                      | Prune vegetation as-need to provide safe trail corridor                   |

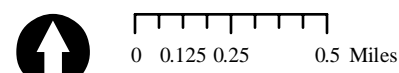
x Indicates high priority improvement

**TUCSON MOUNTAIN PARK**  
 FIGURE 8-A  
 TRAILS MAP  
 AREA - A



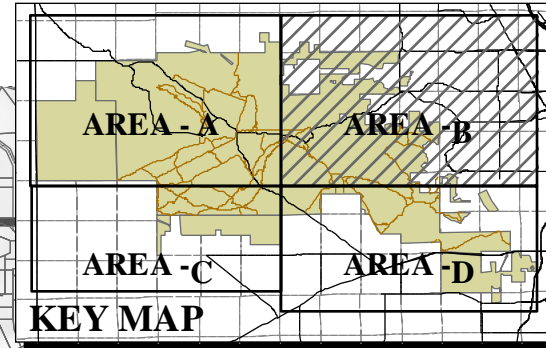
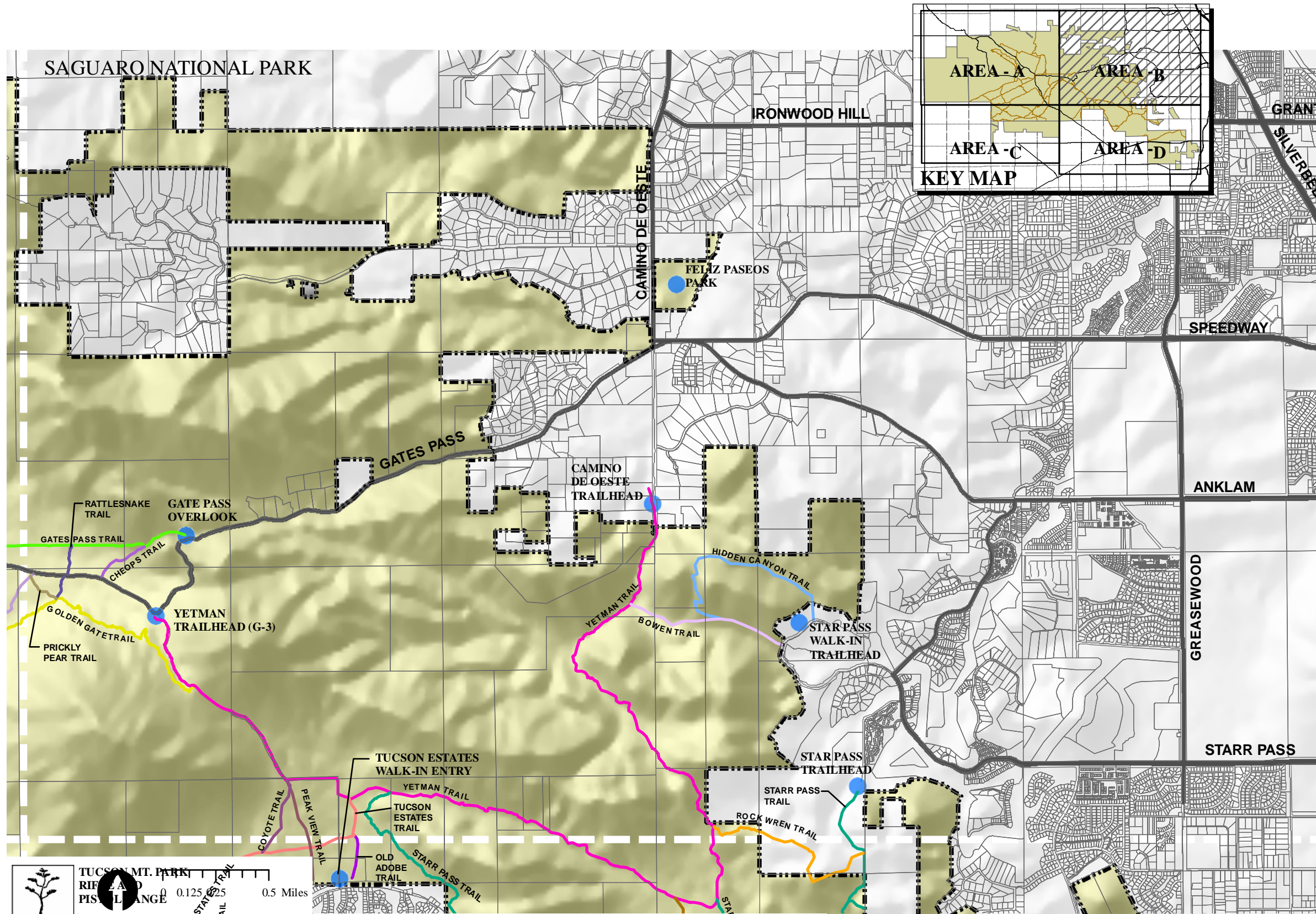
**LEGEND**

- 36TH STREET TRAIL
- AVERY BRYCE TRAIL
- BOWEN TRAIL
- BROWN MOUNTAIN TRAIL
- CALICHE FLATS TRAIL
- CAMPGROUND TRAIL
- CHAPARRAL TRAIL
- CHEOPS TRAIL
- COUGAR TRAIL
- COYOTE TRAIL
- CREOSOTE TRAIL
- EXPLORER TRAIL
- GATES PASS TRAIL
- GOLDEN GATE TRAIL
- HIDDEN CANYON TRAIL
- IRONWOOD TRAIL
- KERR JAR TRAIL
- MARIPOSA TRAIL
- OLD ADOBE TRAIL
- ORCUTT TRAIL
- PALO VERDE TRAIL
- PEAK VIEW TRAIL
- PRICKLEY PEAR TRAIL
- PROSPECTOR TRAIL
- RATTLESNAKE TRAIL
- RINGTAIL TRAIL
- ROCK WREN TRAIL
- SAGUARO RIB TRAIL
- SEGO TRAIL
- SILVER ORE TRAIL
- SIPHON TRAIL
- STARR PASS TRAIL
- TRIPLE C TRAIL
- TUCSON ESTATES TRAIL
- WELL ROAD TRAIL
- YETMAN TRAIL
- ROBLES TRAIL - PLANNED
- POINTS OF INTEREST
- TMP BOUNDARY



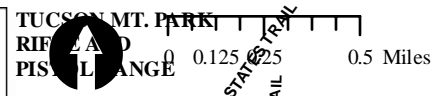
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 Pima County Natural Resources, Parks, and Recreation Department  
 Prepared by McGann & Associates Landscape Architects and Planners

**TUCSON MOUNTAIN PARK**  
 FIGURE 8-B  
 TRAILS MAP  
 AREA -B



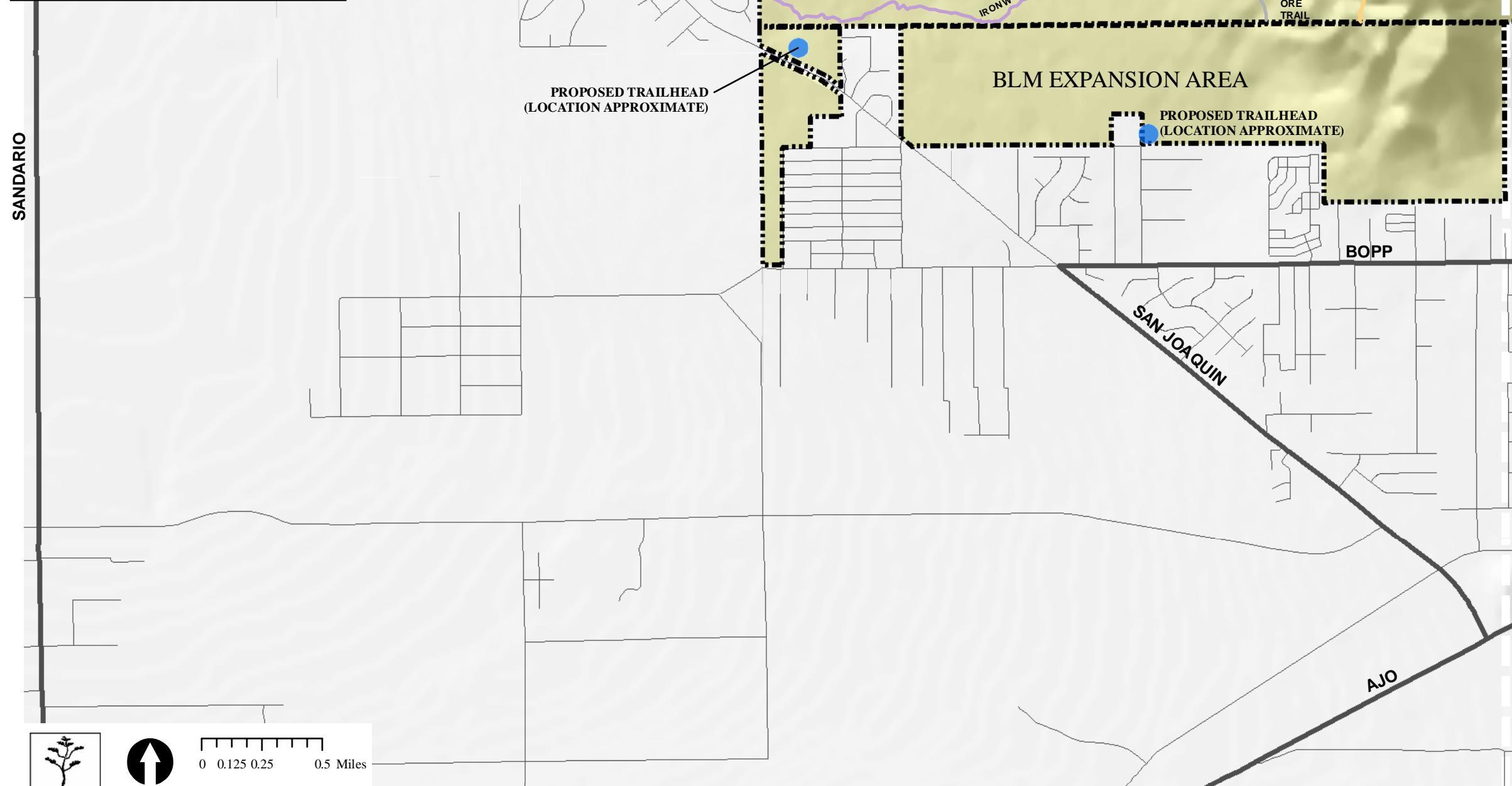
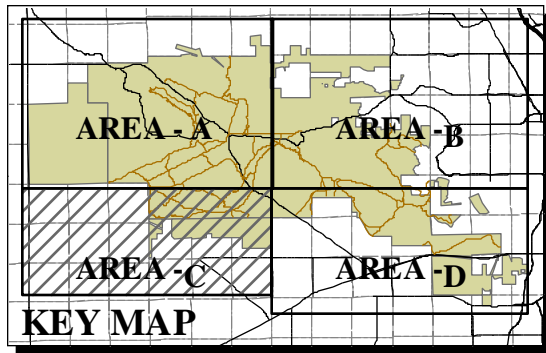
**LEGEND**

- 36TH STREET TRAIL
- AVERY BRYCE TRAIL
- BOWEN TRAIL
- BROWN MOUNTAIN TRAIL
- CALICHE FLATS TRAIL
- CAMPGROUND TRAIL
- CHAPARRAL TRAIL
- CHEOPS TRAIL
- COUGAR TRAIL
- COYOTE TRAIL
- CREOSOTE TRAIL
- EXPLORER TRAIL
- GATES PASS TRAIL
- GOLDEN GATE TRAIL
- HIDDEN CANYON TRAIL
- IRONWOOD TRAIL
- KERR JAR TRAIL
- MARIPOSA TRAIL
- OLD ADOBE TRAIL
- ORCUTT TRAIL
- PEAK VIEW TRAIL
- PRICKLY PEAR TRAIL
- PROSPECTOR TRAIL
- RATTLESNAKE TRAIL
- RINGTAIL TRAIL
- ROCK WREN TRAIL
- SAGUARO RIB TRAIL
- SEGO TRAIL
- SILVER ORE TRAIL
- SIPHON TRAIL
- STARR PASS TRAIL
- TRIPLE C TRAIL
- TUCSON ESTATES TRAIL
- WELL ROAD TRAIL
- YETMAN TRAIL
- ROBLES TRAIL - PLANNED
- POINTS OF INTEREST
- TMP BOUNDARY



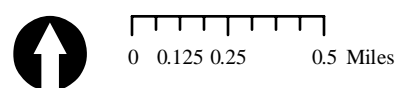
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TUCSON MOUNTAIN PARK  
 FIGURE 8-C  
 TRAILS MAP  
 AREA -C



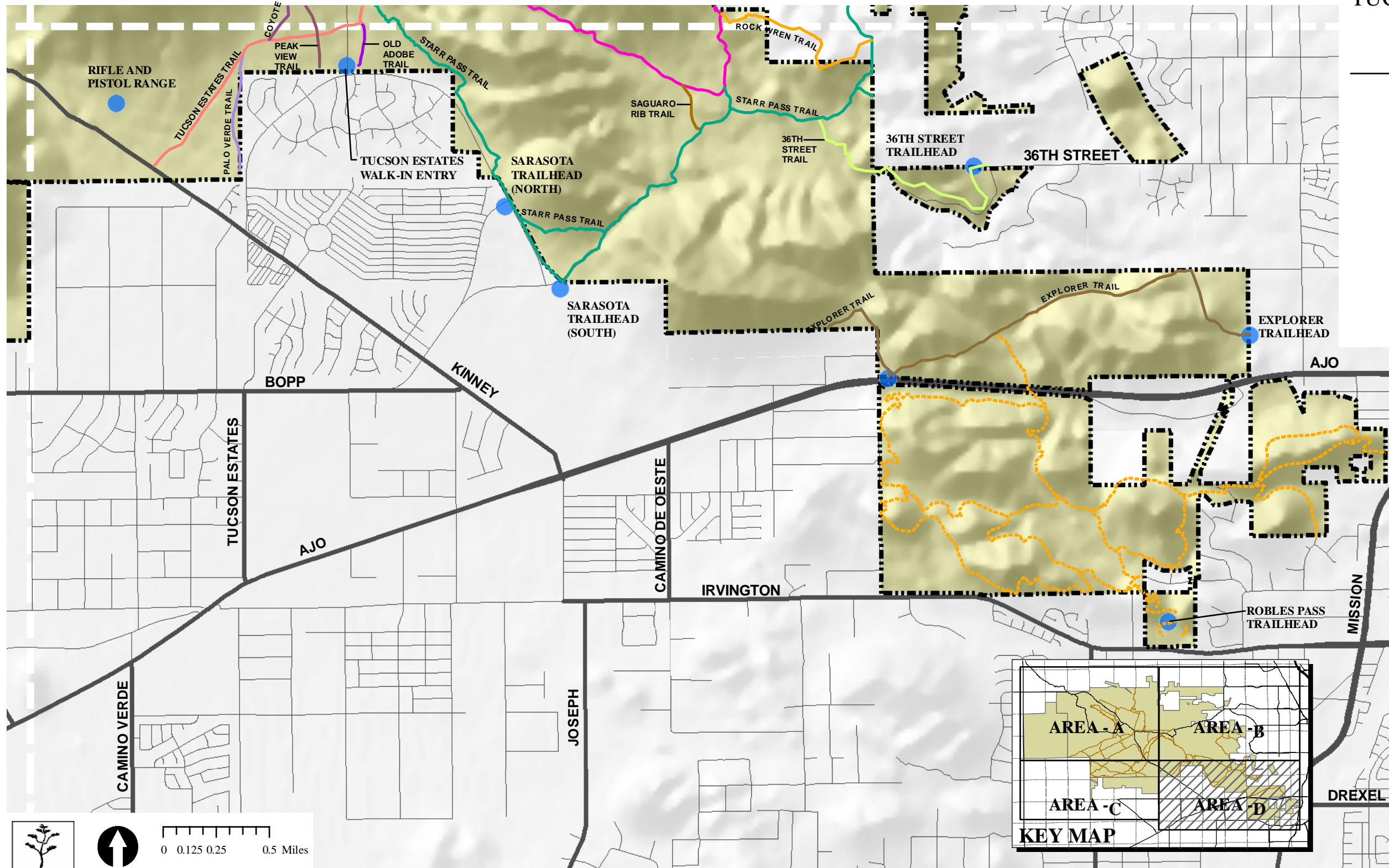
LEGEND

- 36TH STREET TRAIL
- AVERY BRYCE TRAIL
- BOWEN TRAIL
- BROWN MOUNTAIN TRAIL
- CALICHE FLATS TRAIL
- CAMPGROUND TRAIL
- CHAPARRAL TRAIL
- CHEOPS TRAIL
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- GATES PASS TRAIL
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- OLD ADOBE TRAIL
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- PRICKLY PEAR TRAIL
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- STARR PASS TRAIL
- TRIPLE C TRAIL
- TUCSON ESTATES TRAIL
- WELL ROAD TRAIL
- YETMAN TRAIL
- ROBLES TRAIL - PLANNED
- POINTS OF INTEREST
- TMP BOUNDARY



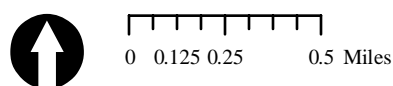
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**TUCSON MOUNTAIN PARK**  
**FIGURE 8-D**  
**TRAILS MAP**  
**AREA -D**

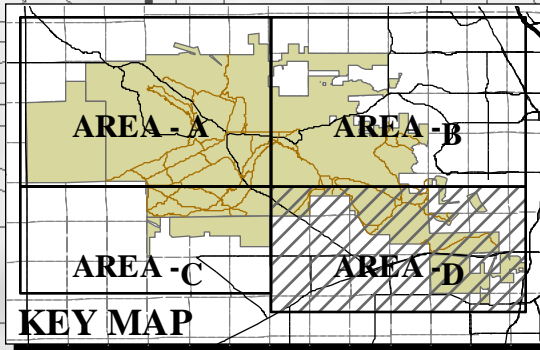


**LEGEND**

- 36TH STREET TRAIL
- AVERY BRYCE TRAIL
- BOWEN TRAIL
- BROWN MOUNTAIN TRAIL
- CALICHE FLATS TRAIL
- CAMPGROUND TRAIL
- CHAPARRAL TRAIL
- CHEOPS TRAIL
- COUGAR TRAIL
- COYOTE TRAIL
- CREOSOTE TRAIL
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- TRIPLE C TRAIL
- TUCSON ESTATES TRAIL
- WELL ROAD TRAIL
- YETMAN TRAIL
- ROBLES TRAIL - PLANNED
- POINTS OF INTEREST
- TMP BOUNDARY



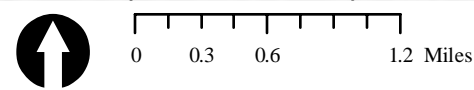
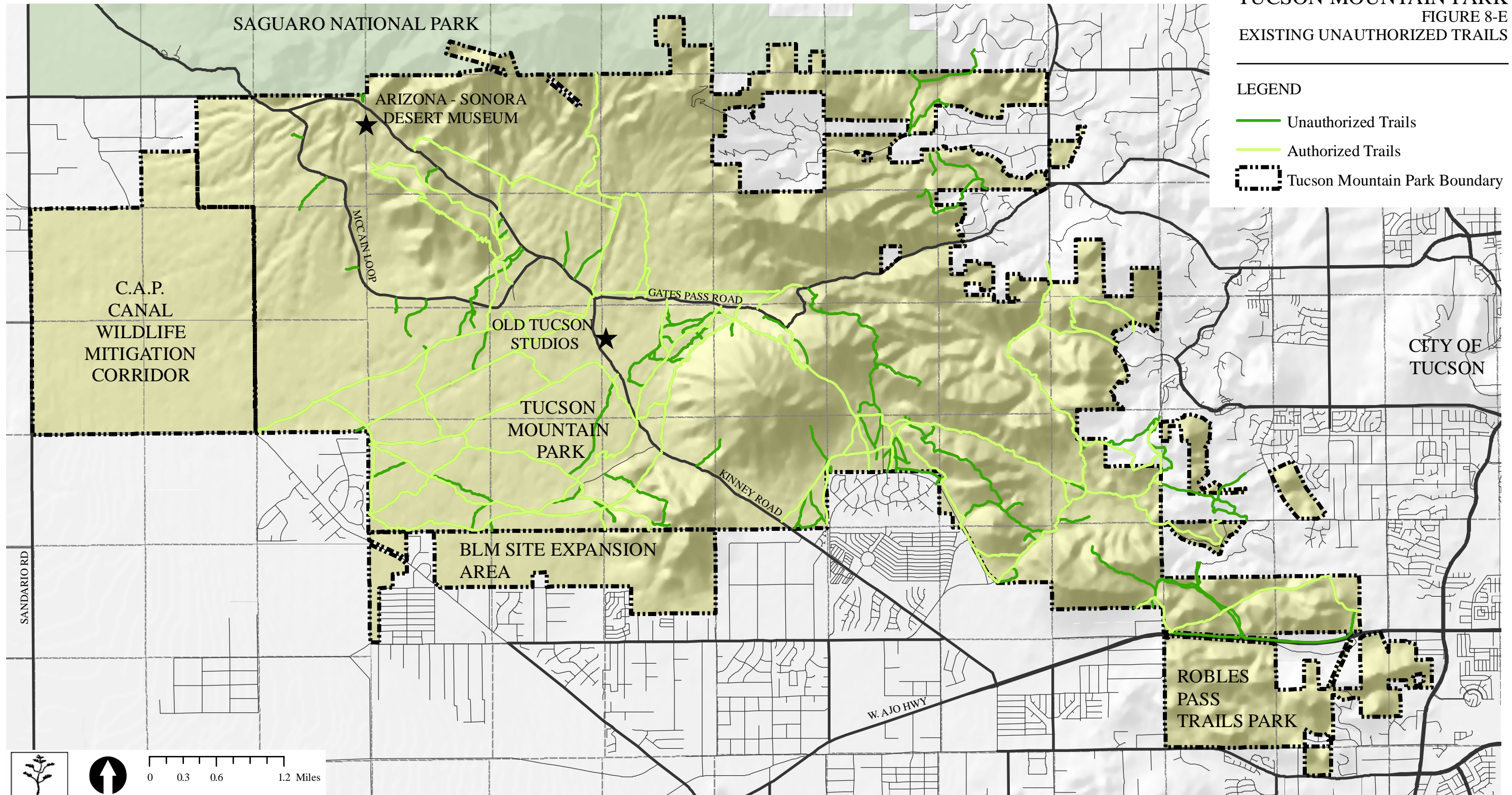
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 Pima County Natural Resources, Parks, and Recreation Department  
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**TUCSON MOUNTAIN PARK**  
**FIGURE 8-E**  
**EXISTING UNAUTHORIZED TRAILS**

**LEGEND**

- Unauthorized Trails
- Authorized Trails
- Tucson Mountain Park Boundary



**TUCSON MOUNTAIN PARK MANAGEMENT PLAN**  
 Pima County Natural Resources, Parks, and Recreation Department  
 Prepared by McGann & Associates Landscape Architects and Planners



## 9. Park Roads

---

### 9.1 Introduction:

Gates Pass Road and Kinney Road are the primary roadways within Tucson Mountain Park. Both are paved, two-lane roadways. McCain Loop Road is a secondary paved road. Gates Pass Road and Kinney Road carry a substantial volume of motor vehicle traffic and the volume of traffic has increased dramatically in recent years. Current traffic volumes and traffic volumes at the same locations from ten years ago are as follows:

| Location                              | 1997 ADT    | 2007 ADT    | Change |
|---------------------------------------|-------------|-------------|--------|
| Gates Pass Road at east Entry to Park | 2,400 / Day | 4,400 / Day | + 75%  |
| Kinney Road at south Entry to Park    | 1,400 / Day | 3,800 / Day | + 171% |
| Kinney Road at north Entry to Park    | 2,200 / Day | 2,900 / Day | + 32%  |

There are a few unpaved roads within the park. These include the road connecting the well and the Gilbert Ray Campground and the access road the Sonoran Arthropods Studies Inc. Both of these roads are gated and not open for public use.

### 9.2 Management Objectives:

Tucson Mountain Park will be managed with the objective of providing a basic system of roads within the park as needed to provide for public, staff, and emergency access to park facilities. The park will also be managed with the objective of minimizing the volume of motor vehicle traffic in the park that is not generated by park facilities.

### 9.3 Policies Related to Park Roads:

It shall be the policy of the Pima County Natural Resources, Parks, and Recreation Department to:

- Retain Gates Pass Road, Kinney Road, and McCain Loop Road as part of the Pima County roadway system, maintained by the Pima County Department of Transportation.
- Continue to maintain park roads without a paved or cleared shoulder so as to discourage on-street parking and encourage the use of designated roadside pull-outs.
- Prohibit the construction of new public roadways within the park, exclusive of new or improved access drives to proposed and/or existing park facilities.
- Discourage motor vehicle traffic on park roads that is not specifically generated by visitation at park facilities.
- Allow bicycle traffic on all paved park roads consistent with applicable state and county rules and regulations.

## 9. Park Roads

### 9.4 Planned Actions:

The following actions related to the maintenance and operation of park roads are planned:

- Adoption (in collaboration with the Pima County Department of Transportation) of a standard Mountain Park and Preserve roadway cross-section for all public roads within the Natural Resource Park System. (See Figure 9-A).
- Maintenance and enforcement (by the Pima County Sheriff's Department) of the 35 mile per hour speed limit on park roads.
- Construction of entry monuments at each roadway entrance to the park to clearly convey to motorists that they are entering Tucson Mountain Park.
- Construction of traffic calming improvements at appropriate locations along Gates Pass Road and Kinney Road. Traffic calming improvements to include median islands, speed tables, intersection configuration changes, traffic control modifications, and similar elements. (See Figure 9-B).
- Assessment of the need for multiple northbound and southbound traffic lanes on Kinney Road in the vicinity of Old Tucson and the possible reduction in pavement width and/or the number of traffic lanes, as appropriate.
- Collaboration with the Pima County Department of Transportation as needed to develop alternate routes for commuter traffic around, rather than through, the park. One alternate route to be investigated is a connection between Sandario Road and San Joaquin Road. (See Figure 9-B).

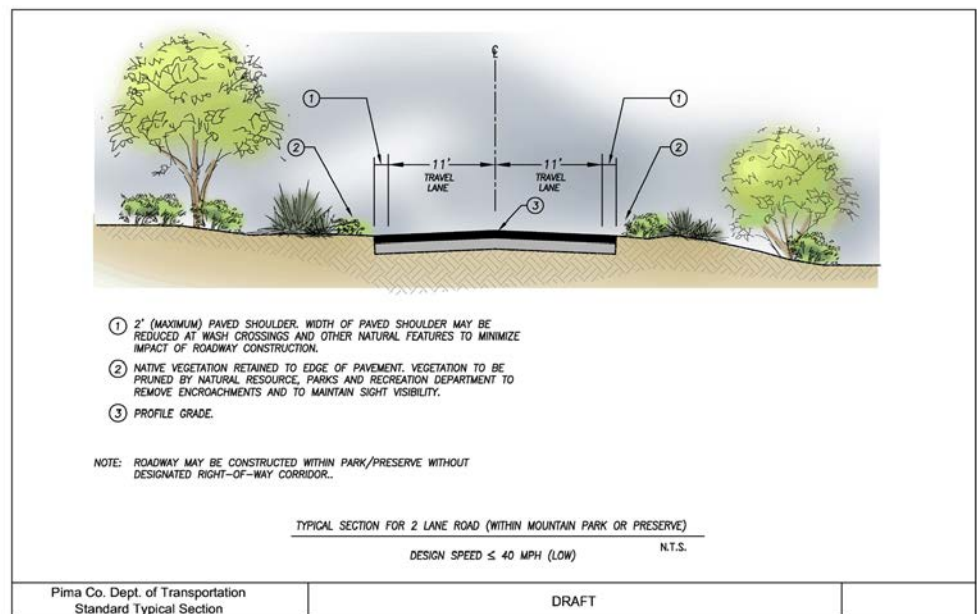

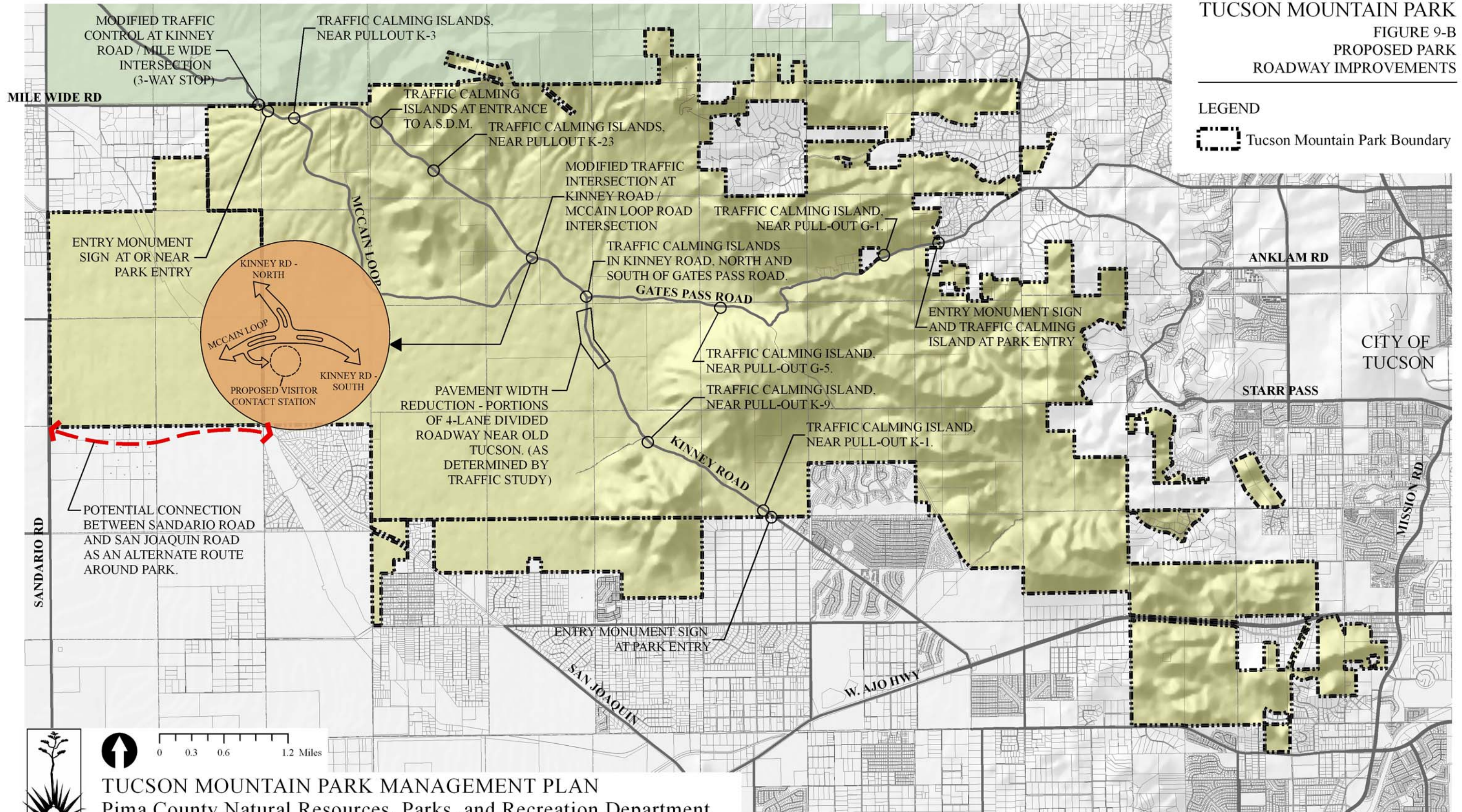


Figure 9-A: Proposed Cross-Section for Mountain Park and Preserve Roadways

TUCSON MOUNTAIN PARK  
 FIGURE 9-B  
 PROPOSED PARK  
 ROADWAY IMPROVEMENTS

LEGEND

 Tucson Mountain Park Boundary



0 0.3 0.6 1.2 Miles

TUCSON MOUNTAIN PARK MANAGEMENT PLAN  
 Pima County Natural Resources, Parks, and Recreation Department

Prepared by McGann & Associates Landscape Architects and Planners

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## 10. Park Infrastructure / Operations and Maintenance Facilities

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- 10.1 Introduction:** The utility systems within Tucson Mountain Park include a water system that is operated and maintained by the Pima County Natural Resources Parks and Recreation Department. Also present are an overhead electrical distribution system that is operated by the Trico Electric Cooperative and underground phone lines that are operated by Qwest. These utilities are essential to the operation of the leased facilities within the park (Arizona-Sonora Desert Museum and Old Tucson Studios) and essential to the operation of many of the public use facilities operated by Pima County.
- In addition to utility systems, there is an operations and maintenance facility located near the entrance to the Gilbert Ray Campground. This walled / fenced compound includes a small workshop building, water storage reservoirs, booster pumps, and outdoor storage areas. Shipping containers are currently being used for the storage of materials and small equipment.
- There is also a building located near the entrance to the Arizona-Sonora Desert Museum that is currently being used as a field office for park personnel and volunteers. This stone structure is a renovated residence that does not meet current accessibility requirements.
- 10.2 Management Objectives:** Tucson Mountain Park will be managed with the objective of providing reliable utility services to the facilities within the Park and with the objective of providing adequate facilities for the operation and maintenance of park improvements.
- 10.3 Policies Related to Park Infrastructure and Park Operations and Maintenance:** It shall be the policy of the Pima County Natural Resources, Parks, and Recreation Department to:
- Meet its contractual obligation to provide potable water to the Arizona-Sonora Desert Museum and to Old Tucson Studios while working cooperatively with all impacted parties and stakeholders to minimize consumptive water use in the park.
  - Work cooperatively with the public utility companies who have facilities in the park to allow these utility companies to perform routine maintenance (and periodic replacement) of the existing utility lines in a manner that minimizes the impact on park resources.
  - To prohibit the use of Tucson Mountain Park lands for the construction and operation of utility transmission and distribution lines that are not essential to the operation of park facilities.
  - To advocate for and/or require that existing overhead utility lines be installed underground when they are upgraded or replaced, if the undergrounding work can be accomplished in a manner that is not detrimental to the park's resources.

## 10. Park Infrastructure / Operations and Maintenance Facilities

---

- Provide on-site facilities as-needed for the operation and maintenance of park infrastructure and public use facilities.
- To continue to utilize the resources of the Pima County Natural Resources, Parks, and Recreation Department's central shops, mechanics, and technicians to supplement staff assigned to Tucson Mountain Park.

### 10.4 Planned Actions:

The following actions related to park infrastructure and park operations and maintenance facilities are planned.

- Make repairs and improvements to the park's potable water well, pumping system, and storage reservoirs as recommended by the 2008 Water System Study prepared by Psomas Engineering.
- Replace the existing water pipeline(s) extending from the water storage / pumping facilities at the Gilbert Ray Campground to the Arizona-Sonora Desert Museum and to Old Tucson Studios as recommended by the 2008 Water System Study prepared by Psomas Engineering.
- Extend water service to the Rifle / Pistol Range.
- Extend water service to the proposed Visitor Contact Station.
- Provide stub-outs (on the new water main) at the Brown Mountain and Ironwood Picnic Areas for potential future use at these locations.
- Collaborate with the Trico Electrical Cooperative to develop a plan for the replacement of the existing power poles and the upgrading of the existing electrical lines in the park, including the identification of access routes for this work and for the future maintenance activities.
- Construct a new operations and maintenance (O&M) building within the existing O&M compound with adequate space for repair shops, materials storage, and equipment storage. Building to include a loading dock, an office for staff, a meeting room for volunteers, and accessible restrooms. Building height and exterior finishes to be selected to minimize impact on the park's visual resources.
- Revegetate areas at the perimeter of the O&M compound to screen facility from adjacent public use areas and roads.
- Maintain the existing field office building (without improvements needed to make the building accessible per current standards) as an auxiliary park building.

## 10. Park Infrastructure / Operations and Maintenance Facilities

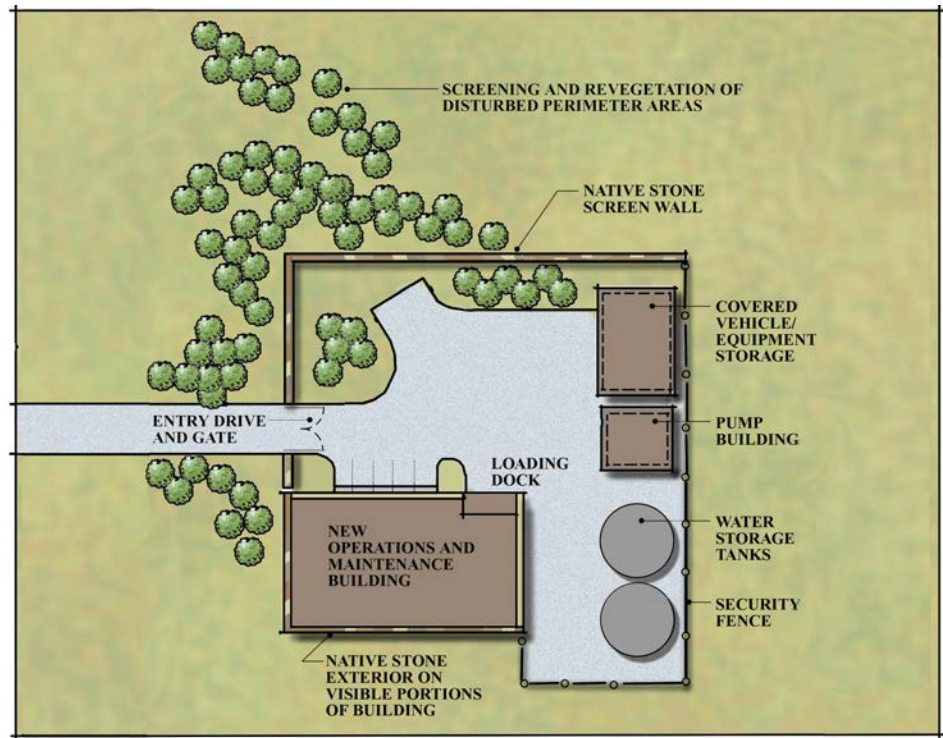


Figure 10-A: Conceptual Site Plan Park Operations and Maintenance Center

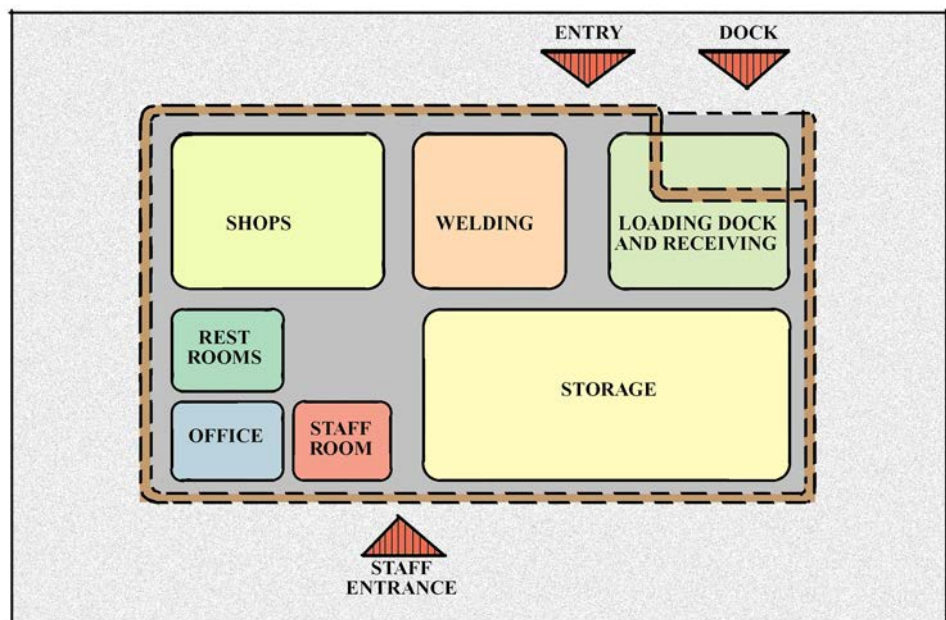


Figure 10-B: Diagram of Proposed Operations and Maintenance Building

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## 11. Park Signs

- 11.1 Introduction:** Over a period of many decades, various signs have been installed within Tucson Mountain Park. These signs were constructed using various materials, forms, and graphic formats. The resulting sign system lacks continuity and fails to convey information to the public in a unified and consistent manner.
- 11.2 Management Objectives:** Tucson Mountain Park will be managed with the objective of providing a comprehensive sign system that provides information needed by the public and that clearly communicates to park visitors that they are within a unique natural resource park.
- 11.3 Policies Related to Park Signs:** It shall be the policy of the Pima County Natural Resources, Parks, and Recreation Department to:
- Provide a comprehensive system of signs within Tucson Mountain Park as needed to identify the park, the park's public use facilities, and applicable rules and regulations for park use.
  - Prohibit the installation of temporary event signs, commercial signs, or other signs not directly related to the park, its facilities, and/or leased properties.
- 11.4 Planned Actions:** The following actions related to signs within Tucson Mountain Park are planned.
- Use of a standard logo and typeface in conjunction with all new park signs. (Graphic standards to be as developed by PCNRPR for the overall County park system).
  - Construction of entry monument signs at the Gates Pass Road entry and at the north and south Kinney Road entrances to the park.
  - Construction of a standard facility identification sign at the entrances to all public use facilities within the park.
  - Installation of kiosks at all trailheads and overlooks with replaceable sign panels for park rules and regulations and for trail / facility maps.
  - Installation of standard facility identification and directional signs within public use areas, as-appropriate.
  - Installation of off-site directional signs at key locations near trailheads and park entrances.
  - Installation of trail identification markers at trail intersections and at ½ mile intervals along all authorized trails.

## 11. Park Signs

### 11.5 Preliminary List of Required Signs:

|                                                  |                                                |
|--------------------------------------------------|------------------------------------------------|
| ENTRY MONUMENT SIGNS                             |                                                |
|                                                  | Gates Pass Road Entrance                       |
|                                                  | Kinney Road South Entrance                     |
|                                                  | Kinney Road North Entrance                     |
| PUBLIC USE FACILITY ENTRY / IDENTIFICATION SIGNS |                                                |
|                                                  | New Visitor Contract Station                   |
|                                                  | Gilbert Ray Campground                         |
|                                                  | Juan Santa Cruz Picnic Area                    |
|                                                  | Brown Mountain Picnic Area                     |
|                                                  | Ironwood Picnic Area                           |
|                                                  | Gates Pass Overlook                            |
|                                                  | G-3 Overlook                                   |
|                                                  | Archery Range                                  |
|                                                  | Rifle / Pistol Range                           |
|                                                  | Starr Pass Trailhead                           |
|                                                  | 36 <sup>th</sup> Street Trailhead              |
|                                                  | Camino de Oeste Trailhead                      |
|                                                  | King Canyon Trailhead                          |
|                                                  | Sarasota Trailhead                             |
|                                                  | Future Trailheads (Explorer and two BLM sites) |
| PARK RULES AND TRAIL / FACILITY MAP KIOSKS       |                                                |
|                                                  | Starr Pass Trailhead                           |
|                                                  | 36 <sup>th</sup> Street Trailhead              |
|                                                  | Camino de Oeste Trailhead                      |
|                                                  | King Canyon Trailhead                          |
|                                                  | Sarasota Trailhead                             |
|                                                  | Starr Pass / J.W. Marriott Walk-in Entry       |
|                                                  | Tucson Estates Walk-In Entries (2 locations)   |



## 11. Park Signs

|                                                                                          |                                                                                                           |
|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
|                                                                                          | Gates Pass Overlook                                                                                       |
|                                                                                          | G-3 Overlook                                                                                              |
|                                                                                          | Archery Range                                                                                             |
|                                                                                          | Rifle / Pistol Range                                                                                      |
|                                                                                          | Roadside pull-out G-1 near east park entrance                                                             |
|                                                                                          | Roadside pull-out K-1 near south park entrance                                                            |
|                                                                                          | Roadside pull-out K-31 near north park entrance                                                           |
|                                                                                          | Future Trailheads (Explorer and two BLM sites)                                                            |
| <b>FACILITY IDENTIFICATION / DIRECTIONAL SIGNS<br/>(TYPICAL LOCATIONS)</b>               |                                                                                                           |
|                                                                                          | Various locations within new Visitor Contact Station site.                                                |
|                                                                                          | All picnic area ramadas                                                                                   |
|                                                                                          | All restroom buildings                                                                                    |
|                                                                                          | Various locations in Gilbert Ray Campground (registration building, campground loops, dump station, etc.) |
|                                                                                          | Various locations within Archery Range and Rifle / Pistol Range                                           |
| <b>OFF-SITE DIRECTIONAL SIGNS<br/>(IDENTIFYING ROUTE TO PARK ENTRY AND/OR TRAILHEAD)</b> |                                                                                                           |
|                                                                                          | Speedway Boulevard at Greasewood                                                                          |
|                                                                                          | Sandario Road at Mile Wide Road (2)                                                                       |
|                                                                                          | Kinney Road at Bopp Road                                                                                  |
|                                                                                          | Starr Pass Boulevard and Clearwell Road (2)                                                               |
|                                                                                          | 36 <sup>th</sup> Street and la Cholla Boulevard (2)                                                       |
|                                                                                          | Camino de Oeste and Gates Pass Road (2)                                                                   |
|                                                                                          | Kinney Road near entrance to King Canyon Trailhead (2)                                                    |
|                                                                                          | (Future) La Cholla Boulevard near proposed Explorer Trailhead                                             |
|                                                                                          | (Future) Bopp Road at Lead Flower Avenue                                                                  |
|                                                                                          | (Future) San Joaquin Road east and west of proposed trailhead (2)                                         |
| <b>TRAIL IDENTIFICATION MARKERS</b>                                                      |                                                                                                           |
|                                                                                          | At all beginning of all trails and at ½ mile intervals (+/- 150 Total)                                    |

---

## 12. Leased Facilities

### 12.1 Introduction:

The Arizona-Sonora Desert Museum (ASDM) leases 95 acres of land within Tucson Mountain Park near the park's northern boundary. On this property the museum operates a zoo, a natural history museum, and botanical garden. The facilities on this site were constructed by, and are operated and maintained by the museum. Pima County is responsible for providing up to 42 acre feet of water to the site each year for irrigation, fire protection, and domestic uses. The current lease between Pima County and the Arizona-Sonora Desert Museum extends through 2028.

Old Tucson Studios leases 180 acres of park land near the intersection of Kinney Road and Gates Pass Road and operates a theme park with the features of an old western town. Equestrian trail rides and special events, such as a seasonal Halloween show, are also conducted at the site. The facilities at the site were constructed by, and are operated and maintained by, Old Tucson Studios. Pima County is responsible for providing up to 18 acre feet of water to the site each year for fire protection and domestic uses. The current lease between Pima County and Old Tucson Studios extends through 2023.

The Sonoran Arthropods Studies Inc. (SASI) leases a group of small buildings near the center of the park and uses these buildings as laboratory, office, and meeting space. The current lease between Pima County and SASI extends through 2009.

### 12.2 Management Objectives:

Tucson Mountain Park will be managed with the objective of maintaining existing opportunities and creating new opportunities for recreation, resource conservation, environmental education, resource interpretation, and scientific research through partnerships with entities that operate facilities on leased lands within Tucson Mountain Park.

### 12.3 Policies Related to Leased Facilities:

It shall be the policy of the Pima County Natural Resources, Parks, and Recreation Department to:

- Work in partnership with the operators of leased facilities in Tucson Mountain Park to provide local residents and visitors to Pima County with appropriate opportunities for recreation, education, and resource interpretation.
- Review each lease prior to its current expiration date to determine if renewal is in the best interest of Pima County and to identify amendments to the lease that will better serve the interests of Pima County, Tucson Mountain Park, the Natural Resources, Parks, and Recreation Department, and the lessee.

---

## 12. Leased Facilities

### 12.4 Planned Actions:

The following actions related to the leased facilities within Tucson Mountain Park are planned.

- Continue to provide utility and other specified services to the leased facilities within the park.
- Repair and/or replace the existing water distribution system as required to provide potable water to the Arizona-Sonoran Desert Museum and Old Tucson in accordance with current lease agreements.
- Collaborate with the Pima County Department of Economic Development and Tourism and the Arizona-Sonora Desert Museum to develop a strategic plan that addresses issues of mutual interest that are not included in the provisions of the current lease. These issues include, but are not limited to, facility expansion, water delivery, water conservation, and interpretive / educational programs.
- Collaborate with the Pima County Department of Economic Development and Tourism and Old Tucson Studios to develop a strategic plan that addresses issues of mutual interest that are not included in the provisions of the current lease. These issues include, but are not limited to, water delivery, water conservation, and restoration of areas outside the leased property that have been disturbed by equestrian trail rides and other activities.
- Review and evaluate the research and educational programs currently being conducted by the Sonoran Arthropods Studies Inc. at the park to determine if an extension of the current lease, with or without additional provisions, is in the best interest of Pima County.

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## 13. Park Expansion

---

- 13.1 Introduction:** Urban development is occurring on lands surrounding Tucson Mountain Park. Most of the surrounding land is privately owned and many of the adjacent parcels have been subdivided. As a result of these conditions, there is limited opportunity for large-scale land acquisition and park expansion. These conditions notwithstanding, expansion of the park should be considered and pursued where feasible and where it will enhance the Department's ability to effectively manage and protect the park's resources.
- 13.2 Management Objectives:** Tucson Mountain Park will be managed with the objective of acquiring new lands and expanding the park in locations where such expansion will improve recreational opportunities available to the public, enhance the Natural Resources, Parks, and Recreation Department's resource management capabilities, and provide / maintain biological corridors.
- 13.3 Policies Related to Park Expansion:** It shall be the policy of the Pima County Natural Resources, Parks, and Recreation Department to:
- Attempt to eliminate private in-holdings within the park boundaries through the purchase of the subject lands from willing sellers at purchase prices that are deemed reasonable and appropriate by the Pima County Board of Supervisors.
  - Attempt to acquire adjacent and nearby public lands, including but not limited to State Trust Lands, where such acquisitions will enhance opportunities for public recreation and/or facilitate resource conservation and management.
  - Attempt to acquire certain adjacent and nearby private lands where such acquisitions will enhance opportunities for public recreation and/or facilitate resource conservation and management.
- 13.4 Planned Actions:** The following actions related to the acquisition of new land and the expansion of the park are planned.
- Monitor the status of in-holdings and enter into discussions with willing sellers when appropriate.
  - Initiate discussions with the State Land Department related to the purchase or long-term lease of the Trust Lands identified herein. (See Figure 13-A)
  - Actively pursue the phased acquisition of adjacent private lands as identified herein. (See Figure 13-A)

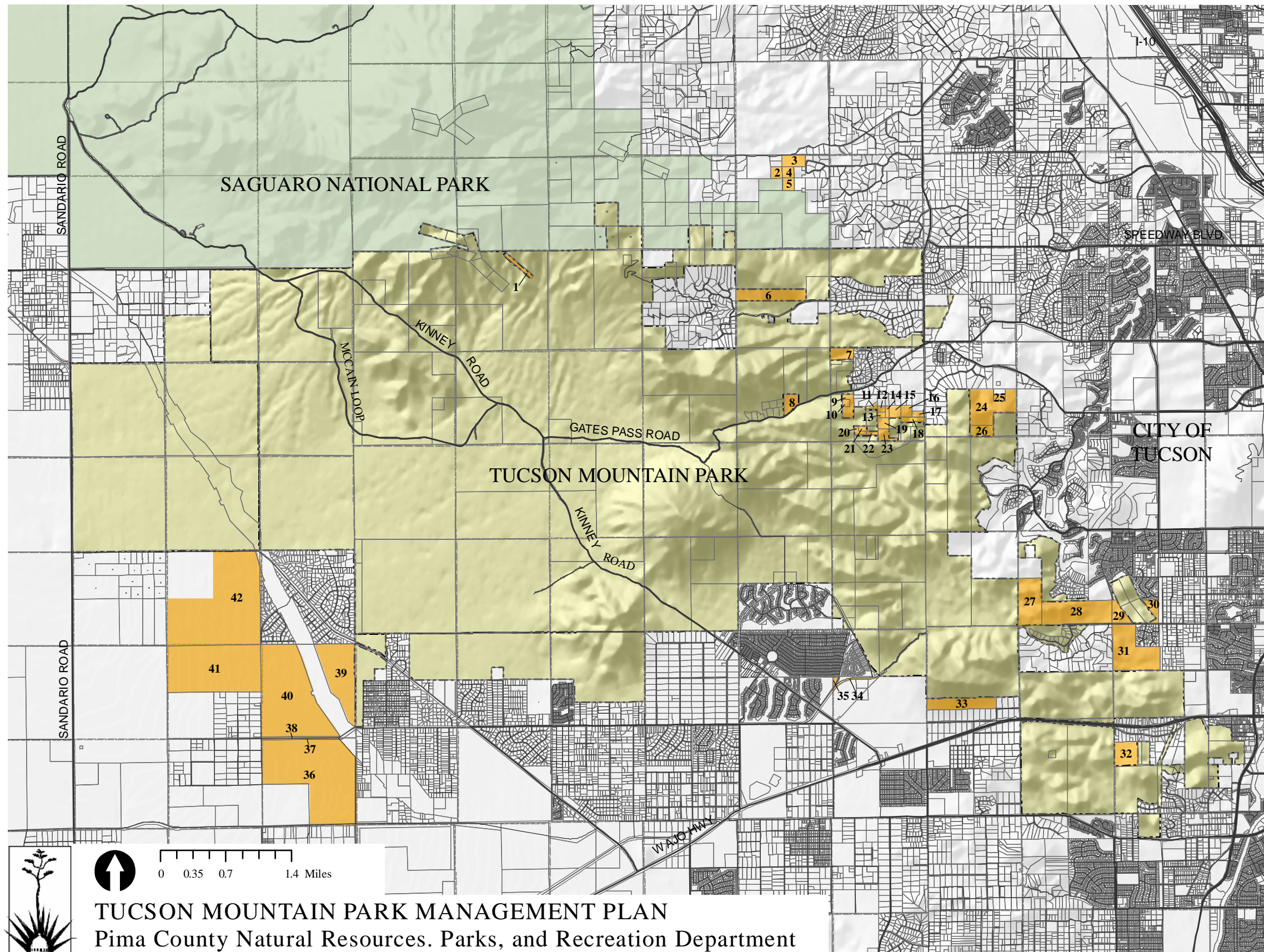
# TUCSON MOUNTAIN PARK

FIGURE 13-A  
PARK EXPANSION

## LEGEND

 Planned Acquisitions

| Acquisition Number | Parcel Number | Owner Name      | Area (acres)   |
|--------------------|---------------|-----------------|----------------|
| 1                  | 212-090-010   | MOSS            | 9.1            |
| 2                  | 214-540-270   | WIEWANDT        | 9.8            |
| 3                  | 214-540-231   | WIEWANDT        | 20.3           |
| 4                  | 214-540-240   | WIEWANDT        | 10.0           |
| 5                  | 214-540-340   | WIEWANDT        | 10.2           |
| 6                  | 212-040-03J   | AZSTL           | 61.0           |
| 7                  | 212-110-190   | PAYNE           | 20.6           |
| 8                  | 212-100-02A   | SNIDER          | 18.0           |
| 9                  | 212-110-26B   | HILLS           | 15.9           |
| 10                 | 212-110-270   | HILLS           | 4.0            |
| 11                 | 212-110-28M   | MANGELSDORF     | 3.7            |
| 12                 | 212-110-39C   | LAWSON          | 3.4            |
| 13                 | 212-110-39D   | CNN DEVELOPMENT | 3.4            |
| 14                 | 212-110-39E   | CNN DEVELOPMENT | 3.3            |
| 15                 | 212-110-400   | GERSTEN         | 9.9            |
| 16                 | 212-110-470   | GERSTEN         | 9.6            |
| 17                 | 212-110-46D   | LEONARD         | 5.3            |
| 18                 | 212-110-480   | DAVIS           | 8.1            |
| 19                 | 212-110-380   | SMIMAN LLC      | 10.0           |
| 20                 | 212-110-32B   | DERBY           | 5.5            |
| 21                 | 212-110-32A   | DERBY           | 3.2            |
| 22                 | 212-110-32C   | DERBY           | 3.4            |
| 23                 | 212-110-340   | BOLSER          | 11.7           |
| 24                 | 116-080-090   | DOS PICOS       | 92.5           |
| 25                 | 116-080-08B   | DOS PICOS       | 5.8            |
| 26                 | 116-080-110   | SHEPARD         | 18.5           |
| 27                 | 118-020-03A   | TUCSON WEST     | 80.7           |
| 28                 | 118-020-040   | FRICK           | 117.2          |
| 29                 | 118-033-340   | FRICK           | 20.2           |
| 30                 | 118-033-390   | FRICK           | 15.7           |
| 31                 | 119-281-510   | FRICK           | 119.4          |
| 32                 | 119-351-870   | AZSTL           | 42.1           |
| 33                 | 119-320-05A   | CAT. BOY SCOUTS | 59.0           |
| 34                 | 212-200-07A   | CAT. BOY SCOUTS | 5.9            |
| 35                 | 212-200-060   | CAT. BOY SCOUTS | 2.8            |
| 36                 | 211-380-25B   | AZSTL           | 443.8          |
| 37                 | 999-999-991   |                 | 7.9            |
| 38                 | 999-999-994   |                 | 10.9           |
| 39                 | 211-320-01B   | AZSTL           | 144.7          |
| 40                 | 211-320-01A   | AZSTL           | 359.0          |
| 41                 | 211-330-010   | AZSTL           | 320.7          |
| 42                 | 211-290-01A   | AZSTL           | 482.9          |
| <b>TOTAL ACRES</b> |               |                 | <b>2,609.0</b> |



0 0.35 0.7 1.4 Miles

**TUCSON MOUNTAIN PARK MANAGEMENT PLAN**  
Pima County Natural Resources, Parks, and Recreation Department

Prepared by McGann & Associates Landscape Architects and Planners

## 14. Park Administration and Staffing

### 14.1 Introduction:

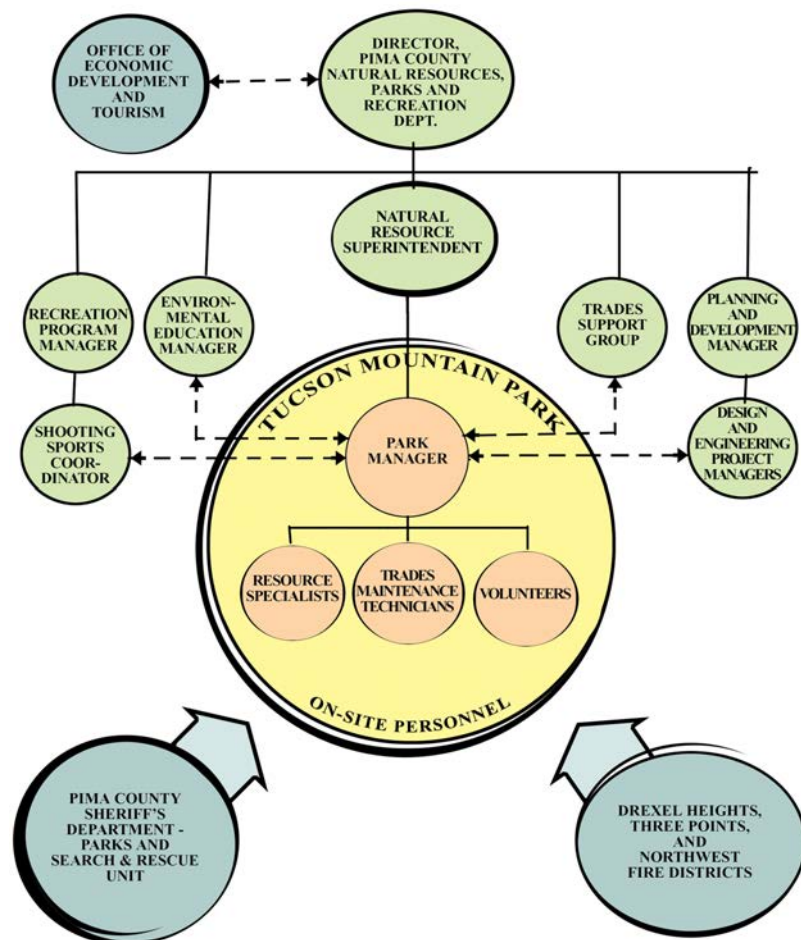
The management of Tucson Mountain Park has historically been coordinated by an on-site Park Manager with the support of both on-site and off-site personnel. It is recommended that this basic approach be retained with some modifications.

The most significant change proposed is the addition of new Resource Management Specialist positions. These new staff members will be responsible for monitoring, maintaining, repairing, and restoring back-country areas, trail corridors, and special habitat features within Tucson Mountain Park. The construction of approximately 70 miles of trails by park users over the past decade, without the consent of the Natural Resources, Parks, and Recreation Department is evidence of the need for the new Resource Management Specialist positions.

The need for additional staff is critical. With the employment of staff as proposed, Tucson Mountain Park will have approximately one maintenance / resource specialist for every 2,600 acres of park. By comparison the City of Phoenix Parks Department has one maintenance staff person for every 1,137 acres of mountain park.

### 14.2 Park Staff Organization Chart:

Provided below is a chart outlining the organization of staff responsible for the operation, management, and maintenance of Tucson Mountain Park.



## 14. Park Administration and Staffing

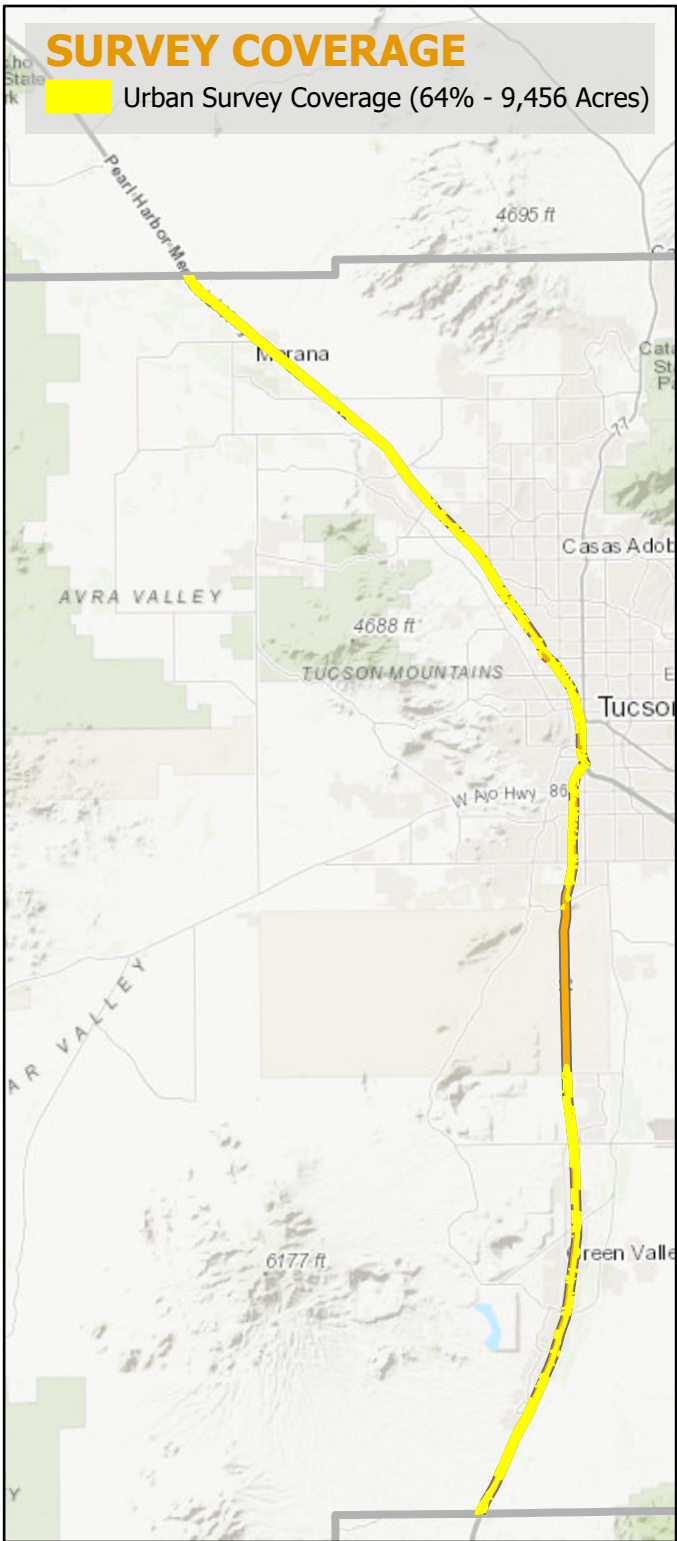
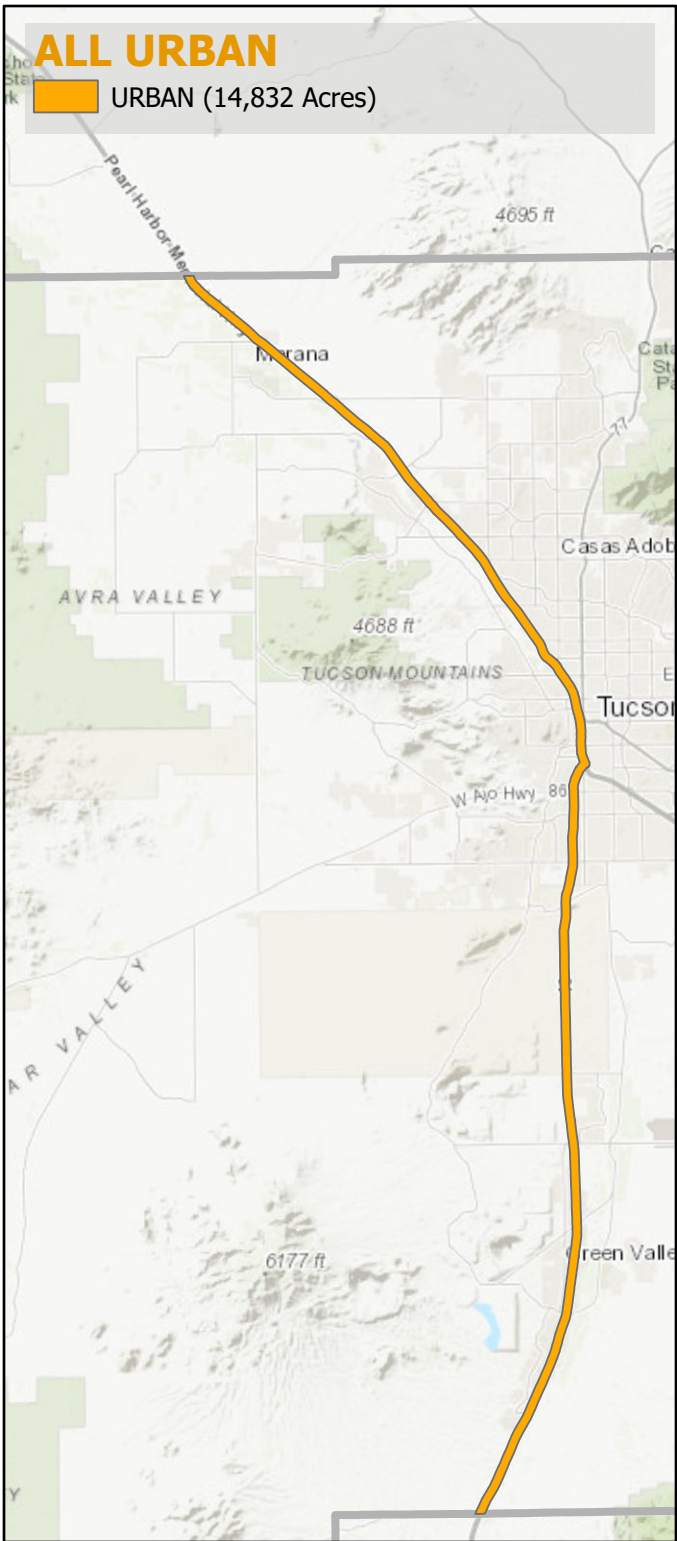
### 14.3 Park Staff and Responsibilities:

|                                                                            |                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>NATURAL RESOURCE SUPERINTENDENT (Off-Site)</b>                          |                                                                                                                                                                                                                                                                                                                        |
|                                                                            | Responsible for overall management of Tucson Mountain Park and other mountain parks, natural resource parks, open-space, and ranch properties.                                                                                                                                                                         |
| <b>PARK MANAGER (On-Site)</b>                                              |                                                                                                                                                                                                                                                                                                                        |
|                                                                            | Responsible for all day-to-day operations of the park. Supervises on-site staff of Trades Maintenance Technicians, Resource Management Specialists, and Volunteers. Coordinates with Environmental Education Manager and Recreation Program / Shooting Sports Manager.                                                 |
| <b>TRADES MAINTENANCE TECHNICIANS (4 Total - On-Site)</b>                  |                                                                                                                                                                                                                                                                                                                        |
|                                                                            | Responsible for the operation and maintenance of the park water system, picnic areas, overlooks, trailheads, and campground. Assist with the maintenance of shooting range facilities. Report to the Park Manager.                                                                                                     |
| <b>RESOURCE MANAGEMENT SPECIALISTS (4 Total - On-Site)</b>                 |                                                                                                                                                                                                                                                                                                                        |
|                                                                            | Responsible for monitoring user activities and site conditions along trail corridors, in back-country areas, and in special habitat areas (such as wildlife guzzlers, bat caves, etc.). Responsible for making as-needed repairs to trails. Assist with periodic resource monitoring programs. Report to Park Manager. |
| <b>VOLUNTEERS (On-Site)</b>                                                |                                                                                                                                                                                                                                                                                                                        |
|                                                                            | Consist of camp hosts, campground volunteers, and participants in other volunteer programs. Assist with various maintenance, monitoring, and non-native plant removal programs. Report to the Park Manager or designee.                                                                                                |
| <b>RECREATION PROGRAM MANAGER / SHOOTING SPORTS COORDINATOR (Off-Site)</b> |                                                                                                                                                                                                                                                                                                                        |
|                                                                            | Responsible for operation, management, and maintenance of all facilities at the Rifle / Pistol Range and at the Archery Range, exclusive of trash removal. Coordinate all activities with the Park Manager.                                                                                                            |
| <b>ENVIRONMENTAL EDUCATION PROGRAM MANAGER (Off-Site)</b>                  |                                                                                                                                                                                                                                                                                                                        |
|                                                                            | Responsible for the development and presentation of all environmental education and interpretive programs offered at Tucson Mountain Park. Coordinates all park related activities with the Park Manager.                                                                                                              |

## 14. Park Administration and Staffing

|                                                                                          |                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PLANNING AND DEVELOPMENT MANAGER AND PLANNING /<br>DESIGN PROJECT MANAGERS (Off-Site)    |                                                                                                                                                                                                                                                                                                            |
|                                                                                          | Assist with the planning and design of new and/or renovated public facilities within the park. Coordinate as-needed with the Park Manager on all Tucson Mountain Park projects.                                                                                                                            |
| TRADES SUPPORT GROUP (Off-Site)                                                          |                                                                                                                                                                                                                                                                                                            |
|                                                                                          | Provide on and as-needed basis, trades personnel, specialized equipment, and other resources needed to make major repairs to park facilities and infrastructure improvements. Are temporarily assigned to the park at the request of the Park Manager and coordinate all activities with the Park Manager. |
| PIMA COUNTY SHERIFF'S DEPARTMENT - PARKS AND SEARCH-&-RESCUE UNIT                        |                                                                                                                                                                                                                                                                                                            |
|                                                                                          | Provide law enforcement within Tucson Mountain Park. Conduct regular patrols as scheduled by the Sheriff's Department. Respond to incidents as requested by Natural Resources, Parks, and Recreation Department personnel and/or the public.                                                               |
| DREXEL HEIGHTS FIRE DISTRICT, THREE-POINTS FIRE DISTRICT,<br>AND NORTHWEST FIRE DISTRICT |                                                                                                                                                                                                                                                                                                            |
|                                                                                          | Respond to emergencies, vehicle and/or structure fires, and wildland fires as-needed. Responses made individually or by multiple fire districts in accordance with mutual aid protocols.                                                                                                                   |
| PIMA COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT AND<br>TOURISM                            |                                                                                                                                                                                                                                                                                                            |
|                                                                                          | Responsible for oversight of lease agreements between Pima County and the Arizona-Sonora Desert Museum and Old Tucson. Coordinates activities with the Natural Resource Manager and the Park Manager.                                                                                                      |





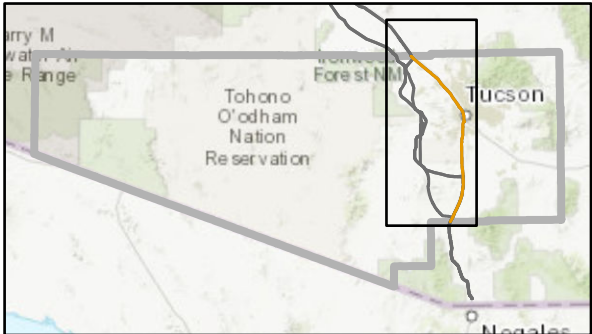
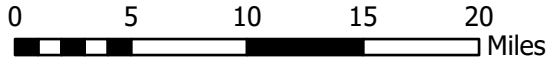
**ATTACHMENT 4**

**Historic Properties Analysis  
 Urban vs. Rural Routes  
 I-11 Project**



|                            | <b>URBAN</b> | <b>RURAL</b> |
|----------------------------|--------------|--------------|
| Known Sites Present*       | 204          | N/A          |
| NRHP-Listed Districts*     | 6            | N/A          |
| NRHP-Listed Non-Districts* | 4            | N/A          |

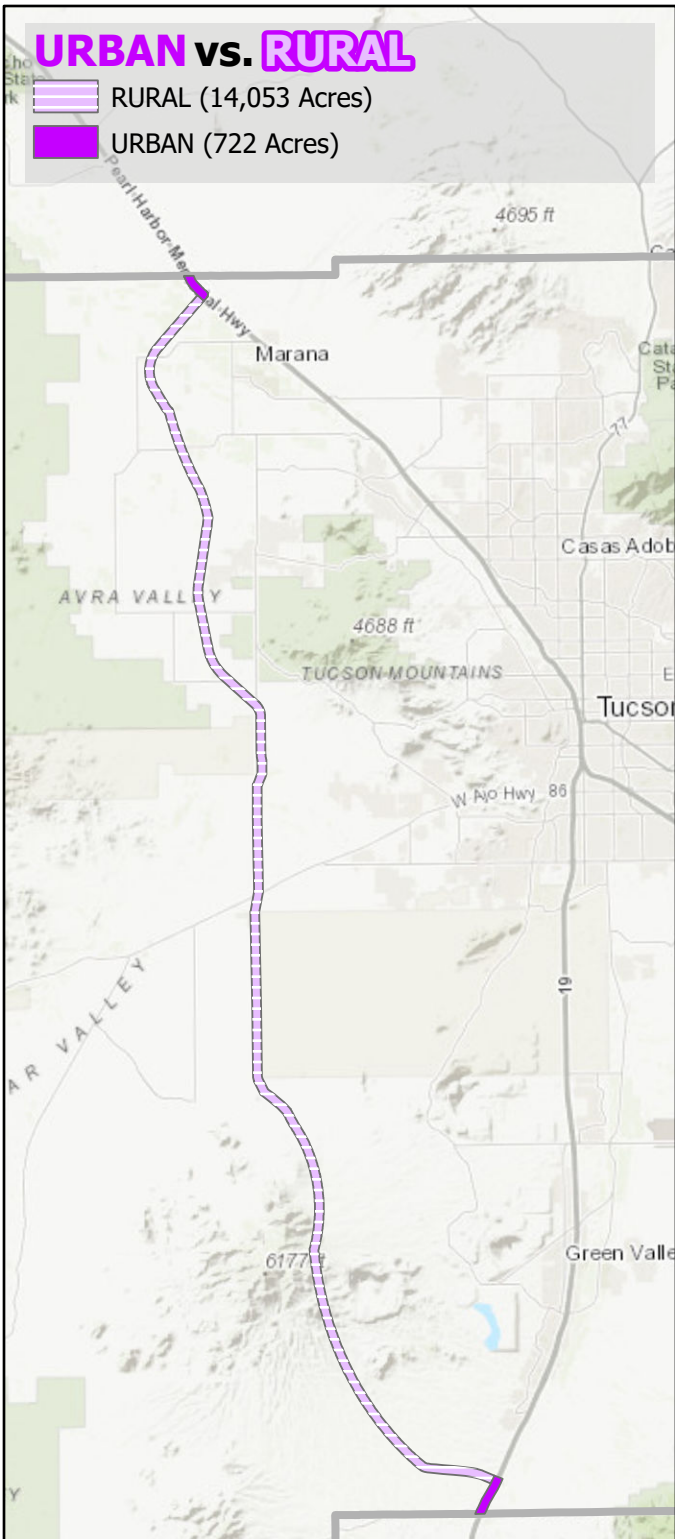
\*Not depicted to maintain required confidentiality

**ORANGE  
 ALTERNATIVE**





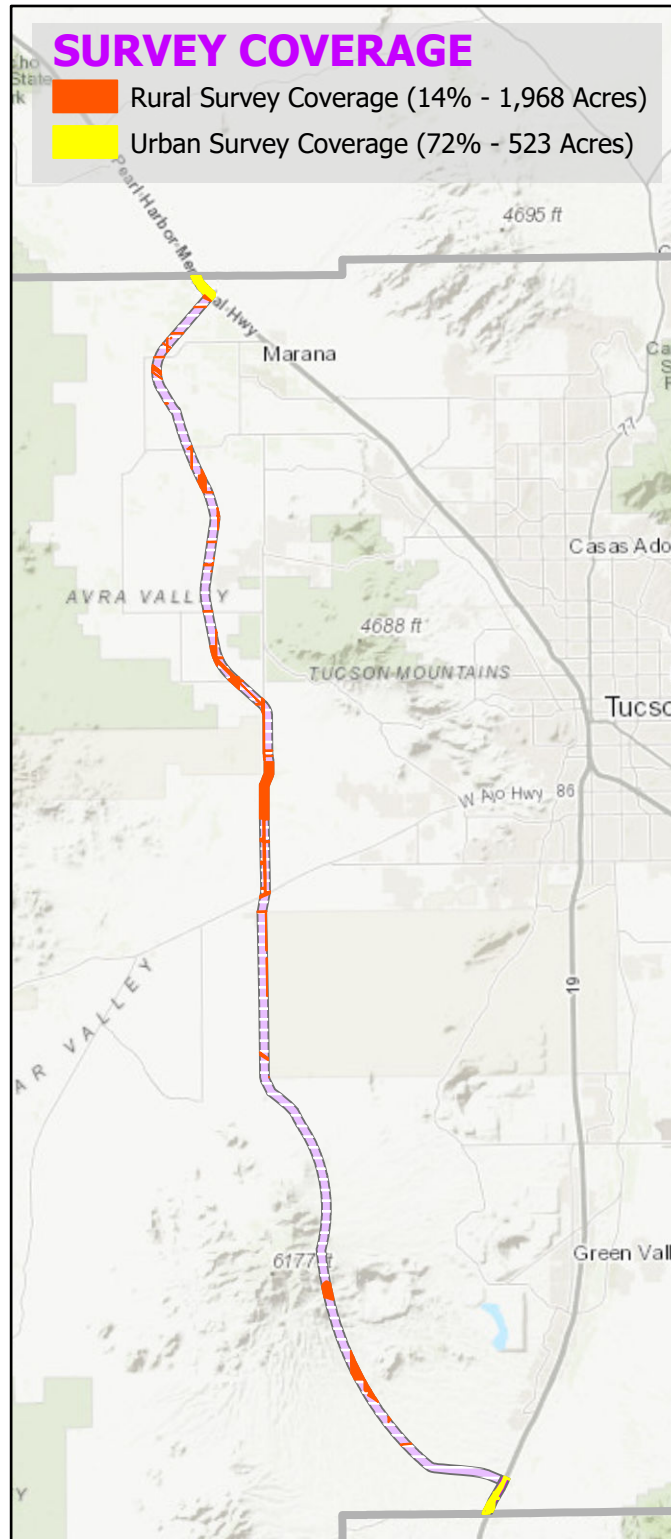
## URBAN vs. RURAL

-  RURAL (14,053 Acres)
-  URBAN (722 Acres)



## SURVEY COVERAGE

-  Rural Survey Coverage (14% - 1,968 Acres)
-  Urban Survey Coverage (72% - 523 Acres)



**PIMA COUNTY**

SUSTAINABILITY & CONSERVATION  
CULTURAL RESOURCES & HISTORIC PRESERVATION DIVISION

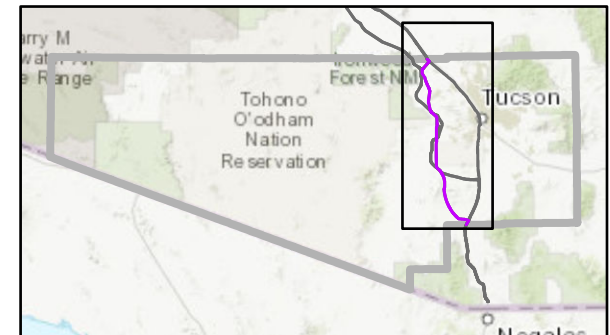
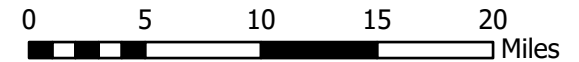
## ATTACHMENT 4

# Historic Properties Analysis Urban vs. Rural Routes I-11 Project

|                            | URBAN | RURAL |
|----------------------------|-------|-------|
| Known Sites Present*       | 5     | 33    |
| NRHP-Listed Districts*     | 1     | 0     |
| NRHP-Listed Non-Districts* | 0     | 0     |

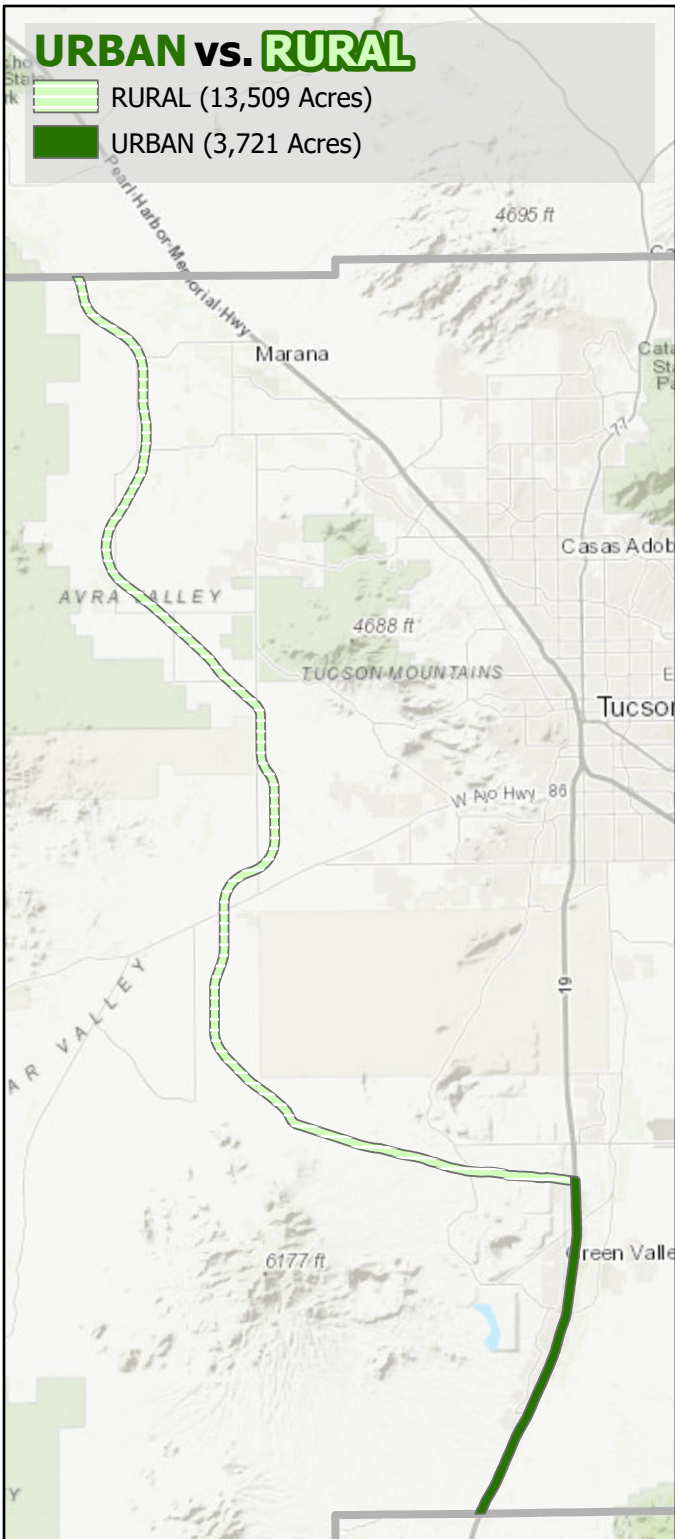
\*Not depicted to maintain required confidentiality

**PURPLE  
ALTERNATIVE**



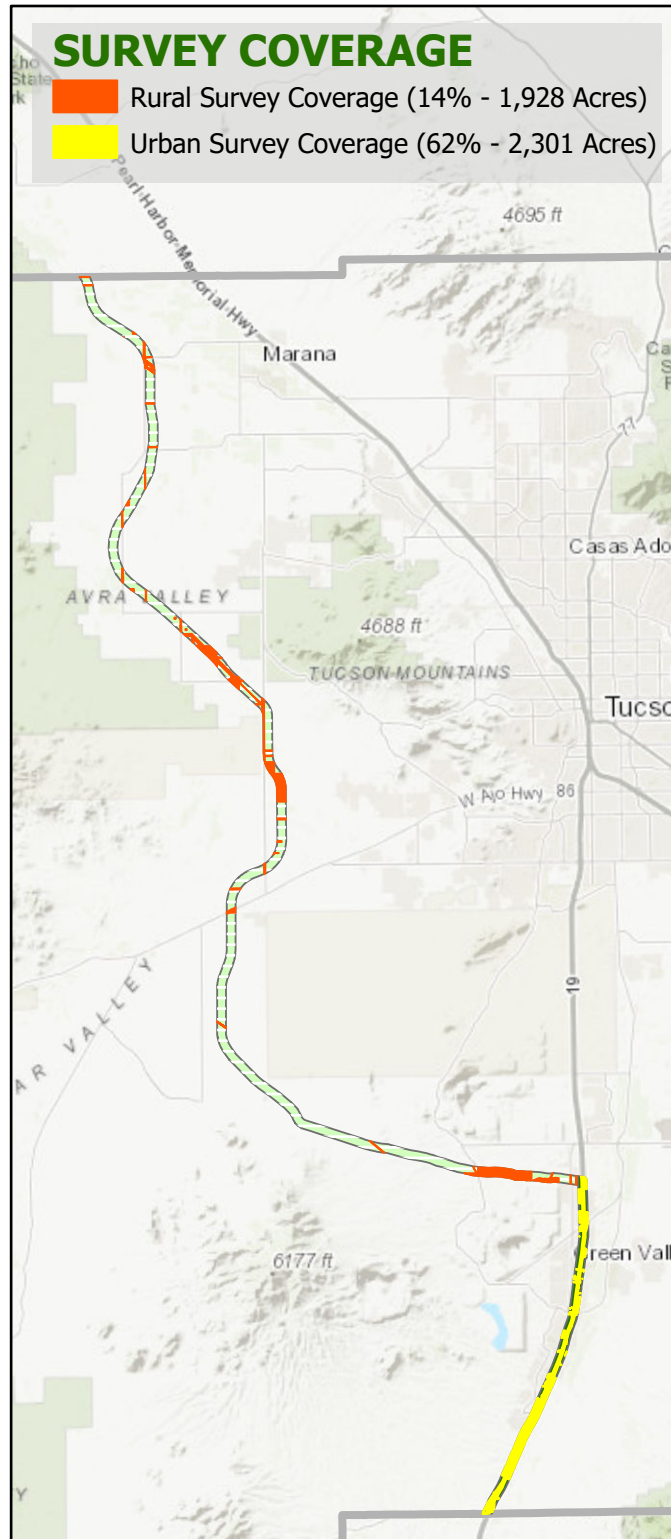
## URBAN vs. RURAL

- RURAL (13,509 Acres)
- URBAN (3,721 Acres)



## SURVEY COVERAGE

- Rural Survey Coverage (14% - 1,928 Acres)
- Urban Survey Coverage (62% - 2,301 Acres)



**PIMA COUNTY**

SUSTAINABILITY & CONSERVATION  
CULTURAL RESOURCES & HISTORIC PRESERVATION DIVISION

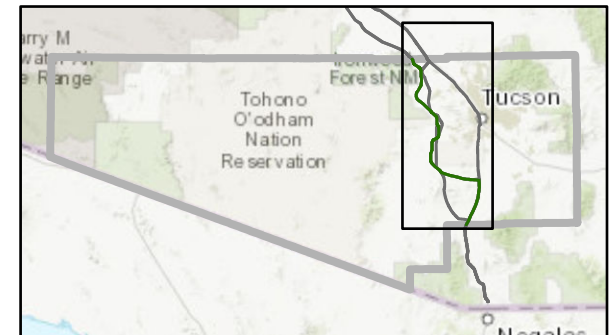
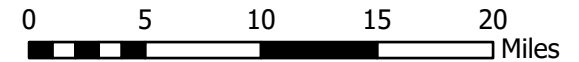
## ATTACHMENT 4

# Historic Properties Analysis Urban vs. Rural Routes I-11 Project



|                            | URBAN | RURAL |
|----------------------------|-------|-------|
| Known Sites Present*       | 42    | 25    |
| NRHP-Listed Districts*     | 1     | 0     |
| NRHP-Listed Non-Districts* | 0     | 0     |

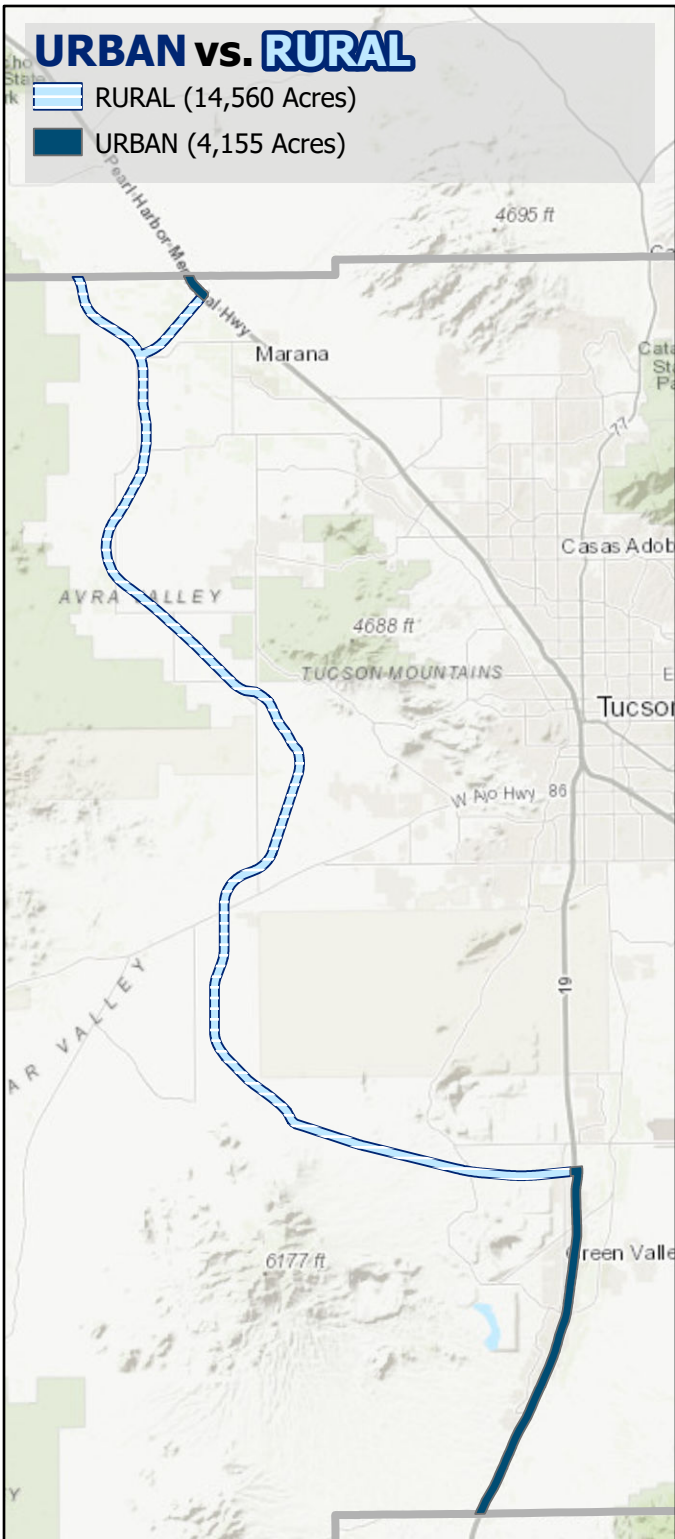
\*Not depicted to maintain required confidentiality

**GREEN  
ALTERNATIVE**





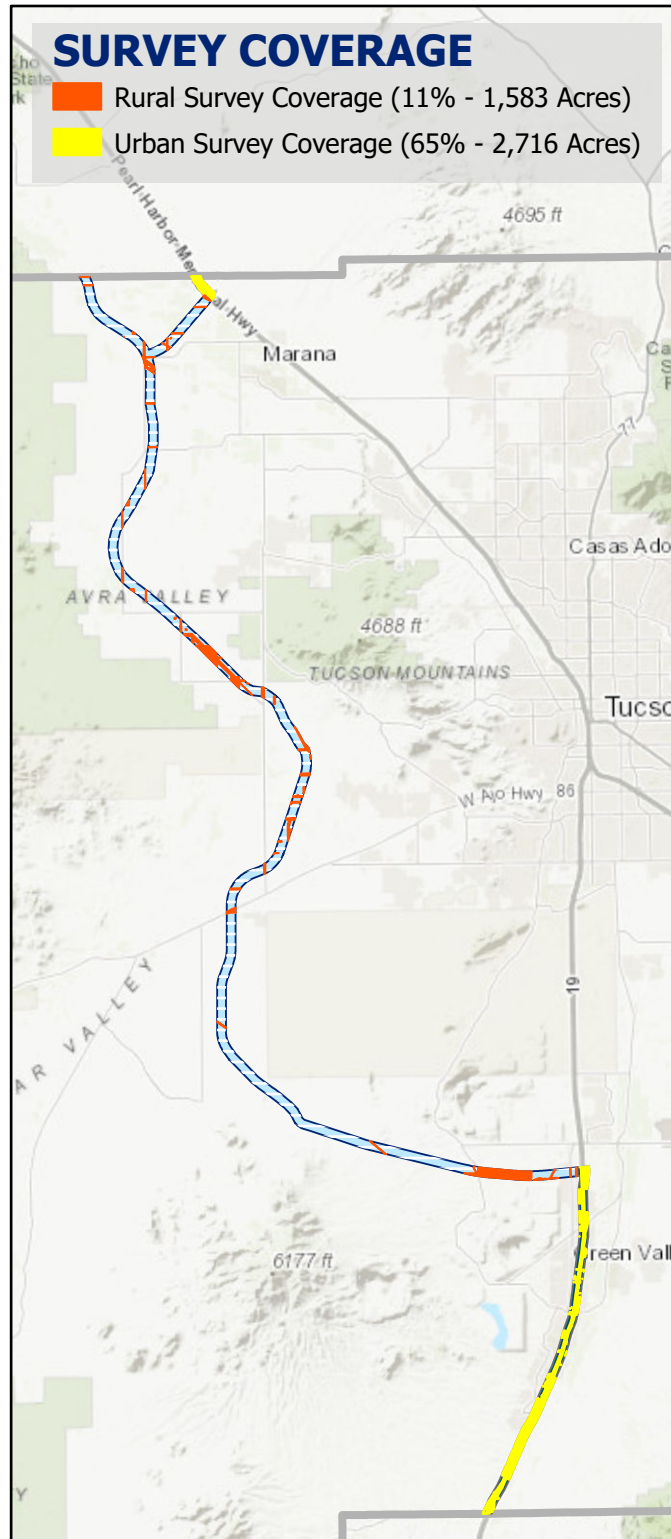
## URBAN vs. RURAL

-  RURAL (14,560 Acres)
-  URBAN (4,155 Acres)



## SURVEY COVERAGE

-  Rural Survey Coverage (11% - 1,583 Acres)
-  Urban Survey Coverage (65% - 2,716 Acres)



**PIMA COUNTY**

SUSTAINABILITY & CONSERVATION  
CULTURAL RESOURCES & HISTORIC PRESERVATION DIVISION

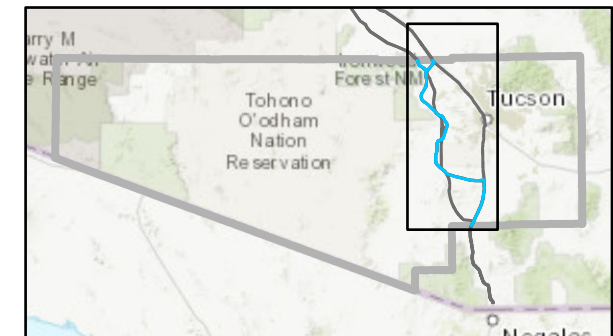
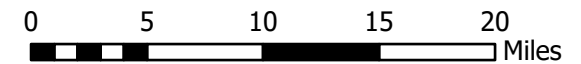
## ATTACHMENT 4

### Historic Properties Analysis Urban vs. Rural Routes I-11 Project

|                            | URBAN | RURAL |
|----------------------------|-------|-------|
| Known Sites Present*       | 48    | 24    |
| NRHP-Listed Districts*     | 1     | 0     |
| NRHP-Listed Non-Districts* | 0     | 0     |

\*Not depicted to maintain required confidentiality

**BLUE  
ALTERNATIVE**



**ATTACHMENT 5. COUNTY-OWNED RIVER PARK 4F PROPERTIES**

| PROPERTY NAME                                    | PARCEL    | ACRES | OWNER       | OWNERSHIP STATUS | JURISDICTION   |
|--------------------------------------------------|-----------|-------|-------------|------------------|----------------|
| RILLITO VISTA NEIGHBORHOOD PARK                  | 216131130 | 0.5   | Pima County | FEE SIMPLE       | PIMA COUNTY    |
| RILLITO VISTA NEIGHBORHOOD PARK                  | 216131120 | 0.7   | Pima County | FEE SIMPLE       | PIMA COUNTY    |
| RILLITO VISTA NEIGHBORHOOD PARK                  | 216131110 | 0.5   | Pima County | FEE SIMPLE       | PIMA COUNTY    |
| MIKE JACOB SPORTS PARK                           | 21402028C | 53.8  | Pima County | FEE SIMPLE       | TOWN OF MARANA |
| MIKE JACOB SPORTS PARK                           | 21401006A | 1.9   | Pima County | FEE SIMPLE       | TOWN OF MARANA |
| MIKE JACOB SPORTS PARK                           | 214010020 | 0.7   | Pima County | FEE SIMPLE       | TOWN OF MARANA |
| MIKE JACOB SPORTS PARK                           | 21402028D | 12.8  | Pima County | FEE SIMPLE       | TOWN OF MARANA |
| MIKE JACOB SPORTS PARK                           | 101050200 | 1.1   | Pima County | FEE SIMPLE       | TOWN OF MARANA |
| TED WALKER PARK                                  | 10105025G | 3.2   | FCD         | FEE SIMPLE       | TOWN OF MARANA |
| RILLITO RIVER PARK I10 TO SHANNON RD             | 10107102C | 4.8   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| RILLITO RIVER PARK I10 TO SHANNON RD             | 101071910 | 1.7   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| PIMA PRICKLY PARK                                | 101071090 | 40.1  | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| CAMINO DE LA TIERRA TRAILHEAD                    | 10107111A | 9.1   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| RILLITO RIVER PARK I10 TO SHANNON RD             | 101071200 | 1.1   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| RILLITO RIVER PARK I10 TO SHANNON RD             | 101071120 | 1.0   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| RILLITO RIVER PARK I10 TO SHANNON RD             | 10107114C | 0.1   | FCD         | FEE SIMPLE       | PIMA COUNTY    |
| RILLITO RIVER PARK I10 TO SHANNON RD             | 10107114F | 0.2   | FCD         | FEE SIMPLE       | PIMA COUNTY    |
| RILLITO RIVER PARK I10 TO SHANNON RD             | 101071130 | 0.0   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| RILLITO RIVER PARK I10 TO SHANNON RD             | 10107114D | 0.1   | FCD         | FEE SIMPLE       | PIMA COUNTY    |
| RILLITO RIVER PARK I10 TO SHANNON RD             | 101071150 | 1.0   | Pima County | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK NORTH GRANT TO INA         | 10702003C | 7.0   | Pima County | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK NORTH GRANT TO INA         | 107031620 | 8.3   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK NORTH GRANT TO INA         | 10703127B | 0.5   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK NORTH GRANT TO INA         | 10703128B | 0.6   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK NORTH GRANT TO INA         | 10703191D | 0.1   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK NORTH GRANT TO INA         | 10704016B | 0.1   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH SPEEDWAY TO GRANT RD | 11516023C | 0.3   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH SPEEDWAY TO GRANT RD | 11519001E | 1.7   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH SPEEDWAY TO GRANT RD | 11519003B | 0.6   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH SPEEDWAY TO GRANT RD | 115170500 | 0.8   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH SPEEDWAY TO GRANT RD | 115170510 | 0.8   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH SPEEDWAY TO GRANT RD | 11517052A | 0.5   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH SPEEDWAY TO GRANT RD | 11517059A | 0.5   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH SPEEDWAY TO GRANT RD | 115170610 | 0.9   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH SPEEDWAY TO GRANT RD | 11517062A | 0.4   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH SPEEDWAY TO GRANT RD | 11517057B | 0.4   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH SPEEDWAY TO GRANT RD | 115170640 | 0.9   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH SPEEDWAY TO GRANT RD | 11517059B | 0.2   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH SPEEDWAY TO GRANT RD | 115170600 | 0.2   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH SPEEDWAY TO GRANT RD | 11517065A | 0.6   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH SPEEDWAY TO GRANT RD | 11517028B | 2.9   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH SPEEDWAY TO GRANT RD | 11517030B | 0.7   | FCD         | FEE SIMPLE       | CITY OF TUCSON |

| PROPERTY NAME                                                           | PARCEL    | ACRES | OWNER       | OWNERSHIP STATUS | JURISDICTION   |
|-------------------------------------------------------------------------|-----------|-------|-------------|------------------|----------------|
| SANTA CRUZ RIVER PARK SOUTH CONGRESS ST TO SPEEDWAY                     | 116173290 | 0.1   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH CONGRESS ST TO SPEEDWAY                     | 11617321C | 0.1   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH CONGRESS ST TO SPEEDWAY                     | 116173230 | 0.1   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH CONGRESS ST TO SPEEDWAY                     | 11617321D | 0.1   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH CONGRESS ST TO SPEEDWAY                     | 11617322B | 0.2   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH CONGRESS ST TO SPEEDWAY                     | 11617321B | 0.0   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH CONGRESS ST TO SPEEDWAY                     | 11617318C | 0.0   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH CONGRESS ST TO SPEEDWAY                     | 11617318D | 0.2   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH CONGRESS ST TO SPEEDWAY                     | 116173000 | 0.2   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH SILVERLAKE RD TO CONGRESS ST                | 11623102W | 0.1   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH AJO HWY TO SILVERLAKE PASEO DE LAS IGLESIAS | 11918015D | 1.7   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH AJO HWY TO SILVERLAKE PASEO DE LAS IGLESIAS | 11918016B | 0.9   | Pima County | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH AJO HWY TO SILVERLAKE PASEO DE LAS IGLESIAS | 11918016F | 2.0   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH AJO HWY TO SILVERLAKE PASEO DE LAS IGLESIAS | 11918020C | 7.4   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH VALENCIA RD TO AJO HWY                      | 12003220A | 1.0   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH VALENCIA RD TO AJO HWY                      | 12001005B | 0.5   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH VALENCIA RD TO AJO HWY                      | 120030740 | 0.7   | FCD         | FEE SIMPLE       | CITY OF TUCSON |
| SANTA CRUZ RIVER PARK SOUTH VALENCIA RD TO AJO HWY                      | 11942007D | 7.6   | FCD         | FEE SIMPLE       | CITY OF TUCSON |

**ATTACHMENT 3. INTERGOVERNMENTAL AGREEMENT BETWEEN PIMA COUNTY, PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT, AND THE CITY OF TUCSON FOR MAINTENANCE OF MAJOR WATERCOURSES AND RIVER PARKS.**



Contract Number: CT-FC-14 \* 237  
 Effective Date: 1-7-2014  
 Term Date: 1-7-2039  
 Cost:   
 Revenue:   
 Total: \_\_\_\_\_ NTE: \_\_\_\_\_  
 Action: \_\_\_\_\_  
 Renewal By: 10-1-2038  
 Term: 1-7-2039  
 Reviewed by: [Signature]

**BOARD OF SUPERVISORS AGENDA ITEM SUMMARY**

Requested Board Meeting Date: January 7, 2014

**ITEM SUMMARY, JUSTIFICATION &/OR SPECIAL CONSIDERATIONS:**

This proposed Intergovernmental Agreement (IGA) is between Pima County (County), Pima County Regional Flood Control District (District), and the City of Tucson (City), for the maintenance of the major watercourses and river parks within the City's incorporated limits. The City and the County have a long history of implementing flood control improvements with ancillary river park improvements along the Santa Cruz River, Rillito River, and the Pantano Wash. The maintenance responsibilities for these facilities are currently shared between the City and County. Flood control improvements and river park segments of City-owned lands are generally maintained by both the City and the County and the remaining segments are maintained by the District. This current allocation of responsibilities is confusing and inefficient.

This IGA would provide for the County and the District to maintain and operate flood control improvements and river parks along the Santa Cruz River from Rillito River to Valencia Road and the Pantano Wash from Craycroft Road to Harrison Road. The City will convey to the County and to the District, perpetual easements in favor of the County and the District over the segments of City-owned property along the rivers for the purpose of access and maintenance of the rivers, including all flood control and river park facilities, for the benefit of the public.

CONTRACT NUMBER (if applicable): 14 \* 237

Procure Dept 12/11/13 RM0942

**STAFF RECOMMENDATION(S):**

Approval.

**CORPORATE HEADQUARTERS:** City of Tucson

Ver-1  
 Vendor-1  
 Pgs. 27

To: COB-12-24-13  
 Agenda 1-7-14  
 (3)



CLERK OF BOARD USE ONLY: BOX M.G. \_\_\_\_\_

ITEM NO. \_\_\_\_\_

PIMA COUNTY COST: \$0 \_\_\_\_\_ and/or REVENUE TO PIMA COUNTY: \$ NA \_\_\_\_\_

FUNDING SOURCE(S): Flood Control Tax Levy  
(i.e., General Fund, State Grant Fund, Federal Fund, Stadium D Fund, etc.)

**Advertised Public Hearing:**

YES  NO

**Board of Supervisors District:**

1  2  3  4  5  All

**IMPACT:**

**IF APPROVED:**

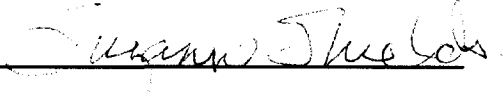
County maintenance and operations of the river parks will provide a consistent, standardized level of development and maintenance of the region's multi-modal, multi-use recreational infrastructure, thus meeting the goals of the Pima Regional Trail System Master Plan. The District will be able to more efficiently manage flood control infrastructure along the major river system for the protection of public safety and property from flooding.

**IF DENIED:**

This current allocation of responsibilities will remain split between the County and the City. This is confusing to the public and an inefficient use of resources.

DEPARTMENT NAME: Regional Flood Control District

DEPARTMENT DIRECTOR: Suzanne Shields, P.E.

DIRECTOR'S SIGNATURE:  12/10/13  
Date

CONTACT PERSON: Suzanne Shields TELEPHONE NO.: 724-4680

*\*Return item to processing contact person.*



1. Rillito River and River Park, along the north and south banks from the Santa Cruz River to Craycroft Road.
2. Portions of the Santa Cruz River Park, from the Rillito River to Speedway including that portion of the river park along Christopher Columbus Park and the Silverbell Golf Course; the west bank from Speedway to St. Mary's Road; and the west and east bank from Mission Lane to Irvington.
3. Julian Wash Greenway, from the Santa Cruz River to Rita Road (as previously described in the IGA, Pima County Contract No. 1200000000000001944 and Mayor and Council Resolution No. 21845).
4. Harrison Greenway from Pantano Wash at Sellerole Road to the Julian Wash (as previously described in the IGA, Pima County Contract No. 1200000000000001944 and Mayor and Council Resolution No. 21845).

NOW, THEREFORE, County, District, and City pursuant to the above, and in consideration of matters and things hereinafter set forth, do mutually agree as follows:

#### **Agreement**

1. **Purpose.** The purpose of this IGA is to set forth the agreement of the parties with respect to identifying the District's role in the maintenance of flood control infrastructure and river parks within the incorporated limits of the City of Tucson for the Santa Cruz River and Pantano Wash ("Rivers") as shown in **Exhibits A and B**, respectively. Some segments of the Rivers lie on land owned or controlled by the County and District, while other segments lie on land owned or controlled by the City. It is the intent of this IGA that the City grants to the County and District easements to provide maintenance for flood control infrastructures and river park improvements on the lands owned or controlled by the City.
2. **Scope.** The scope of this Agreement includes the following two segments of the Loop:
  - a. **Santa Cruz River from Rillito River to Valencia Road** – The existing river and park improvements along the Santa Cruz River from El Camino del Cerro to Valencia including the bank protection, channel and all river park improvements as shown in **Exhibit A** attached hereto. The improvements excluded from this Agreement along the Santa Cruz River are:
    - i. The Garden of Gethsemane at 670 West Congress Avenue and adjacent park improvements between Congress and Alameda at 660 West Alameda St (aka Bonita Park).
    - ii. Plaza at 1 North Freeway which is under the ownership of the State of Arizona.
  - b. **Pantano Wash from Craycroft Road to Harrison Road.** The existing river and park improvements including bank protection, channel and all river park improvements

from upstream of Tanque Verde Road to Sellarole Road as shown in **Exhibit B attached**. The improvements excluded from this Agreement along the Pantano Wash are:

- i. Fort Lowell Park
- ii. Stefan Gollob Park;
- iii. Michael Perry Park including the Childrens' Memorial Garden.

**3. Maintenance and Financing.** County and District will maintain and operate the Rivers at their own expense. Upon full execution of this Agreement by all parties, The City will convey to the County and to the District, under terms reasonably acceptable to the City, perpetual easements in favor of the County and the District over the segments of City-owned property along the Rivers for the purpose of access and maintenance of the Rivers, including all flood control and river park facilities, for the benefit of the public. County and District will provide the City with the maintenance and operation plans for the City-owned lands including any major maintenance work, events, closures or other activities that would impact the public use of the Rivers as necessary, subject to the City's review and approval.

**a. Maintenance Area.** Maintenance responsibilities for river and park improvements shall generally be limited to a fifty (50) foot easement outward from the top of the existing bank protection as shown in **Exhibit C**. However, if a defining riverpark boundary such as a fence or post and cable currently exists, then this easement shall be defined by said boundary. Where a defining boundary such as a fence or post and cable does not exist, the area to be maintained will be measured from the top of bank to ten (10) feet beyond the furthest established paved or decomposed granite pathway(s) including the irrigated area and the associated landscaping. Where a Divided Urban Pathway exists, the maintenance will be within a one hundred (100) foot easement outward from the top of the bank protection as shown in **Exhibit D**.

**b. Maintenance by County and District.** The maintenance to be performed by the County and District will include:

- i. Flood damage repairs, inspection and maintenance of bank protection, grade controls and river channel sediment and erosion controls.
- ii. Routine and annual maintenance of asphalt pathways, decomposed granite pathways, sediment removal, parking areas, weed control, erosion control, drainage including post storm repairs, litter and graffiti control, landscaping and irrigation.

**c. Maintenance by City.** The maintenance of street bridges, adjacent park facilities, comfort stations, play grounds or other recreation facilities will remain the responsibility of the City.



at no less than the minimal coverage levels set forth in this article. Each party will provide thirty (30) days written notice to the other of cancellation, non-renewal or material change of coverage.

8. **Compliance with Laws.** The parties shall comply with all federal, state and local laws, rules, regulations, standards and Executive Orders, without limitation to those designated within this IGA. The laws and regulations of the State of Arizona shall govern the rights of the parties, the performance of this IGA and any disputes hereunder. Any action relating to this IGA shall be brought in an Arizona court in Pima County.
9. **Non-Discrimination.** The parties shall not discriminate against any County employee, client or any other individual in any way because of that person's age, race, creed, color, religion, sex, disability or national origin in the course of carrying out their duties pursuant to this IGA. The parties shall comply with the provisions of Executive Order 75-5, as amended by Executive Order 2009-09, which is incorporated into this IGA by reference, as if set forth in full herein.
10. **ADA.** The parties shall comply with all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36.
11. **Severability.** If any provision of this IGA, or any application thereof to the parties or any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this IGA which can be given effect, without the invalid provision or application and to this end the provisions of this IGA are declared to be severable.
12. **Conflict of Interest.** This contract is subject to cancellation for conflict of interest pursuant to A.R.S. § 38-511, the pertinent provisions of which are incorporated herein by reference.
13. **Non-Appropriation.** Notwithstanding any other provision in this IGA, this IGA may be terminated if for any reason the Pima County Board of Supervisors does not appropriate sufficient monies for the purpose of maintaining this IGA.
14. **Legal Authority.** Neither party warrants to the other its legal authority to enter into this IGA. If a court, at the request of a third person, should declare that either party lacks authority to enter into this IGA, or any part of it, then the IGA, or parts of it affected by such order, shall be null and void, and no recovery may be had by either party against the other for lack of performance or otherwise.
15. **Worker's Compensation.** Each party shall comply with the notice of A.R.S. § 23-1022 (E). For purposes of A.R.S. § 23-1022, irrespective of the operations protocol in place, each party is solely responsible for the payment of Worker's Compensation benefits for its employees.

- 16. No Joint Venture.** It is not intended by this IGA to, and nothing contained in this IGA shall be construed to, create any partnership, joint venture or employment relationship between the parties or create any employer-employee relationship between County and any City employees, or between the City and any County employees. Neither party shall be liable for any debts, accounts, obligations or other liabilities whatsoever of the other, including (without limitation) the other party's obligation to withhold Social Security and income taxes for itself or any of its employees.
- 17. No Third Party Beneficiaries.** Nothing in the provisions of this IGA is intended to create duties or obligations to or rights in third parties not parties to this IGA or effect the legal liability of either party to the IGA by imposing any standard of care with respect to the maintenance of public facilities different from the standard of care imposed by law.
- 18. Notice.** Any notice required or permitted to be given under this IGA shall be in writing and shall be served by delivery or by certified mail upon the other party as follows (or at such other address as may be identified by a party in writing to the other party) :

Pima County:  
Public Works Director  
130 West Congress Street  
Tucson, Arizona 85701

City of Tucson:  
Parks & Recreation Director  
900 S. Randolph Way  
Tucson, Arizona 85716

Pima County Regional Flood Control District:  
Chief Engineer  
97 E. Congress, 3<sup>rd</sup> Floor  
Tucson, Arizona 85701

*With copies to:*  
City Manager  
255 W. Alameda  
Tucson, Arizona 85701

*With copies to:*  
County Administrator  
130 West Congress Street, 10<sup>th</sup> Floor  
Tucson, Arizona 85701

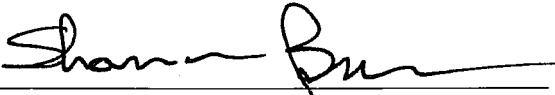
City Clerk  
255 W. Alameda  
Tucson, Arizona 85701

Clerk of the Board  
130 West Congress, 5<sup>th</sup> Floor  
Tucson, Arizona 85701

- 19. Entire Agreement.** This document constitutes the entire Agreement between the parties pertaining to the subject matter hereof, and all prior or contemporaneous agreements and understandings, oral or written, are hereby superseded and merged herein. This IGA shall not be modified, amended, altered or extended except through a written amendment signed by the parties and recorded with the Pima County Recorder, or Arizona Secretary of State, whichever is appropriate.

In Witness Whereof, each party has caused this Agreement to be passed and approved by its respective Board of Supervisors, Board of Directors, or Mayor and Council, and have caused this Agreement to be properly executed as demonstrated below:

**PIMA COUNTY:**



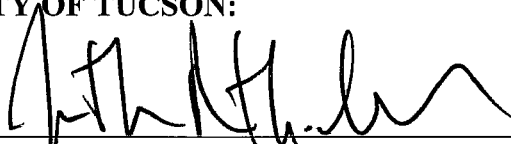
Ramón Valadez, Chairman  
Board of Supervisors      JAN 07 2014

ATTEST:



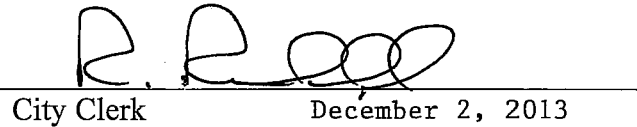
Clerk of the Board

**CITY OF TUCSON:**



Jonathan Rothschild, Mayor      December 2, 2013

ATTEST:



City Clerk      December 2, 2013

**PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT:**



Ramón Valadez, Chairman  
Board of Directors      JAN 07 2014

ATTEST:



Clerk of the Board



## Intergovernmental Agreement Determination

The foregoing Intergovernmental Agreement between Pima County, Pima County Flood Control District and the City of Tucson has been reviewed pursuant to A.R.S. § 11-952 by the undersigned, who have determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to those parties to the Agreement represented by the undersigned.


**PIMA COUNTY:**

  
Deputy County Attorney

**CITY OF TUCSON:**

  
Principal Assistant City Attorney

**PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT:**

  
Deputy County Attorney for the District

**EXHIBIT A** to Exhibit A to Resolution No. 22167  
**SANTA CRUZ RIVER**  
**RILLITO RIVER TO VALENCIA ROAD**

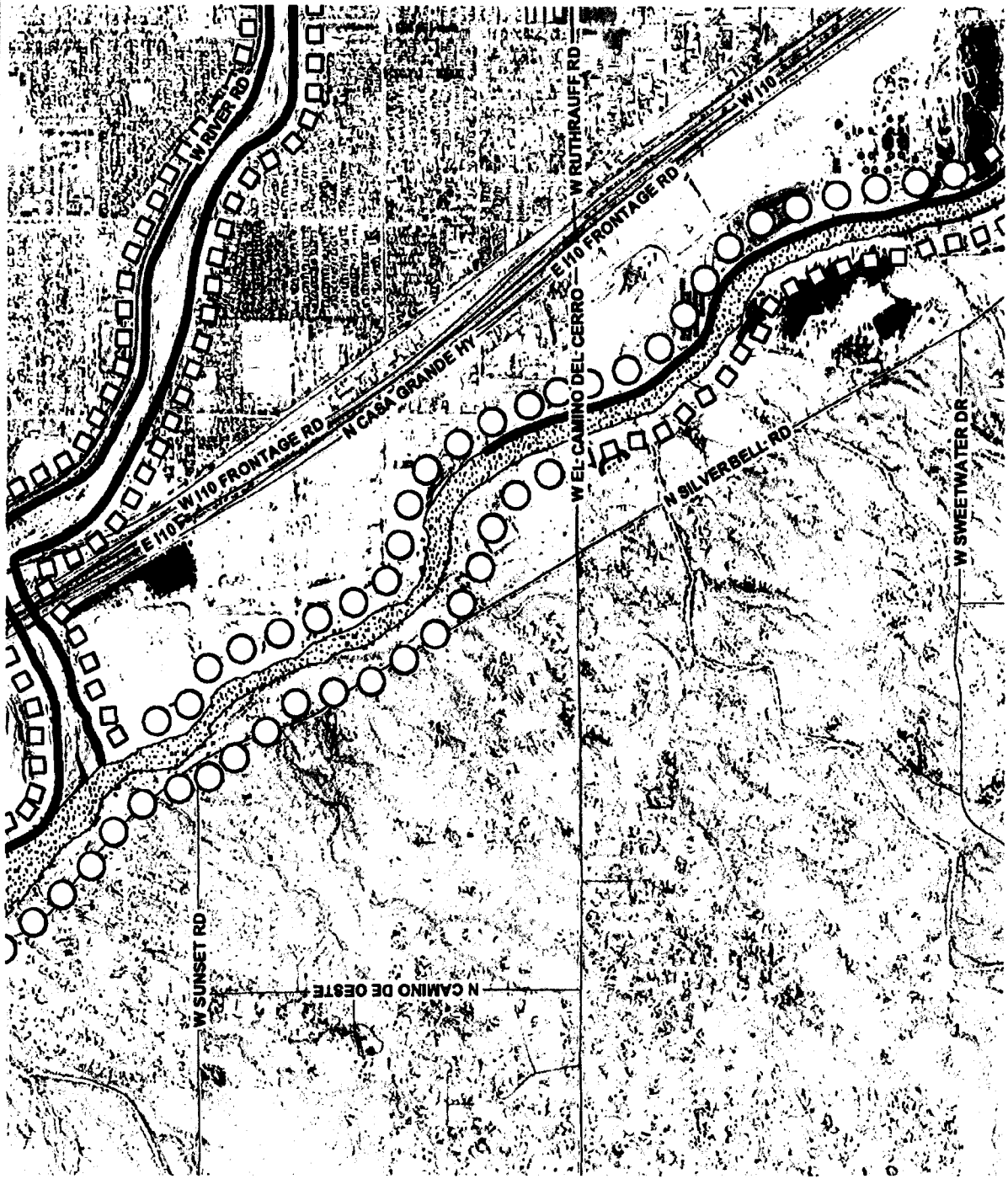
# Santa Cruz River Park & Bank Protection Maintenance

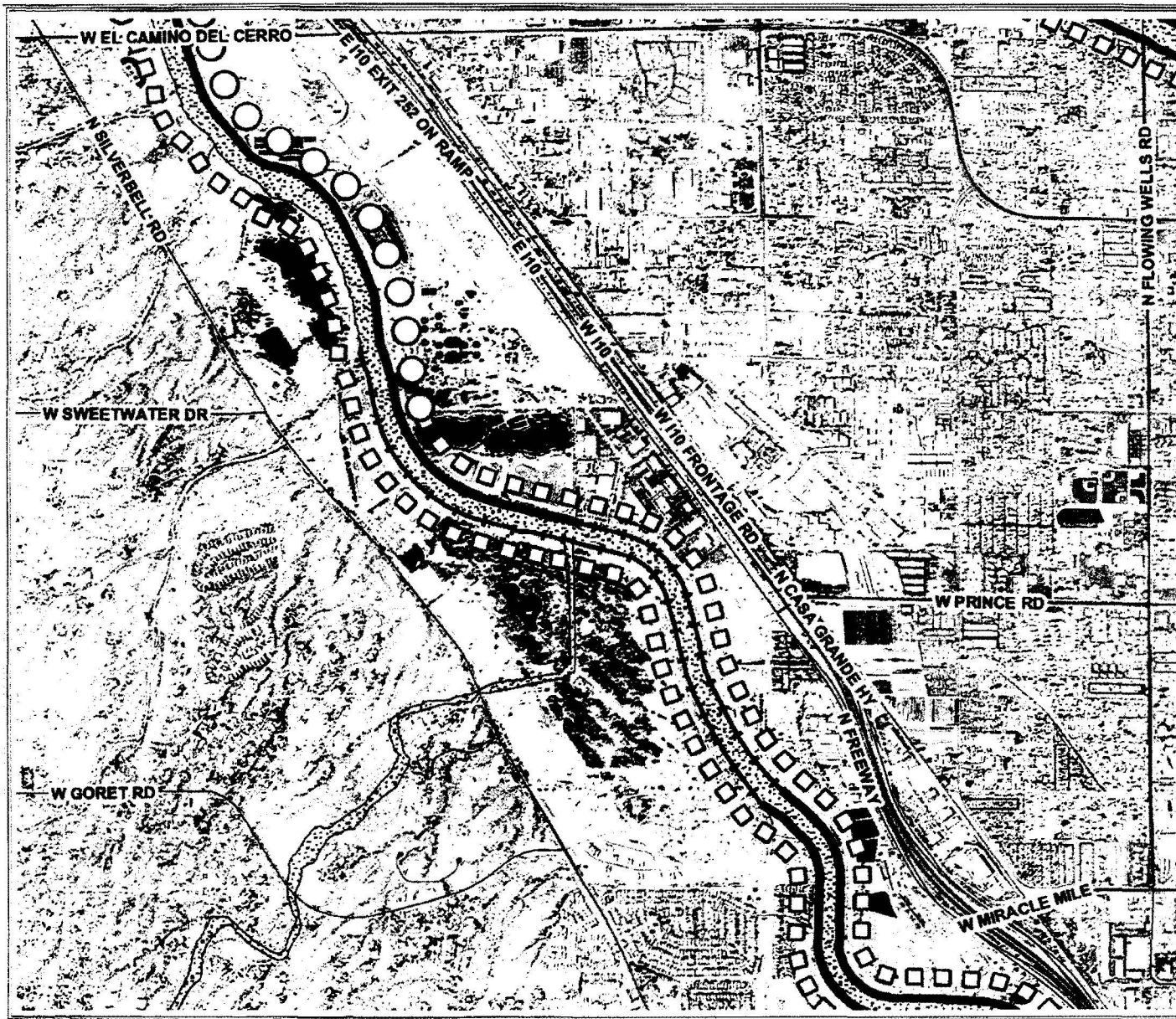
- BANK PROTECTION OWNER**
- City of Tucson Bank Protection
  - Pima County Bank Protection
- LINEAR PARKS MAINTENANCE**
- City of Tucson
  - Pima County
- FUTURE LINEAR PARKS**
- Future Linear Parks
  - ▨ Santa Cruz River

1 inch = 2,000 feet



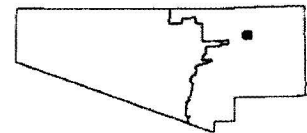
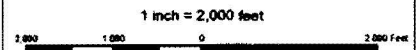
Date: July 31, 2013





# Santa Cruz River Park & Bank Protection Maintenance

- BANK PROTECTION OWNER**
- City of Tucson Bank Protection
  - Pima County Bank Protection
- LINEAR PARKS MAINTENANCE**
- City of Tucson
  - Pima County
- FUTURE LINEAR PARKS**
- Future Linear Parks
  - Santa Cruz River



The information shown on this map is the result of a field inspection and is not intended to be used for any purpose other than the general information shown. The Pima County Department of Public Works and the Pima County Department of Transportation are not responsible for any errors or omissions on this map.

The information is subject to change without notice and is not intended to be used for any purpose other than the general information shown.

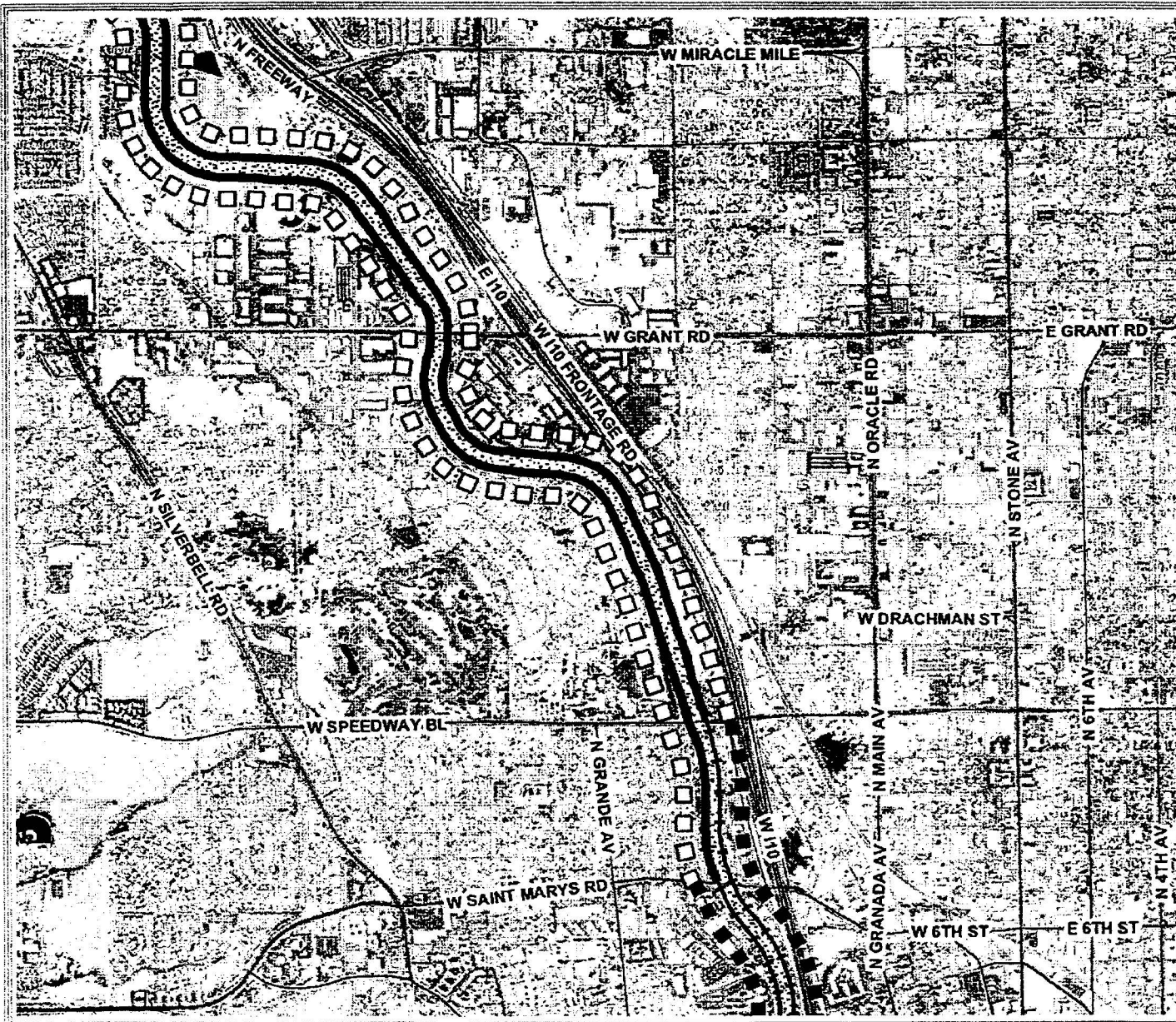


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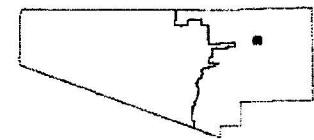
Pima County Department of Public Works and Transportation  
 215 Canyon Blvd, Suite 100  
 Tucson, Arizona 85701-2000  
 Phone: (520) 795-1000  
 Fax: (520) 795-1001  
 Website: www.pima.gov

# Santa Cruz River Park & Bank Protection Maintenance



- BANK PROTECTION OWNER**
- City of Tucson Bank Protection
  - Pima County Bank Protection
- LINEAR PARKS MAINTENANCE**
- City of Tucson
  - Pima County
- FUTURE LINEAR PARKS**
- Future linear Park
- Santa Cruz River

1 inch = 2,000 feet



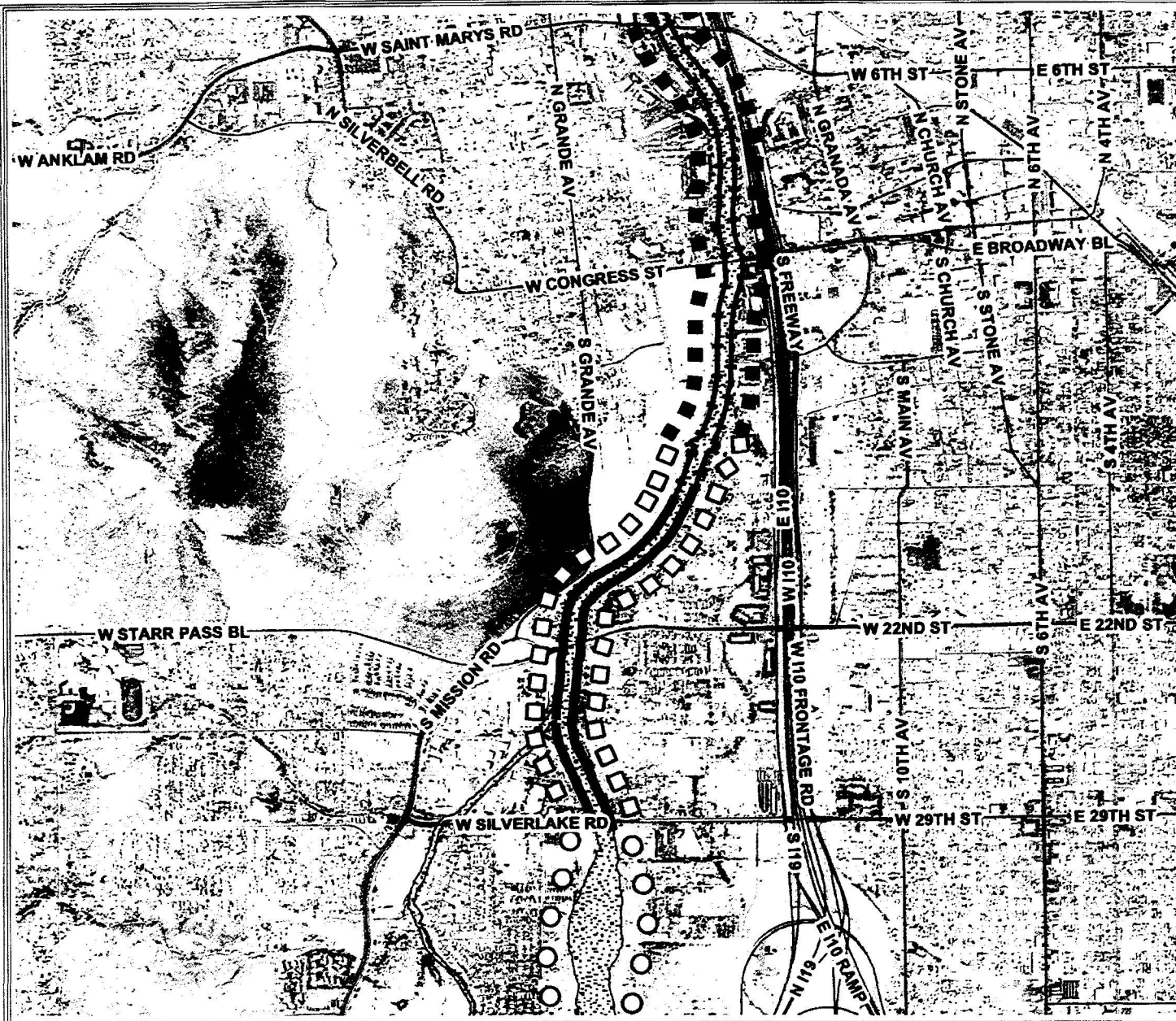
This document contains confidential information. It is intended for the use of the City of Tucson and Pima County. It is not to be distributed outside of the City of Tucson and Pima County. If you are not an intended recipient, you should not disseminate, distribute or copy this document. If you have received this document by mistake, please notify the sender immediately by e-mail at [planning@cityoftucson.gov](mailto:planning@cityoftucson.gov) or by phone at (520) 795-2000. Thank you for your cooperation.



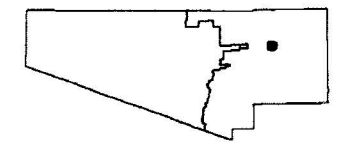
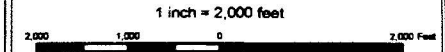
Date: July 31, 2013



# Santa Cruz River Park & Bank Protection Maintenance



- BANK PROTECTION OWNER**
- City of Tucson Bank Protection
  - Pima County Bank Protection
- LINEAR PARKS MAINTENANCE**
- City of Tucson
  - Pima County
- FUTURE LINEAR PARKS**
- Future Linear Path
  - Santa Cruz River



This information developed and disseminated with the intent of providing a general overview of the project. It is not intended to be used as a legal document. The information is provided as a guide only. For more information, please contact the Santa Cruz River District, Pima County Regional Flood Control District, 1000 N. 1st Avenue, Tucson, AZ 85724.



Pima County Regional Flood Control District  
 1000 N. 1st Avenue  
 Tucson, Arizona 85724-2071  
 (520) 243-2661 Fax: (520) 243-1531  
 http://www.pima.gov



Date: July 31, 2013



# Santa Cruz River Park & River Bank Protection Maintenance

- BANK PROTECTION OWNER**
- City of Tucson Bank Protection
  - Pima County Bank Protection
- LINEAR PARKS MAINTENANCE**
- City of Tucson
  - Pima County
- FUTURE LINEAR PARKS**
- Future Linear Parks
- Santa Cruz River

1 inch = 2,000 feet



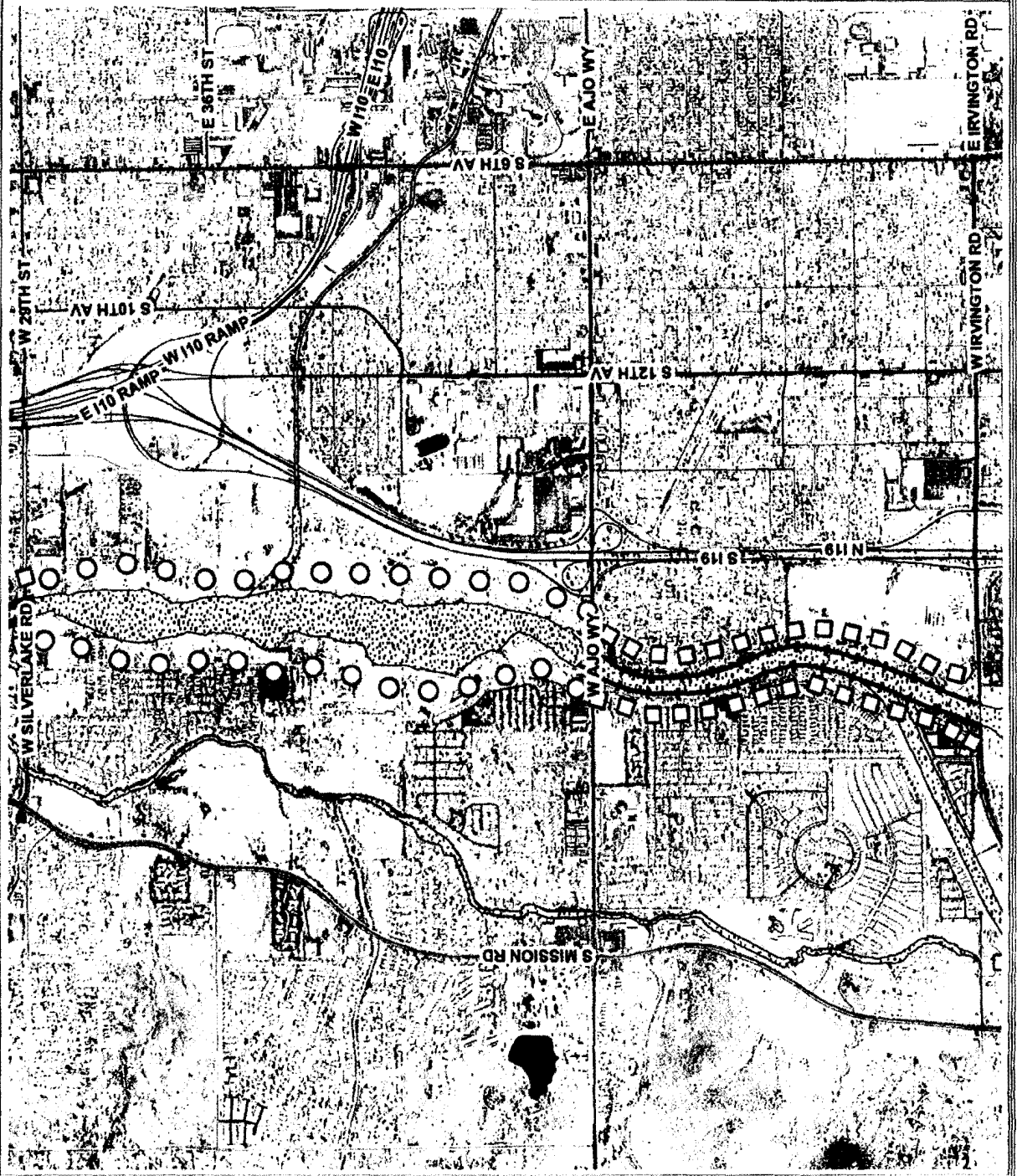
DATE: July 31, 2013

PROJECT: Santa Cruz River Park & River Bank Protection Maintenance

PREPARED BY: [Firm Name]

SCALE: 1 inch = 2,000 feet

DATE: July 31, 2013



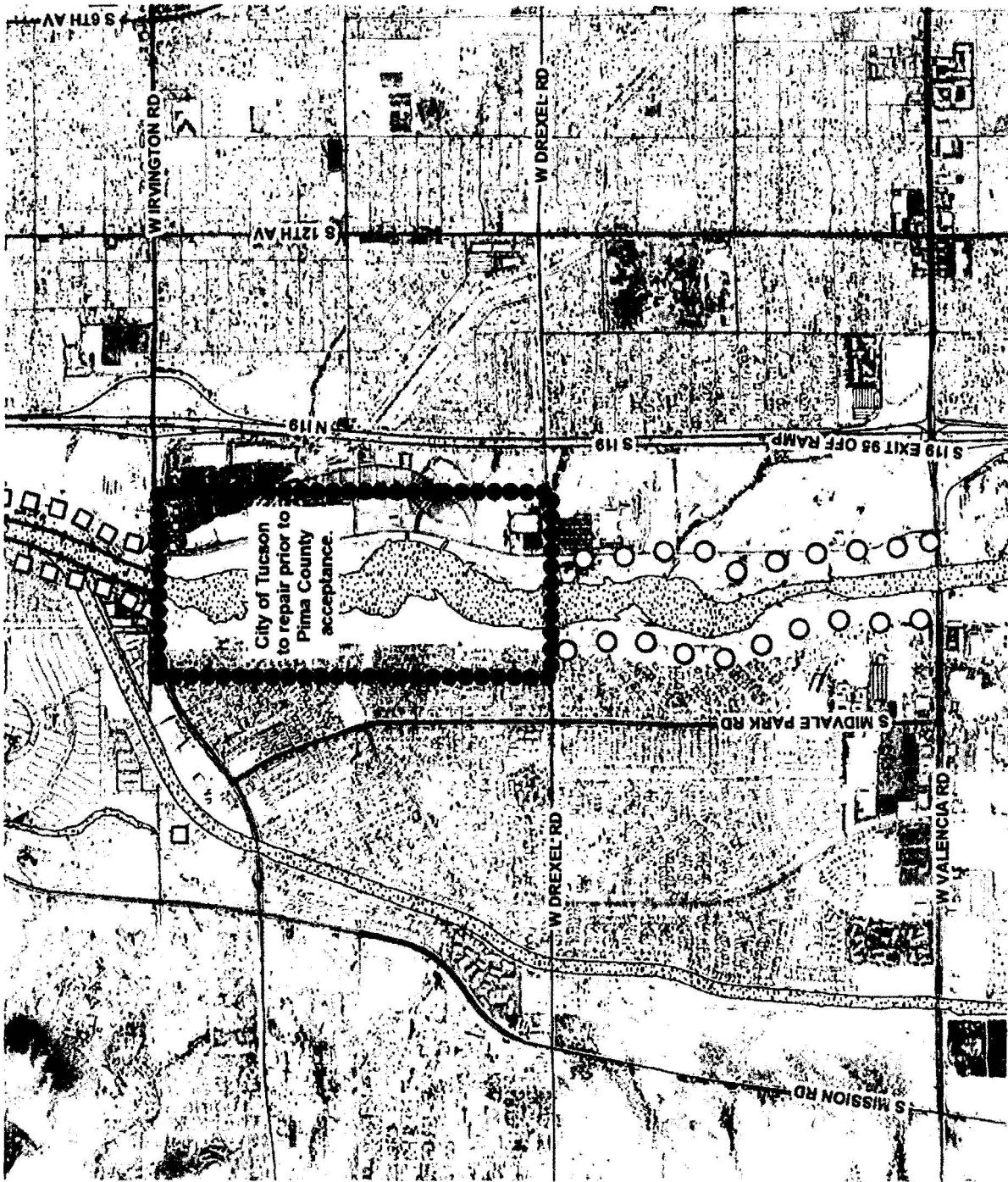
# Santa Cruz River Park & Bank Protection Maintenance

- BANK PROTECTION OWNER**
- City of Tucson Bank Protection
  - Pima County Bank Protection
- LINEAR PARKS MAINTENANCE**
- City of Tucson
  - Pima County
- FUTURE LINEAR PARKS**
- Future Linear Parks
- Santa Cruz River**

1 inch = 2,000 feet



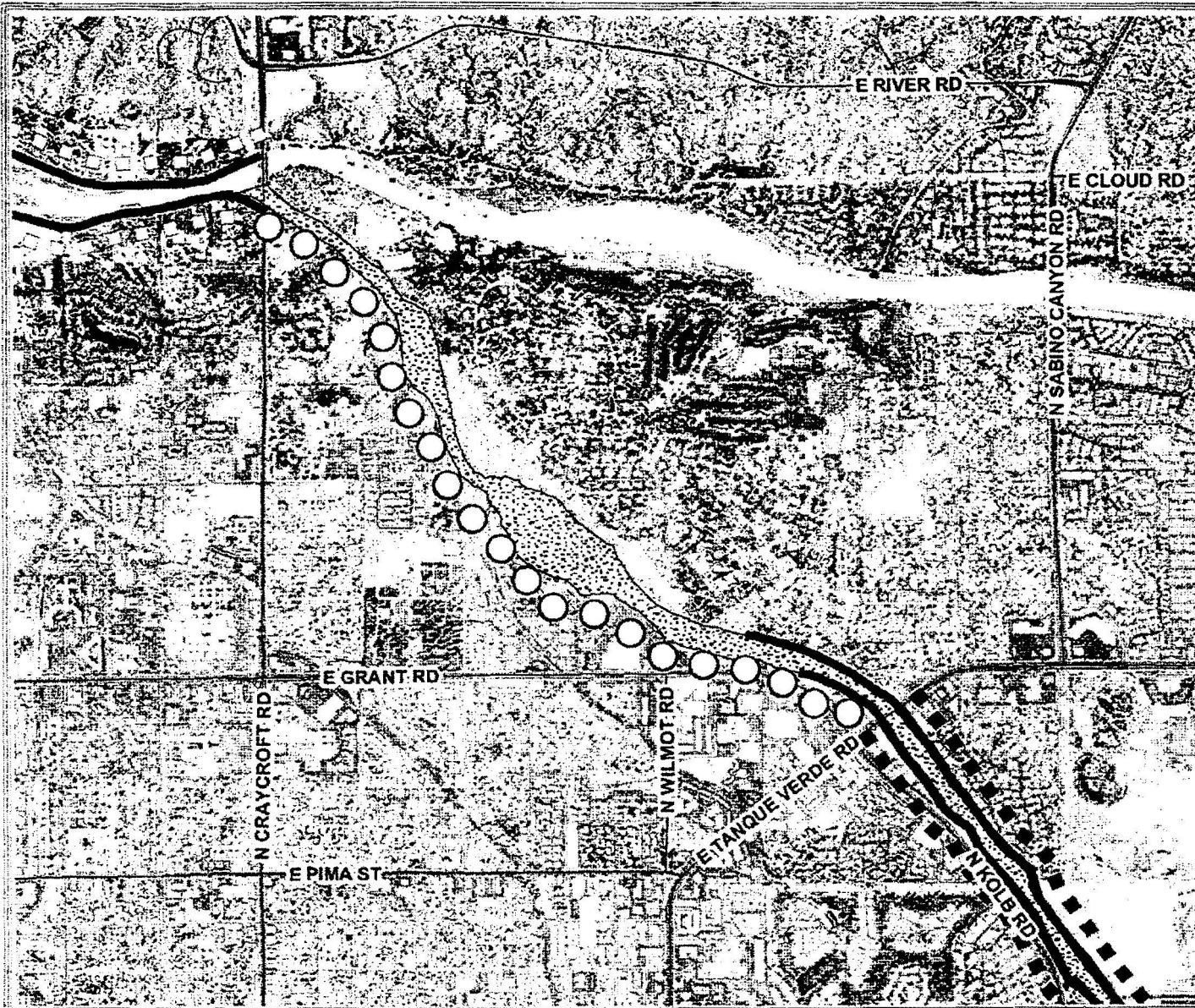
DATE: July 31, 2013





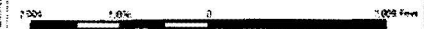
**EXHIBIT B** to Exhibit A to Resolution No. 22167  
**PANTANO WASH**  
**CRAYCROFT TO HARRION ROAD**

# Pantano River Park & Bank Protection Maintenance



- BANK PROTECTION OWNER**
- City of Tucson Bank Protection
  - - - Pima County Bank Protection
- LINEAR PARKS MAINTENANCE**
- City of Tucson
  - Pima County
- FUTURE LINEAR PARKS**
- Future Linear Parks
- ▨ Pantano Wash

1 inch = 2,000 feet



The City of Tucson and Pima County are not responsible for any errors or omissions in this map. The City of Tucson and Pima County are not responsible for any errors or omissions in this map. The City of Tucson and Pima County are not responsible for any errors or omissions in this map.

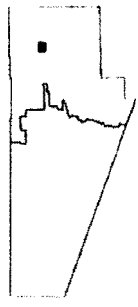


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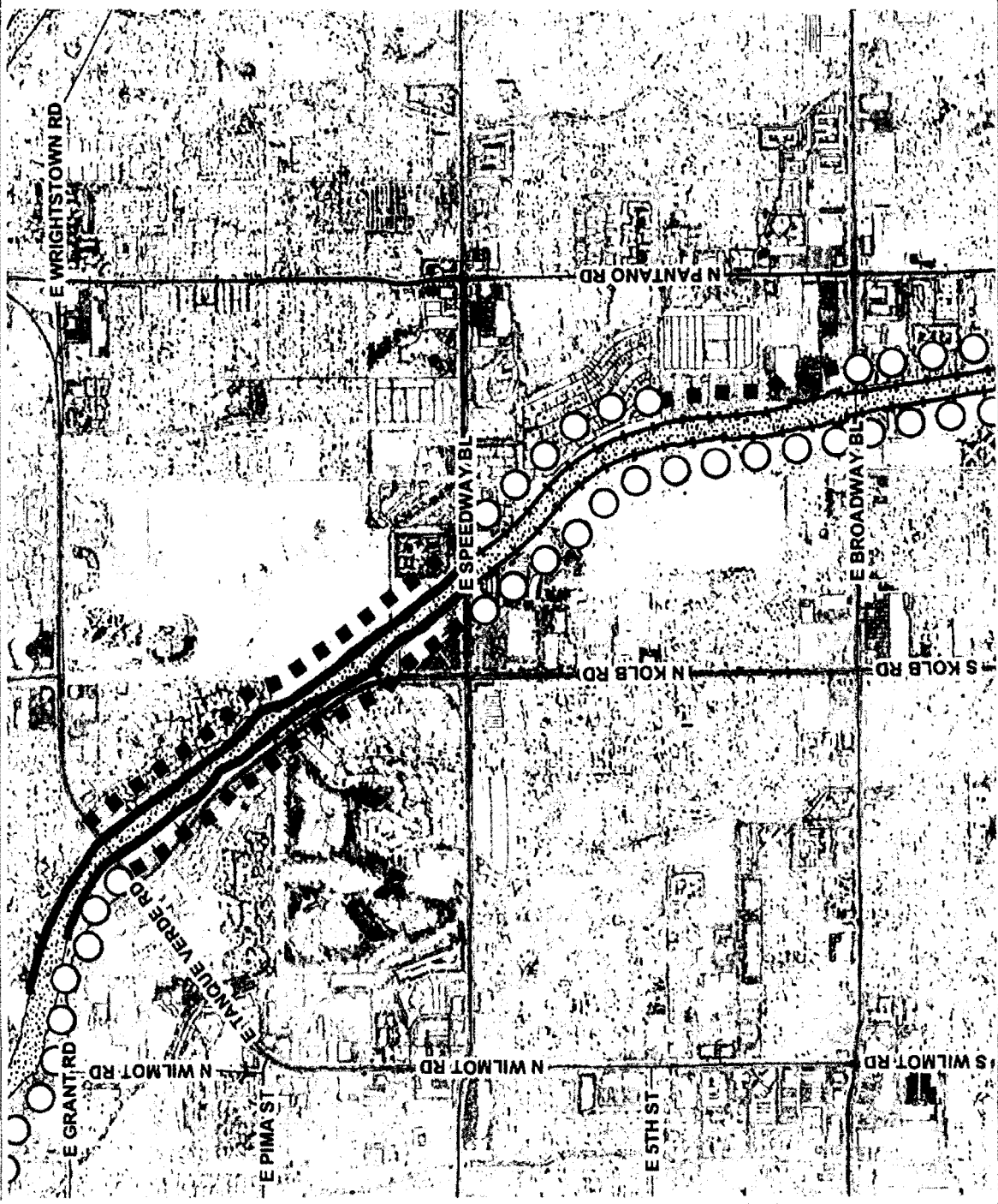
# Pantano River Park & Bank Protection Maintenance

- BANK PROTECTION OWNER**
- City of Tucson Bank Protection
  - Pima County Bank Protection
- LINEAR PARKS MAINTENANCE**
- City of Tucson
  - Pima County
- FUTURE LINEAR PARKS**
- Future Linear Parks
  - ▨ Pantano Wash

1 inch = 2,000 feet



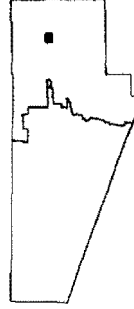
Prepared by:  
 Date: July 31, 2013  
 Pima County  
 River Center



# Pantano River Park & Bank Protection Maintenance

- BANK PROTECTION OWNER**
- City of Tucson Bank Protection
  - Pima County Bank Protection
- LINEAR PARKS MAINTENANCE**
- City of Tucson
  - Pima County
- FUTURE LINEAR PARKS**
- Future Linear Parks
- Pantano Wash

1 inch = 2,000 feet



This project was prepared by the City of Tucson, Pima County, and the Pantano River Park & Bank Protection Maintenance Committee. The project was funded by the City of Tucson, Pima County, and the Pantano River Park & Bank Protection Maintenance Committee. The project was prepared by the City of Tucson, Pima County, and the Pantano River Park & Bank Protection Maintenance Committee.

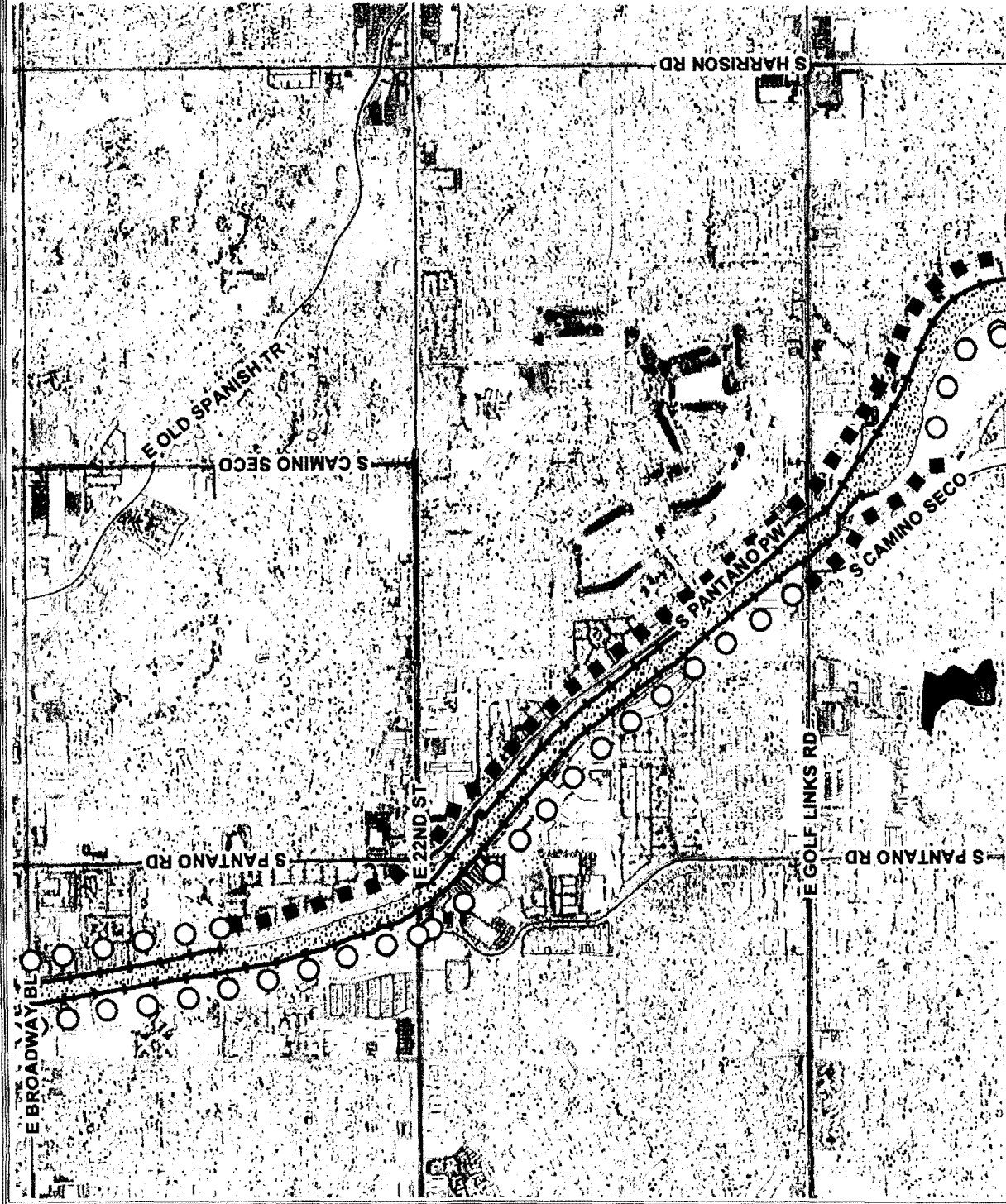
Date: July 31, 2013



City of Tucson  
Pima County



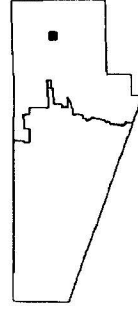
Pantano River Park & Bank Protection Maintenance Committee  
1111 North 1st Avenue, Suite 100  
Tucson, AZ 85724  
Phone: (520) 795-1234  
Fax: (520) 795-1234  
www.pantano.com



# Pantano River Park & Bank Protection Maintenance

- BANK PROTECTION OWNER**
- City of Tucson Bank Protection
  - Pima County Bank Protection
- LINEAR PARKS MAINTENANCE**
- City of Tucson
  - Pima County
- FUTURE LINEAR PARKS**
- Future Linear Parks
  - Pantano Wash

1 inch = 2,000 feet



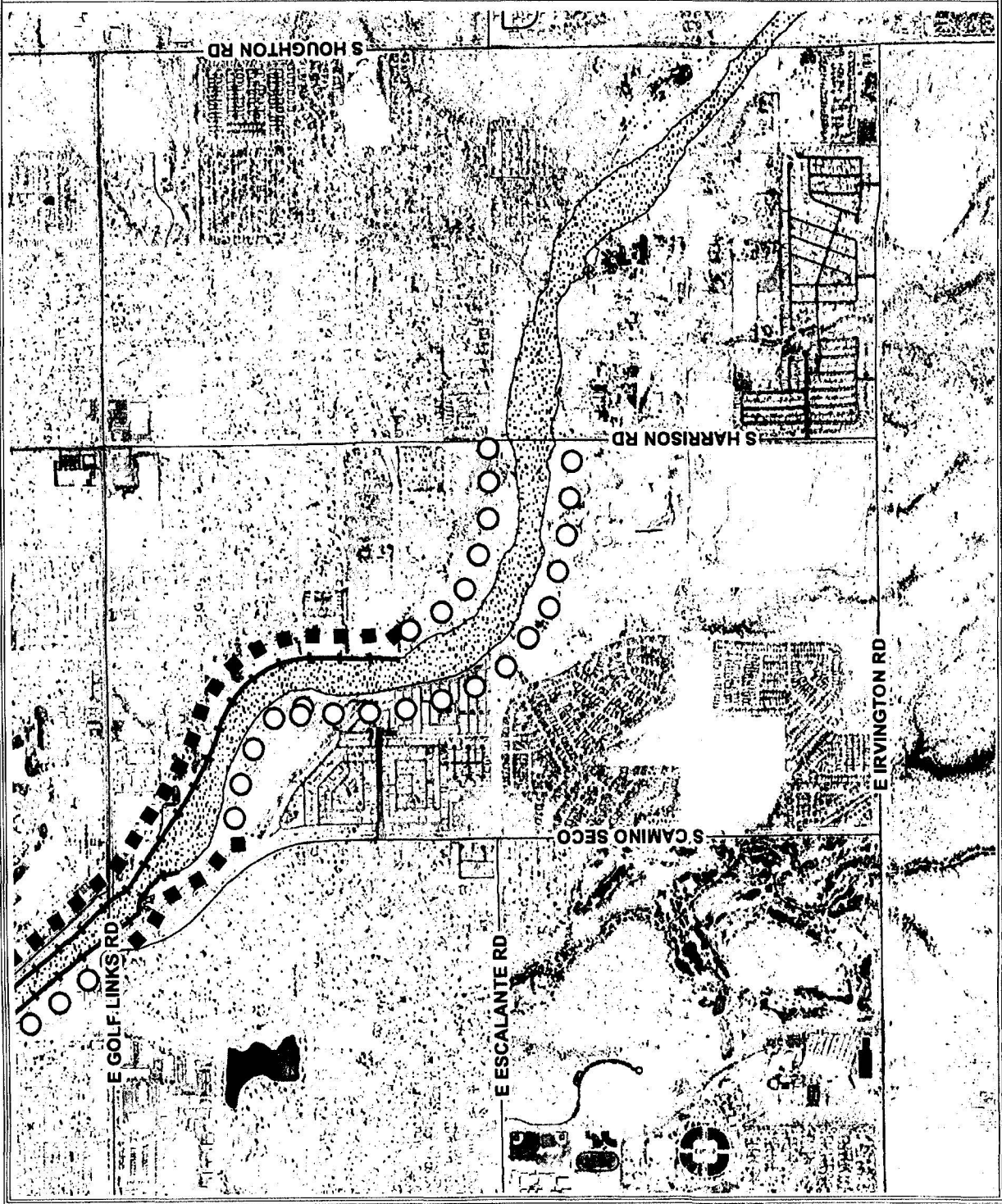
**PLANNING AND DESIGN**  
 City of Tucson  
 Planning and Design Department  
 200 North First Avenue  
 Tucson, Arizona 85724  
 Phone: (520) 795-1000  
 Fax: (520) 795-1001  
 www.tucson.gov

**PLANNING AND DESIGN**  
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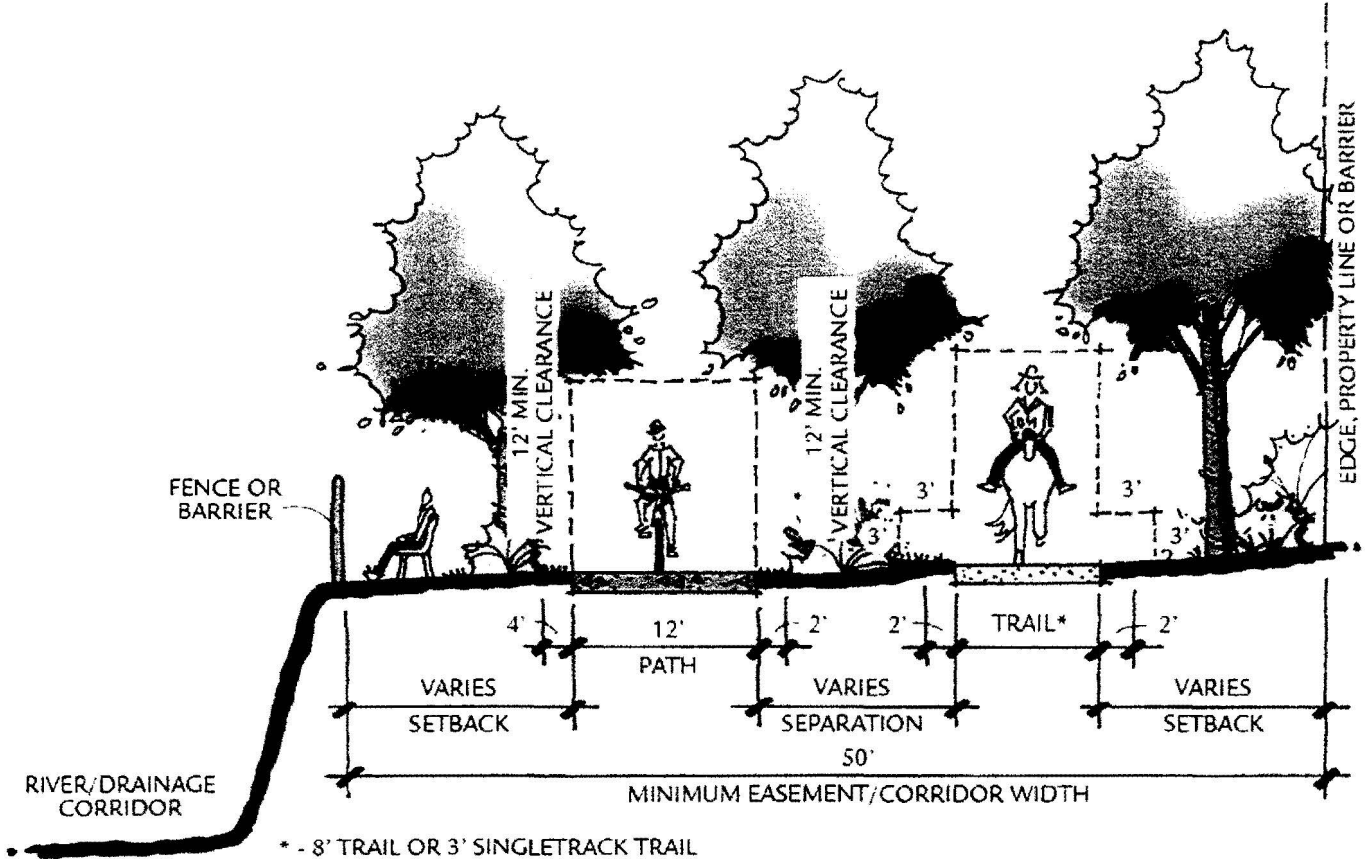
Date: July 31, 2013



Map prepared by the City of Tucson Planning and Design Department. All rights reserved. No part of this map may be reproduced without the written permission of the City of Tucson.



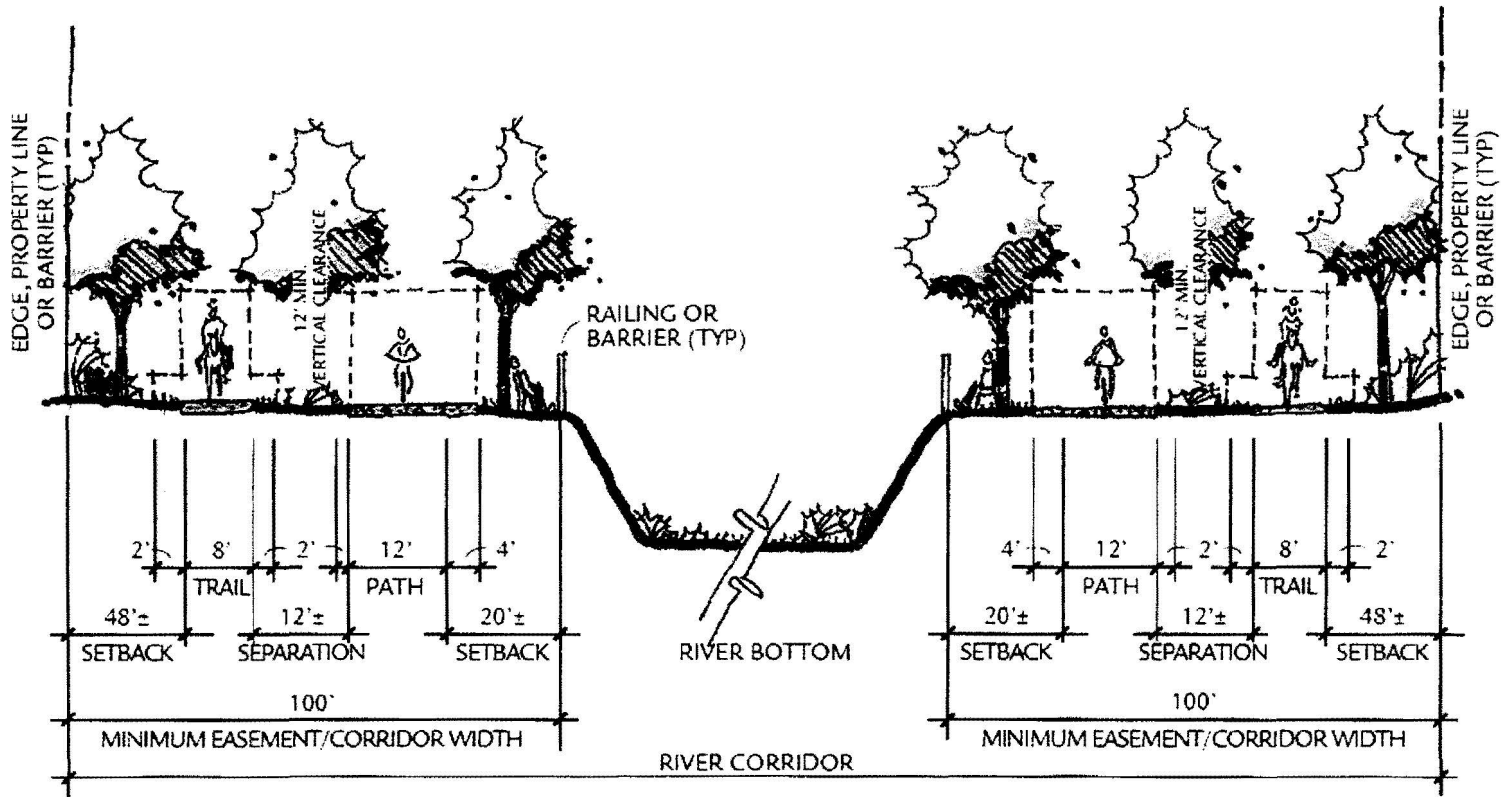
**EXHIBIT C** to Exhibit A to Resolution No. 22167  
**FIFTY FOOT TYPICAL RIVER PATH**



**EXHIBIT D** to Exhibit A to Resolution No. 22167  
**ONE HUNDRED FOOT TYPICAL  
DIVIDED URBAN PATH**



# RIVER PARK CORRIDOR



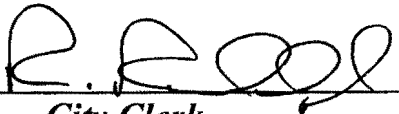
**CERTIFICATE OF CLERK**  
**City of Tucson**

**State of Arizona** }  
**County of Pima** } **ss**

*I, Roger W. Randolph, the duly appointed and qualified City Clerk of the City of Tucson, Arizona, do hereby certify pursuant to Tucson Code § 2-102 that the following is a true and correct copy of Mayor and Council Resolution No. 22167, which was passed and adopted by the Mayor and Council of the City of Tucson, Arizona, at a meeting held on December 2, 2013, at which a quorum was present.*

***In Witness Whereof***, I have hereunto set my hand and affixed the seal of the City of Tucson, Arizona on December 9, 2013.

*Total of 2 pages certified.  
(Exhibits not included)*

  
\_\_\_\_\_  
City Clerk

ADOPTED BY THE  
MAYOR AND COUNCIL

December 2, 2013

RESOLUTION NO. 22167

RELATING TO INTERGOVERNMENTAL AGREEMENTS; APPROVING AND AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF TUCSON, PIMA COUNTY AND THE PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT ("DISTRICT") FOR MAINTENANCE OF MAJOR WATERCOURSES AND RIVER PARKS; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

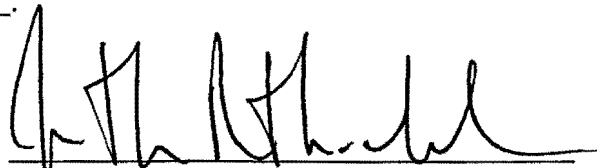
SECTION 1. The IGA between the City of Tucson, Pima County, and Pima County Regional Flood Control District for the maintenance of major watercourses and river parks located along the Santa Cruz River from the Rillito River to Valencia Road; and the Pantano Wash from Craycroft Road to Harrison Road, attached hereto as Exhibit A, is hereby approved.

SECTION 2. The Mayor is hereby authorized and directed to execute the said IGA for and on behalf of the City of Tucson and the City Clerk is directed to attest the same.

SECTION 3. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Resolution.

~~SECTION 4. WHEREAS, it is necessary for the preservation of the peace,~~  
health, and safety of the City of Tucson that this Resolution become immediately  
effective, an emergency is hereby declared to exist and this Resolution shall be  
effective immediately upon its passage and adoption.

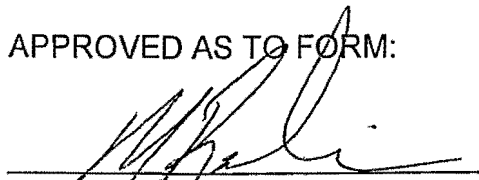
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of  
Tucson, Arizona, December 2, 2013.

  
MAYOR

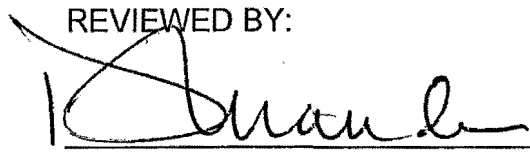
ATTEST:


  
CITY CLERK

APPROVED AS TO FORM:

  
CITY ATTORNEY

REVIEWED BY:

  
CITY MANAGER

  
DLD:mgs  
11/15/13



**Pinal County**



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Letter from Pinal County, May 31, 2017



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May 31, 2017

Mr. Jay Van Echo  
I-11 Project Manager  
Arizona Department of Transportation  
1655 W. Jackson Street MD 126F  
Phoenix, AZ 85007

Dear Mr. Van Echo:

Thank you for the opportunity to provide comment on Interstate 11 Corridor Tier 1 Environmental Impact Statement.

Pinal County prefers the alignment of the proposed corridor as reflected on both the Pinal Regionally Significant Routes and the Pinal Regional Transportation Authority Plans. Additionally, we support, the proposed route of the Sif Oidak District Administration and Planning & Economic Development Departments of the Tohono O'odham Community; as proposed and supported in Resolution No. SODC16-145 on November 17, 2016.

The Pinal County Board of Supervisors approved the Pinal County Open Space and Trails Master Plan (OSTMP) in October 2007. An updated Plan map is attached to this letter, and the entire document can be viewed here, <http://pinalcountyaz.gov/OpenSpaceTrails/Pages/KeyDocuments.aspx>

It is suggested that the OSTMP be included in the review and assessment of the I-11 routes. This review should include, but not be limited to, the following elements of the OSTMP:

- **Palo Verde Regional Park (Regional Park #4)**-Pinal County recently completed a Regional Park Cooperative Recreation Management Area Master Plan. (That document can be viewed here <http://pinalcountyaz.gov/OpenSpaceTrails/Pages/KeyDocuments.aspx>.) Palo Verde Regional Park will be a 23,200 acre multi-use park located along the western edge of Pinal County.
- The proposed **Anza National Historic Trail Corridor** through Pinal County. This multi-use historic trail is administered by the National Park Service. More than 40-miles of proposed trail run through Pinal County, acting as a vital link between Pima and Maricopa counties.
- Several segments of **planned regional trail** and **open space corridors** in the vicinity to potential corridor alignments.

Sincerely,



Kent A. Taylor, Director  
Pinal County  
Open Space and Trails Department

**OPEN SPACE AND TRAILS**





**Municipal**



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City of Tucson



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Letter from City of Tucson, July 8, 2016



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July 8, 2016

**CITY OF  
TUCSON**

OFFICE OF THE  
CITY MANAGER

Mr. Aryan Lirange, Senior Urban Engineer  
Federal Highway Administration  
4000 North Central Avenue, Suite 1500  
Phoenix, Arizona 85012

RE:

999-M(161)S

I-11, I-19/SR 189 to US 93/SR 89

TRACS No. 999 SW 0 M5180 01P

I-11 Corridor Tier 1 EIS

Participating Agency Invitation Letter

Dear Mr. Lirange,

The City of Tucson will serve as a Participating Agency during the Tier 1 EIS process for the I-11 Corridor. City staff participated in the Agency Scoping Meeting of Wednesday, June 22 at Pima Association of Governments in Tucson.

At this time, the City's comments on the Scope pertain to the alternatives to be studied and impacts to be evaluated. To provide additional context, relevant policies are cited from *Plan Tucson: City of Tucson General and Sustainability Plan*, which was ratified by voters in 2013. The comments provided in this letter should not be construed as a policy position on the I-11 project or EIS process. Rather, they are provided as information to be considered in your analysis. City staff will discuss the I-11 project with Mayor and Council at the appropriate time in the future; and they may choose to direct staff to submit additional comments at that time.

### **Consideration of Alternatives**

Related Plan Tucson policy:

*Policy LT22:* Participate in efforts to develop a coordinated regional, multi-modal transportation system that improves the efficiency, safety, and reliability of transporting people and goods within the region and to destinations outside the region (*Built Environment Focus Area: Land Use, Transportation, & Urban Design Element*).

To: Mr. Aryan Lirange

Date: July 8, 2016

Page 2 of 6

The City requests that the Tier 1 EIS consider innovative approaches to alternatives that locate I-11 approximately within the existing rights of way for I-10 and I-19 (including frontage roads). Developing the interstate within already disturbed areas has the potential to have fewer impacts to natural resources, lower cost, easier access to I-10 East for both freight and passenger travelers, and shorter routes to already developed freight hubs along I-10 and I-19. Any alternatives along existing facilities in the urban area need to study a smaller than 2,000' wide study area, using a reasonable width of dual designated highway.

One such innovative approach is detailed in the collector-distributor roadway alternative (System Alternative IV) as described in the ADOT/FHWA *Interstate 10: Junction Interstate 19 to State Route 83/State Route 210: Golf Links Road to I-10 Feasibility Report Update* completed in February 2015. This approach separates local and through traffic, and has the potential to greatly facilitate freight movement without adding as much physical infrastructure (i.e. lanes) as would otherwise be required. A collector-distributor roadway would also provide a consistent approach along I-10 through the city if that alternative is selected on the eastern portion of the urban area along I-10.

### **Potential Economic Impacts**

Related Plan Tucson policies:

*Policy RG1:* Increase international partnerships and trade opportunities, with particular focus on Tucson's strong economic, cultural, and geographic ties to Mexico (*Economic Environment Focus Area: Regional & Global Positioning Element*).

*Policy RG2:* Capitalize on Tucson's strategic location by maintaining and enhancing Tucson as an international port and center for commerce and logistics (*Economic Environment Focus Area: Regional & Global Positioning Element*).

*Policy LT22:* Participate in efforts to develop a coordinated regional, multi-modal transportation system that improves the efficiency, safety, and reliability of transporting people and goods within the region and to destinations outside the region (*Built Environment Focus Area: Land Use, Transportation, & Urban Design Element*).

*Policy TQ2:* Preserve and celebrate the beauty of Tucson's natural landscape and the wonder of the Sonoran Desert (*Social Environment Focus Area: Tourism & Quality of Life Element*).

To: Mr. Aryan Lirange

Date: July 8, 2016

Page 3 of 6

While the overall economic impact of any roadway alternative would need to be verified by a formal economic impact study, the initial economic development impact of I-11 (any alternative) to the City of Tucson would be the creation of construction jobs and businesses supporting the construction industry. I-11 would further support efforts of the Port of Tucson to continue to build its inland port services. This would further position Tucson as a major logistics center in the Southwest, allowing Tucson to be more competitive in the global economy.

For roadway alternatives that skirt or bypass the majority of the Tucson metro area, there are pros and cons to consider. Potential negative impacts to the City include loss of sales tax revenue from frontage hotels, restaurants and gas stations that cater to the trucking industry. However, the types of businesses typically associated with the trucking industry are retail and basic service industry related jobs, which tend to have low wages with limited positive spinoffs. As further due diligence, the City can undertake an analysis of the sales tax generated from businesses ¼-mile on either side of I-10 from Kolb Road to Ruthrauff Road to fully understand the extent of the revenue impact.

Additionally, there could be substantial loss of revenue from domestic and Mexican visitors who would then have an option to bypass the City of Tucson. Currently, visitors from Mexico spend nearly \$1 billion in Tucson and Pima County each year. This accounts for more than 5% of the total taxable sales in Pima County, the majority of which occurs within the City of Tucson.

Also, roadway alternatives that pass through undeveloped or rural areas would have the potential to affect tourism, a large portion of which is driven by the region's unique natural assets such as plants and wildlife, scenic views, natural quiet, and dark skies. Conversely, studies show that a decrease in urban truck traffic could also improve the quality of life of existing Tucson residents and assist in further downtown redevelopment.

For roadway alternatives using the existing I-10/I-19 rights of way, the inverse would be true. Mexican and domestic visitors would not have the option to bypass Tucson and would continue to visit Tucson for shopping and leisure services. The frontage hotels, restaurants, retailer and gas stations along the interstate would see an increase in sales corresponding to the increase in truck traffic. Additionally, an increase in traffic could cause congestion, increased pollution and ambient noise for the neighborhoods immediately surrounding the interstate.

## **Potential Social Impacts**

Related Plan Tucson Policy:

*Policy LTI:* Integrate land use, transportation, and urban design to achieve an urban form that supports more effective use of resources, mobility options, more aesthetically-pleasing and active public spaces, and sensitivity to historic and natural resources and neighborhood character (*Built Environment Focus Area: Land Use, Transportation, & Urban Design Element*).

Potential impacts to neighborhoods adjacent to proposed roadway alternatives (noise, air pollution, etc.) need to be evaluated. It should be noted that many neighborhoods along the existing alignments of I-10 and I-19 already experience high stress levels (based on *City of Tucson Indicators of Neighborhood Stress*, 2016).

## **Potential Impacts to Tucson Water Properties in Avra Valley**

Related Plan Tucson Policies:

*Policy WR1:* Continue to plan and manage the City's water supplies, quality, and infrastructure for long-term reliability and efficiency (*Natural Environment Focus Area: Water Resources Element*).

*Policy WR5:* Protect groundwater, surface water, and stormwater from contamination (*Natural Environment Focus Area: Water Resources Element*).

*Policy WR6:* Integrate land use and water resources planning (*Natural Environment Focus Area: Water Resources Element*).

*Policy WR7:* Collaborate on multi-jurisdictional and regional water planning and conservation efforts (*Natural Environment Focus Area: Water Resources Element*).

*Policy WR10:* Continue to manage the City's Water Service Area, considering service area expansion only when it furthers the long-term social, economic, and environmental interest of City residents (*Natural Environment Focus Area: Water Resources Element*).

Any alternatives that are studied that traverse the Avra Valley will need to consider impacts to City-owned (Tucson Water) water facilities in the area. These facilities are depicted in the attached map, and include both the Central and Southern Avra Valley

To: Mr. Aryan Lirange

Date: July 8, 2016

Page 5 of 6

Storage and Recovery Project (CAVSARP and SAVSARP). These water facilities (collectively referred to as “Clearwater”) represent the primary source of Tucson’s renewable water supply.

Alignment through Clearwater could present significant challenges to the utility’s operations, and there could be significant costs in the event that Tucson Water infrastructure was required to be moved in order to make way for a new Interstate. Recharge basins, wells, transmission lines, and more have cost the utility’s ratepayers over \$250 million, and the timeframe for their development, including studies, permitting, and construction, takes many years. It is unclear at this time what the costs and timelines would be for moving infrastructure to alternate locations.

In addition, the current location of the project, including both CAVSARP and SAVSARP, was selected because of the hydro-geological advantages of the area. It is unknown at this time whether—and if feasible, where—replacement infrastructure could be relocated under similar conditions as those that exist in the present location. Any reduction in Tucson Water’s recharge and recovery capacity in the area could increase our dependence on non-renewable groundwater supplies to meet customer demand.

Other considerations include:

- Habitat Conservation Plan (HCP): For almost a decade, Tucson Water has worked with the U.S. Fish and Wildlife Service in order to secure a Section 10 permit for all Tucson Water properties in Avra Valley. Tucson Water strongly recommends that any new development in the area comply with our Section 10 permit.
- Water quality concerns: Locating an Interstate Highway in close proximity to Tucson’s drinking water supply must account for potential introduction of incompatible land uses and activities in the area such as land development, gas stations, and the movement of hazardous materials.
- Tucson-Phoenix water exchange: Current plans include the expansion of recharge operations at CAVSARP and SAVSARP to accommodate the increased storage of City of Phoenix (and potentially other municipal partners’) water in our facilities. Any reduction of current recharge capacity—or limitations on future recharge basin construction and recharge capacity—by a new Interstate could reduce or eliminate Tucson’s ability to fulfill its obligations under the proposed agreement.

To: Mr. Aryan Lirange

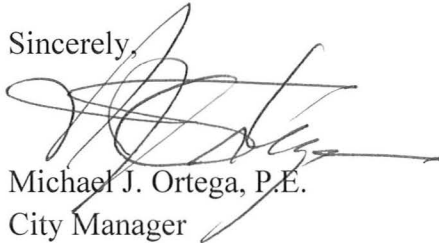
Date: July 8, 2016

Page 6 of 6

- Water rights: Tucson Water purchased these retired farm properties in Avra Valley for their water rights. Due to the nexus between land ownership and water rights, sale and/or lease of the properties can complicate Tucson's water rights in the area.
- Restrictive covenants: Separate from the HCP, portions of Clearwater are limited by permanent restrictive covenants, tied to the deed, that apply to both current and future owners of the land. These covenants restrict both the ability to route an Interstate through Clearwater, as well as Tucson Water's ability to relocate infrastructure.

City staff is available to provide further information to the I-11 Project Team as needed. Specifically, we would like to request an in-person consultation between City staff and I-11 Project Team members to address any questions you might have, and to provide further detail if needed. James MacAdam (James.MacAdam@tucsonaz.gov, 520-837-4068) in the City Manager's Office will serve as the City's point of contact on this project.

Sincerely,



Michael J. Ortega, P.E.  
City Manager

Attachments: Map of Tucson Water Avra Valley Recharge Projects  
Map of Tucson Water Avra Valley Property

cc: Farhad Moghimi, Executive Director, Pima Association of Governments  
Albert Elias, Assistant City Manager  
Joyce Garland, Assistant City Manager  
Timothy Thomure, Director, Tucson Water  
Daryl Cole, Director, Tucson Department of Transportation  
Nicole Ewing-Gavin, Interim Director, Planning and Development Services  
Department  
Greg Jackson, Management Coordinator, Economic Initiatives Office

# Tucson Water Avra Valley Recharge Projects

**SAGUARO NATIONAL PARK WEST**



**IRONWOOD FOREST NATIONAL MONUMENT**

**CAVSARP**

MILE WIDE

**TUCSON MOUNTAIN PARK**

**TOHONO O'ODHAM NATION**

**SAVSARP**

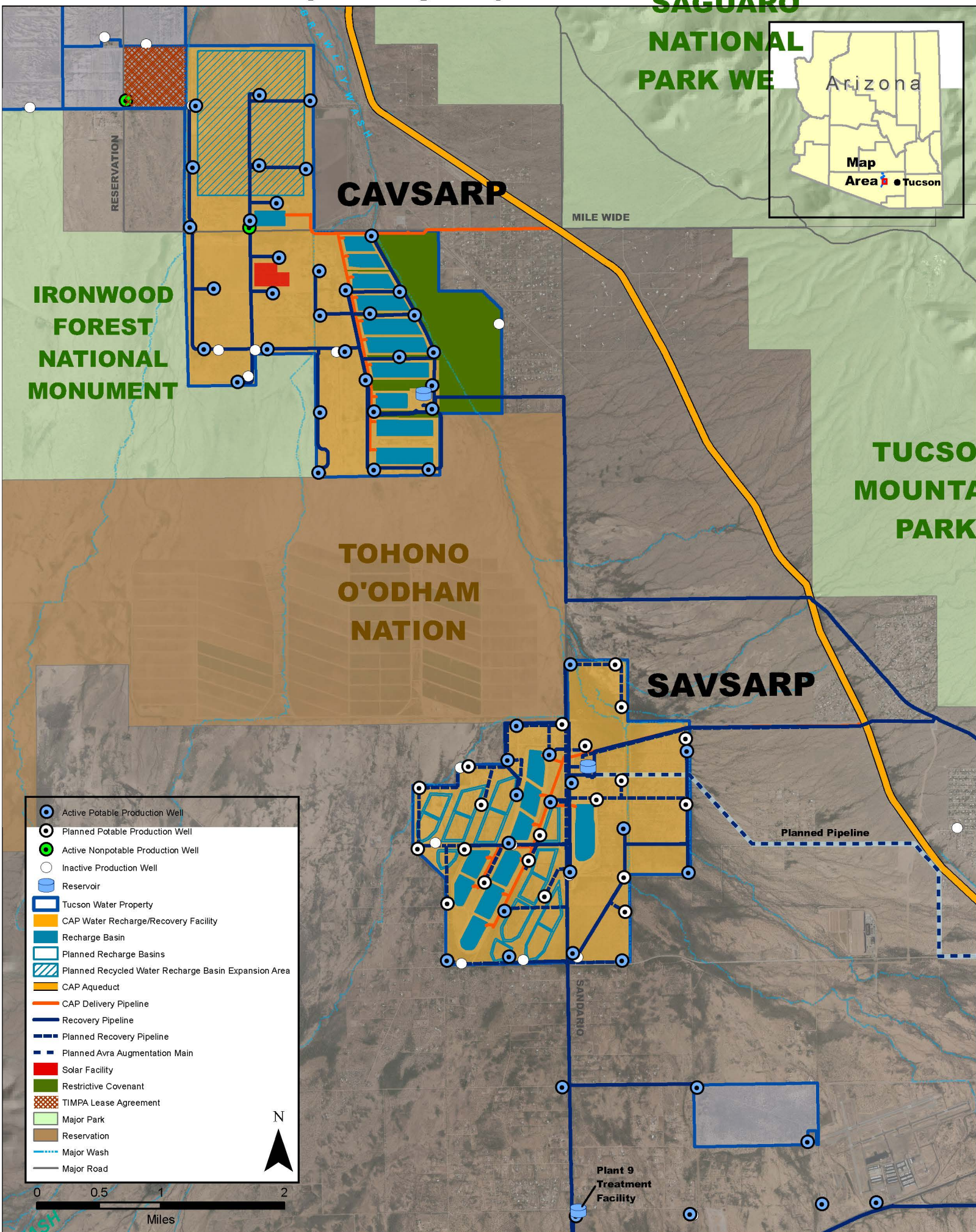
- Active Potable Production Well
- Planned Potable Production Well
- Active Nonpotable Production Well
- Inactive Production Well
- Reservoir
- Tucson Water Property
- CAP Water Recharge/Recovery Facility
- Recharge Basin
- Planned Recharge Basins
- Planned Recycled Water Recharge Basin Expansion Area
- CAP Aqueduct
- CAP Delivery Pipeline
- Recovery Pipeline
- Planned Recovery Pipeline
- Planned Avra Augmentation Main
- Solar Facility
- Restrictive Covenant
- TIMPA Lease Agreement
- Major Park
- Reservation
- Major Wash
- Major Road



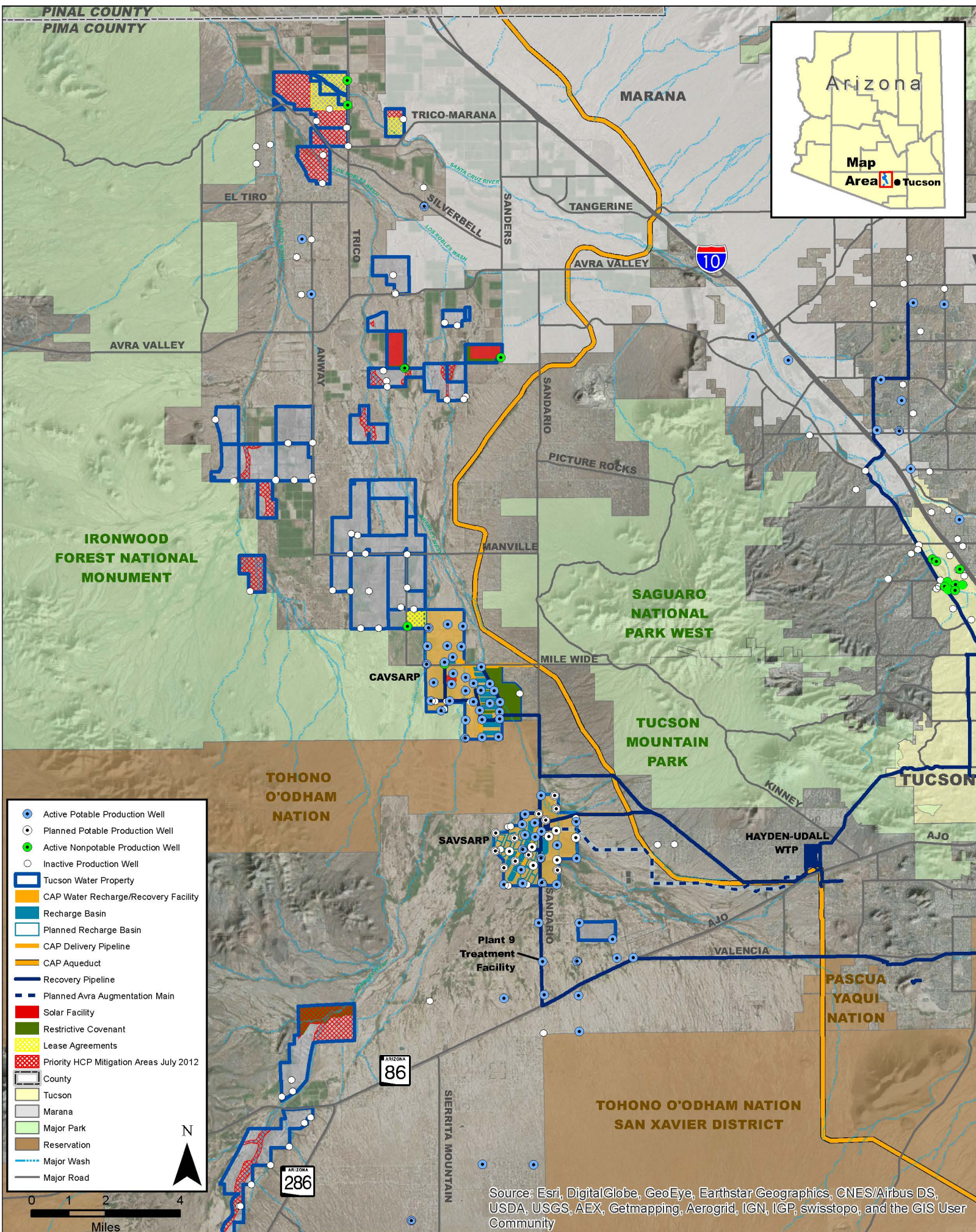
**Plant 9 Treatment Facility**

Planned Pipeline

SANDBARIO



# Tucson Water Retired Avra Valley Farm Property







Section 106 Consulting Parties Acceptance Form, City of Tucson Historic Preservation Office,  
August 19, 2016



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**SECTION 106  
Consulting Parties Acceptance Form  
Interstate 11 Corridor Tier 1 Environmental Impact Statement  
Nogales to Wickenburg, Arizona**

Yes, I Jonathan Mabry, wish to be a consulting party under Section 106 of the National Historic Preservation Act for the Interstate 11 (I-11) Corridor Tier 1 Environmental Impact Statement (EIS). My demonstrated interest in historic properties as associated with the I-11 Corridor is described as follows:

Historic properties, including archaeological sites and TCPs, within the project APE within the City of Tucson and city-owned lands outside of the city limits.

Or;

No, I \_\_\_\_\_, do not wish to be a consulting party under Section 106 of the National Historic Preservation Act for the I-11 Corridor Tier 1 EIS.

Date: 8-19-16

Name of Organization: City of Tucson Historic Preservation Office  
Address: 201 N. Stone Ave., 3rd Floor P.O. Box 27210  
Tucson, AZ 85726-7210  
Email Address: jonathan.mabry@tucsonaz.gov  
Phone Number: (520) 837-6968

Please return to:

Rebecca Yedlin  
Environmental Coordinator  
Federal Highway Administration  
4000 N. Central Ave., Suite 1500  
Phoenix, Arizona 85012  
(602) 382-8979  
[rebecca.yedlin@dot.gov](mailto:rebecca.yedlin@dot.gov)

or

Lauren Clementino, MHP  
Historic Preservation Specialist  
ADOT Environmental Planning  
1801 South Milton Road, MD F500  
Flagstaff, Arizona 86004  
(928) 637-0580  
[lclementino@azdot.gov](mailto:lclementino@azdot.gov)





Letter from City of Tucson, March 17, 2017



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CITY OF  
TUCSON

OFFICE OF THE  
CITY MANAGER

March 17, 2017

Rebecca Yedlin  
Environmental Coordinator  
Federal Highway Administration  
4000 North Central Avenue, Suite 1500  
Phoenix, Arizona 85012

RE: 999-M(161)S  
I-11, I-19/SR 189 to US 93/SR 89  
TRACS No. 999 SW 0 M5180 01P  
I-11 Corridor Tier 1 EIS  
Evaluation Methodology and Criteria for Alternatives Selection

Dear Ms. Yedlin,

Thank you for the opportunity for the City of Tucson to review and comment on the Draft *Evaluation Methodology and Criteria for Alternatives Selection* for the Tier 1 Environmental Impact Statement (EIS) for the I-11 Corridor.

The City of Tucson requests the opportunity to meet with project staff from FHWA, ADOT, and AECOM this month to discuss in detail the Alternatives Selection Methodology, prior to your finalization of the methodology and criteria.

In general, the City seeks to ensure that the criteria and methodology:

- do not inherently favor routes through vacant lands over those along existing freeways;
- address the City's serious concerns over impacts to water resources;
- do not minimize the importance of multimodal improvements, including passenger rail;
- explicitly analyze growth induced by the corridor alternatives and related impacts; and
- fully and accurately assess the economic and social impacts of the corridor alternatives.

In addition, the City of Tucson's initial summary comments are as follows, by section:

**2.1.1.2 Agency Scoping Input, 2.1.1.3 Public Scoping Input**

- The South section of the I-11 Corridor Study Area should be more specifically segregated from the Central and North sections when discussing agency and public scoping input as it relates to the prospect of bypassing metropolitan Tucson. The decision to bypass metropolitan Phoenix (in the North and Central segments) has already been made through the *I-11 and Intermountain West Corridor Study (IWCS)*; however the decision for the Tucson area will be made via this EIS process, and should receive substantial and separate consideration. As the draft *Evaluation Methodology and Criteria Report* is currently written, input is summarized across all three sections, the result of which is that input on the South section is not meaningfully characterized.

#### 2.1.1.4 Technical Analysis

- Engineering and Environmental Inputs: The City of Tucson requests the opportunity to review and provide comments on these critical model inputs. Some areas of concern include:
  - Interstates 10 and 19 in the South section may not meet current engineering standards for interstate freeway design. The City needs to be assured that this fact will not inherently disadvantage alternatives that co-locate I-11 with the existing I-10 and I-19 in this area.
  - Figure 2.6 Typical Section for Proposed Interstate Freeway Facility
    - It is not clear how this will be used as a model input, however the potential to bias the model away from existing facilities appears high.
  - The City of Tucson Water's Central and Southern Avra Valley Storage and Recovery Project (CAVSARP and SAVSARP) and their planned expansion areas are not represented in the map of Environmentally Sensitive Areas (page 14), despite the fact that these facilities represent the primary renewable water supply available to the entire Tucson metro region and \$250 million in existing public investment. The location of such facilities is subject to its own engineering and environmental constraints, and moving or replacing them is probably not feasible. These facilities should be incorporated both in the Environmentally Sensitive Areas map and within the Environmental and Engineering Inputs.
  - The Environmentally Sensitive Areas (14) and Environmental Inputs also should (do not currently) include City of Tucson Water properties in the Avra Valley, which are variously subject to:
    - The City of Tucson's Avra Valley Habitat Conservation Plan (HCP). The HCP is currently under review by the U.S. Fish and Wildlife Service for a Section 10 Permit under the Endangered Species Act.
    - Restrictive covenants unrelated to the HCP.
    - 100-year leases to Tucson Audubon Society for conservation purposes. These properties are also statutorily connected with water rights essential to the City of Tucson Water system, which provides potable water for the vast majority of metropolitan Tucson.
    - City staff provided ADOT I-11 project staff with this information, as well as documents and GIS files related to CAVSARP, SAVSARP, and the Avra Valley HCP and properties in summer of 2016.
- Density Analysis for Potential Corridor Alternatives : This paragraph must elaborate on how all routes will be modeled. A model methodology based on avoidance of obstacles may be too simplistic and inherently bias route evaluation toward vacant lands.

#### 2.1.1.5 Optimization of Corridor Alternatives

- More information is needed here about how routes will be "optimized."



### 2.1.2 Initial Range of Corridor Alternatives

- More information is needed here regarding how the comparison will be done (i.e. quantitative, qualitative), and how this will impact the range of corridor alternatives to be evaluated.

### 2.2.1 Evaluation Criteria and Table 2-1 Evaluation Criteria and Measures

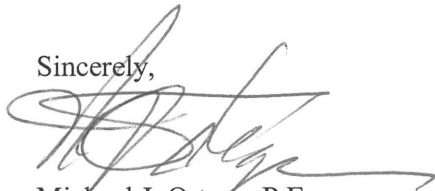
- Address Population and Employment Growth: criteria and measures should be added that address the potential for corridor alternatives to induce growth in new, previously undeveloped areas. Induced growth may address the project's ability to meet the project's purpose to "support improved regional mobility..." and to "...support economic vitality" in existing metropolitan areas. Induced growth will also create indirect environmental impacts to the Sensitive Environmental Resources listed, which should be evaluated. A Growth-related, Indirect Impact Analysis of some corridor alternatives may be necessary, and should be conducted early in the EIS process (e.g., see *Guidance for Preparers of Growth-related, Indirect Impact Analyses*, Caltrans 2006).
- Mitigate Congestion and Improve Travel Times:
  - All measurements should account for the potential to add additional, segregated, limited access "express"-style lanes along existing freeway corridors in urban areas. How each corridor alternative is designed and managed will impact all of the criteria and measures within this category, and must be addressed.
  - A criteria and measures should be added for the ability of the corridor alternatives to facilitate passenger transit service. This will ultimately impact all of the criteria and measures within this category, and must be addressed.
- Improve Access to Economic Activity Centers:
  - The "Number of...activity centers" measure is ill-defined, and subject to a high level of subjectivity and manipulation. This measure should be re-defined in a more specific and meaningful way.
  - The "Additional population within a 45-minute drive time" measure is too broad, and would seem to draw very little distinction between the various corridors within the overall study area.
- Support Homeland Security and National Defense: urban areas should be separated from rural areas in this evaluation, and the evaluation measure should say "Provides alternate interstate freeway or urban arterial route." The measure should also not be a simple "yes" or "no."
- Minimize Direct Impacts on Sensitive Environmental Resources: a criteria and measures regarding impacts to water resources should be added.

To: Rebecca Yedlin  
Date: March 17, 2017  
Page 4 of 4

- “Other information to be considered” (page 19): the weight of these significant factors (Plan Consistency, Implementation of Corridor Typical Section, Agency Input, Public Input) relative to the Evaluation Criteria and Measures detailed in Table 2-1 needs to be clarified. For instance, they are not mentioned in the following section 2.2.2 Evaluation Approach, Evaluation of Corridor Options.

This letter includes initial comments from the City, which will be best addressed by meeting in person. Please contact my staff (James MacAdam, 520-837-4068, [James.MacAdam@tucsonaz.gov](mailto:James.MacAdam@tucsonaz.gov)) to arrange a time when City staff may discuss these comments with your project team.

Sincerely,



Michael J. Ortega, P.E.  
City Manager

cc: Honorable Mayor and Council Members  
Joyce Garland, Chief Financial Officer and Assistant City Manager  
Albert Elias, Assistant City Manager  
Manjeet Ranu, Director, Planning and Development Services  
Timothy Thomure, Director, Tucson Water  
Daryl Cole, Director, Tucson Department of Transportation  
Andrew Greenhill, Manager, Intergovernmental Affairs  
Karen Fogas, Executive Director, Tucson Audubon  
Farhad Moghimi, Executive Director, Pima Association of Governments



Letter from City of Tucson, November 16, 2017



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Lyles, Judy

---

**From:** Petty, Karla (FHWA) <Karla.Petty@dot.gov>  
**Sent:** Friday, November 17, 2017 5:00 PM  
**To:** Yedlin, Rebecca (FHWA); Lirange, Aryan (FHWA); JVanEcho@azdot.gov  
**Subject:** FW: Response: Federal Highway Administration/Comments on Draft Tier 1 Environmental Impact Statement (EIS) for the I-11 Corridor  
**Attachments:** Letter to Arizona Division Administrator Karla S. Petty.pdf

Please take appropriate action with the incoming letter from the City of Tucson.

---

**From:** Rebecca Waid [<mailto:Rebecca.Waid@tucsonaz.gov>]  
**Sent:** Friday, November 17, 2017 9:44 AM  
**To:** Petty, Karla (FHWA) <Karla.Petty@dot.gov>  
**Cc:** Albert Elias <[Albert.Elias@tucsonaz.gov](mailto:Albert.Elias@tucsonaz.gov)>; Andrea Flores <[Andrea.Flores@tucsonaz.gov](mailto:Andrea.Flores@tucsonaz.gov)>; daryl.cole tucsonaz.gov <[daryl.cole@tucsonaz.gov](mailto:daryl.cole@tucsonaz.gov)>; Michael Ortega <[Michael.Ortega@tucsonaz.gov](mailto:Michael.Ortega@tucsonaz.gov)>; Rebecca Waid <[Rebecca.Waid@tucsonaz.gov](mailto:Rebecca.Waid@tucsonaz.gov)>; Robin Raine <[Robin.Raine@tucsonaz.gov](mailto:Robin.Raine@tucsonaz.gov)>; Shellie Ginn <[Shellie.Ginn@tucsonaz.gov](mailto:Shellie.Ginn@tucsonaz.gov)>  
**Subject:** Response: Federal Highway Administration/Comments on Draft Tier 1 Environmental Impact Statement (EIS) for the I-11 Corridor

RE: 999-M(161)S  
I-11, I-19/SR 189 to US 93/SR 89  
TRACS No. 999 SW 0 M5180 01P  
I-11 Corridor Tier 1 EIS  
Alternatives Selection Report, October 2017

Respectfully, on behalf of Michael J. Ortega, Tucson City Manager, please see the attached response that has also been forwarded via US Mail in reference to the above subject.

Thank you,

*Rebecca L. Waid*

Department of Transportation  
Director's Office  
City Of Tucson  
[Rebecca.Waid@tucsonaz.gov](mailto:Rebecca.Waid@tucsonaz.gov)

(520) 791-4371  
(520) 837-6690 Direct

**"ONE CITY, ONE TEAM"**



CITY OF  
TUCSON

OFFICE OF THE  
CITY MANAGER

November 16, 2017

Karla S. Petty  
Arizona Division Administrator  
Federal Highway Administration  
4000 North Central Avenue, Suite 1500  
Phoenix, Arizona 85012

RE: 999-M(161)S  
I-11, I-19/SR 189 to US 93/SR 89  
TRACS No. 999 SW 0 M5180 01P  
I-11 Corridor Tier 1 EIS  
Alternatives Selection Report, October 2017

Dear Ms. Petty,

Thank you for extending the review period to allow us an opportunity to provide comments on the Draft *Alternatives Selection Report* for the Tier 1 Environmental Impact Statement (EIS) for the I-11 Corridor.

In Section 4.1 and Table 4-1, the screening methodology did not appear to include any screening related impacts on the water supply. Two of the identified routes (C and D) appear to impact our CAVSARP/SAVSARP facilities which are the main sources of the Tucson Active Management Area (AMA). Additionally, all figures showing routes C and D appear to continue to impact CAVSARP/SAVSARP facilities.

Work along the existing route I-10 through Tucson will impact existing water infrastructure.

Figure A-9 shows a legend color for Tucson Water Recharge Basin and identifies them as environmentally Sensitive Areas, but the map doesn't appear to reflect that. Also, Routes C and D appear to run through the Tucson Water recharge basins.

We appreciate your consideration of our comments.

Sincerely,

Michael J. Ortega, P.E.  
City Manager

cc: Farhad Moghimi, Executive Director, Pima Association of Governments



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

ARIZONA DIVISION

4000 North Central Avenue  
Suite 1500  
Phoenix, Arizona 85012-3500  
Phone: (602) 379-3646  
Fax: (602) 382-8998  
<http://www.fhwa.dot.gov/azdiv/index.htm>

October 4, 2017

In Reply Refer To:  
999-M(161)S  
I-11, I-19/SR 189 to US 93/SR 89  
TRACS No. 999 SW 0 M5180 01P  
Draft Alternatives Selection Report  
I-11 Corridor Tier 1 EIS

Dear Cooperating and Participating Agencies,

The Federal Highway Administration (FHWA) and Arizona Department of Transportation (ADOT) have conducted an analysis of alternatives for the I-11 Corridor, and prepared an Alternatives Selection Report (ASR) to document this phase. The purpose of the ASR process is to determine the alternatives that will be carried forward into the Tier 1 Environmental Impact Statement (EIS) for programmatic-level environmental review in accordance with the National Environmental Policy Act (NEPA) and other regulatory requirements.

With this letter, we are submitting the draft ASR for your review and input. A number of previous documents have provided the foundation for the ASR. The premise for developing and screening alternatives is to meet the Purpose and Need for the project, as outlined in the February 2017 *Purpose and Need Memorandum*. At the onset of the NEPA process, the scoping process engaged public, agency, and tribal input on the Purpose and Need and the range of alternatives and issues to be considered, as documented in the January 2017 *Scoping Summary Report*. The ASR was prepared based on the *Alternatives Selection Report (ASR) Evaluation Methodology and Criteria Report*, which outlined the overall approach for developing, evaluating, and screening corridor alternatives for the I-11 Corridor during the ASR phase. All of these documents have been subject to prior reviews by the Cooperating and Participating Agencies and are available on the ADOT web site at [www.i11study.com/Arizona/Documents.asp](http://www.i11study.com/Arizona/Documents.asp).

As part of the ASR process, meetings were conducted with the public, agencies, and tribes to solicit additional input on the alternatives in April through June, 2017. The draft *Agency and Public Meeting Summary Report* documents the input received during this period, and is also available for your information and review.

In your role as a Cooperating Agency or Participating Agency in this environmental review process, we would appreciate your review of the linked Reports and respectfully request that you provide any written comments to the points of contact below within 30 days of the date of this letter so that we may address any needed modifications.

The electronic files are very large and cannot be transmitted via email. Please use this temporary link <https://we.tl/wpHtuk1826> to download your own copy of the files; the link will only be active for a month. If you have trouble accessing the files, please alert the project team so we can provide you with alternative delivery options (alternate ftp location, or CD via mail).

Some agencies have shown interest or have a need for shapefiles. Please advise the project team if you would like for those to be provided directly to you via email.

The project team is also available to meet with individual Cooperating or Participating agencies regarding specific questions on the alternatives or ASR process.

If you have any questions or would like additional information, please contact Rebecca Yedlin at 602-382-8979 or [Rebecca.yedlin@dot.gov](mailto:Rebecca.yedlin@dot.gov) or Jay Van Echo at 520-400-6207 or [JVanEcho@azdot.gov](mailto:JVanEcho@azdot.gov). Thank you for your continued cooperation and interest in the I-11 Corridor Tier 1 EIS.

Sincerely,



Karla S. Petty  
Arizona Division Administrator

ecc:

Rebecca Yedlin, FHWA Environmental Coordinator  
Aryan Lirange, FHWA Senior Urban Engineer  
Jay Van Echo, ADOT Project Manager, MD T100  
Jennifer Pyne, AECOM Consultant Team Project Manager





Letter from City of Tucson, DEIS Comments, July 1, 2019



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## City of Tucson

City of Tucson would like to request for consideration that the alignment along I-10 through the City of Tucson urbanized area be carried forward through the end of this Tier 1 EIS. If the team could look at removal of frontage roads in order to minimize right of way acquisition and increase I-10 lanes, that would probably solve most of the issues currently cited.



CITY OF  
TUCSON

OFFICE OF THE  
CITY MANAGER

July 1, 2019

Karla S. Petty  
Arizona Division Administrator  
Federal Highway Administration  
4000 North Central Avenue, Suite 1500  
Phoenix, Arizona 85012-3500

RE:  
999-M(161)  
TRACS. No. 999 SW O M5180 O1P  
I-11, I-19/SR 189 to US 93/SR 89  
I-11 Corridor Draft Tier 1 EIS

**Subject:** Your letter dated April 26, 2019

**City of Tucson Comments on the Sahuarita to Marana Area of the  
Draft Tier 1 Environmental Impact Statement and Preliminary  
Section 4(f) Evaluation for the Interstate 11 Corridor**

Dear Ms. Petty,

Thank you for the opportunity for the City of Tucson to review and comment on the Draft Tier 1 Environmental Impact Statement and Preliminary Section 4(f) Evaluation for the Interstate 11 Corridor (Draft Tier 1 EIS) and for extending the review period to ensure all critical issues can be acknowledged.

For your information and inclusion in the Final Tier 1 EIS, we have attached all the previous correspondence from the City of Tucson (July 8, 2016 to Aryan Lirange, December 23, 2016 to Rebecca Yedlin, March 17, 2017 to Rebecca Yedlin, May 5, 2017 to Jay Van Echo and November 16, 2017 to Karla S. Petty ), a copy of the Mayor and Council Resolution concerning the Draft Tier 1 EIS, and a verbatim transcript of the comments of the City of Tucson Mayor and Council concerning this item during the study session held on June 18, 2019. Please note the Mayor and Council Resolution supports the use of the existing I-19/I-10 alignment for I-11 and opposes any alignment that goes through Avra Valley.

City staff has reviewed the draft and have found several items of concern that have resulted in the City of Tucson questioning the selection of a recommended alignment at this time. Our review has brought into question the following concerns:

- The “Green” Alternative (Sahuarita to Marana) does not meet the Purpose and Need involving Population and Employment Growth. Connections to Marana

and Sahuarita do not constitute connections to the Tucson metropolitan area which is growing at a pace not reflected in the inaccurate population projections provided by the Pima Association of Governments (PAG) for this study. The majority of future population growth is projected to occur in the Tucson urban area. This was recently acknowledged by the updated PAG population projections. These newer and more accurate projections use a more accurate model and should be used in this study to properly analyze the impacts to the largest population and employment growth area in the southern reach of this study.

- The “Green” Alternative (Sahuarita to Marana) does not meet the Purpose and Need involving System Linkages and Regional Mobility nor the Access to Economic Activity Centers. This alignment bypasses the largest economic driver in Southern Arizona, the City of Tucson. The City requests that ADOT conduct a comprehensive Economic Impacts Analysis to estimate the financial impacts to the Tucson area if tourists and other motorists from Mexico bypass Tucson. The stated purpose of supporting improved regional mobility for people, goods, and homeland security is specifically missing, and connections must be made to the City of Tucson or this goal is not met.
- The “Green” Alternative clearly pulls economic activity away from the core business and industrial areas of Tucson, not only downtown, but also industrial parks around the airport, UA Tech Parks and the Port of Tucson noted above and negates our infrastructure investment in the region. In particular, developments such as the Port of Tucson, that are just beginning to build out as logistics and transportation hubs, will not readily benefit from a western alignment that completely bypasses this area. The recent momentum of the business and industrial development in the core of Tucson will erode with the construction along the recommended alignment, causing competing sites to pull economic activity away from areas just now working to establish themselves. Instead, the costs of bringing infrastructure to the proposed alignment will make it difficult to achieve successes in a timely manner, delaying Arizona's ability to deliver a freeway solution that begins moving goods and services in a fast, efficient manner which is in every jurisdiction's best interest.
- For both the “Green” and “Orange” Alternatives, there are critical impacts to biological, water storage, 4(f), and cultural resources that require more in-depth study before it would be appropriate to recommend either of these

alignments. The mitigation of impacts of the “Green” Alternative to the main source of Tucson’s regional water supplies has not been fully explored. This alternative appears to severely impact the Central and Southern Avra Valley Storage and Recovery Projects (CA VSARP/SA VSARP) facilities in Avra Valley, which are the main water sources of the Tucson Active Management Area (AMA) and store water for the City of Phoenix, the Southern Nevada Water Authority, and the Arizona Water Banking Authority (AWBA). The “Green” Alternative will also impact wildlife migratory movements, sever existing habitats and territories, and affect natural areas and regional park viewsheds. The mitigation of these economic and environmental impacts has not been fully explored. The “Orange” Alternative has impacts related to the significant historic and cultural resources through Tucson that have not been fully explored.

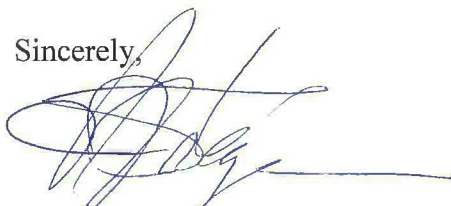
- The City requests that ADOT conduct an in-depth analysis of the “Green” Alternative to take into consideration the full impacts to the environment and water resources. This analysis should use a 400-foot wide highway corridor, fully explain the impact to the regional CA VSARP/SA VSARP facilities, include specific mitigations for any potential Hazardous Materials spills to ensure the water supply remains protected, and better define the wildlife impacts.
  
- The “Green” Alternative hits every bullet on the list ADOT mentioned during the slide presentation given on Jun 18, 2019 at the City of Tucson Mayor and Council Study Session. Specifically, the list outlines areas that are to be avoided with any alignment. That list is as follows:
  - 1) National parks and monuments: This alternative between Sahuarita and Marana goes directly adjacent and through the viewsheds of the Ironwood Forest National Monument and the Saguaro National Park.
  - 2) Wilderness areas: Almost the entire alignment between Sahuarita and Marana is in natural desert that is currently wilderness.
  - 3) Roadless areas: Almost the entire alignment between Sahuarita and Marana is in natural desert that is currently mostly roadless.
  - 4) Critical habitats: Much of this alternative between Sahuarita and Marana is adjacent to and at least partly through critical habitat for birds and several varieties of important cactus. The environmental document admits this alternative will increase mortality of Species of Economic and Recreational Importance.

- 5) Section 4(f) properties: This alternative between Sahuarita and Marana goes through Anza Park and the Bureau of Reclamation wildlife travel corridor.
  - 6) Tribal lands: This alternative between Sahuarita and Marana is adjacent to and appears to infringe on the Tohono O'odham Nation land.
  - 7) 100-year floodplains/floodways: This alternative between Sahuarita and Marana appears to cross several floodplains, but more importantly, negatively impacts the CA VSARP/SA VSARP.
  - 8) Impacts to existing development: This alternative impacts this item the least.
- ADOT's Long-term Maintenance and Financial Obligations - According to ADOT's long-range transportation plan for 2040, there is a \$30.5 billion funding shortfall. The City's concern is that a new 50-mile section of interstate highway through Avra Valley will cost billions of dollars, taking away funding for maintenance and upgrades to the existing I-10 and I-19 corridors and other critical mobility enhancements within our region. The City of Tucson asks that ADOT invest in the existing facilities before building new stretches of interstate.

The City requests that ADOT conduct an in-depth analysis of the "Orange" Alternative to more fully ensure that adverse impacts, both direct and indirect, to significant historic resources and any mitigations to those impacts are more completely understood. This analysis should use an alignment that stays within the existing right of way of I-10 and I-19, understanding that the frontage road areas and other open space within the existing right of way can be used for freeway lanes and assumes no right of way acquisition will be needed.

Based on the above concerns, we strongly recommend further evaluation of the "Build" alternatives. The City of Tucson is strongly in favor of the "Orange" Alternative in the Sahuarita to Marana area-per the attached Mayor and Council resolution.

Sincerely,



Michael J. Ortega, P.E.  
City Manager

Name: Karla S. Perry

Date: July 1, 2019

Page: 5

Attachments:

Previous letters (see below link to Dropbox for attachments)

[https://www.dropbox.com/sh/hkh961wookw8g6j/AAB8Sn7dH-sZ\\_n8CCrJvt0BAa?dl=0](https://www.dropbox.com/sh/hkh961wookw8g6j/AAB8Sn7dH-sZ_n8CCrJvt0BAa?dl=0)

Transcript of the City of Tucson Mayor & Council Study Session item concerning I-11

City of Tucson M&C Resolution concerning I-11

ecc: Electronic copy to the following:

Honorable Mayor and Council Members – City of Tucson

I-II Tier 1 EIS Study Team [I-IIADOTstudy@hdrinc.com](mailto:I-IIADOTstudy@hdrinc.com)

Albert Elias, Assistant City Manager, City of Tucson ([albert.elias@tucsonaz.gov](mailto:albert.elias@tucsonaz.gov))

Diana Alarcon, Tucson Department of Transportation ([diana.alarcon@tucsonaz.gov](mailto:diana.alarcon@tucsonaz.gov))

Sott Clark, Department of Planning and Development Services

([scott.clark@tucsonaz.gov](mailto:scott.clark@tucsonaz.gov))

Jay Van Echo, ADOT Project Manager ([JVanEcho@azdot.gov](mailto:JVanEcho@azdot.gov))

Aryan Lirange, FHWA Senior Engineer ([Aryan.Lirange@dot.gov](mailto:Aryan.Lirange@dot.gov))

Rebecca Yedlin, FHWA Environmental Coordinator ([Rebecca.Yedlin@dot.gov](mailto:Rebecca.Yedlin@dot.gov))





CITY OF  
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CITY MANAGER

November 16, 2017

Karla S. Petty  
Arizona Division Administrator  
Federal Highway Administration  
4000 North Central Avenue, Suite 1500  
Phoenix, Arizona 85012

RE: 999-M(161)S  
I-11, I-19/SR 189 to US 93/SR 89  
TRACS No. 999 SW 0 M5180 01P  
I-11 Corridor Tier 1 EIS  
Alternatives Selection Report, October 2017

Dear Ms. Petty,

Thank you for extending the review period to allow us an opportunity to provide comments on the Draft *Alternatives Selection Report* for the Tier 1 Environmental Impact Statement (EIS) for the I-11 Corridor.

In Section 4.1 and Table 4-1, the screening methodology did not appear to include any screening related impacts on the water supply. Two of the identified routes (C and D) appear to impact our CAVSARP/SAVSARP facilities which are the main sources of the Tucson Active Management Area (AMA). Additionally, all figures showing routes C and D appear to continue to impact CAVSARP/SAVSARP facilities.

Work along the existing route I-10 through Tucson will impact existing water infrastructure.

Figure A-9 shows a legend color for Tucson Water Recharge Basin and identifies them as environmentally Sensitive Areas, but the map doesn't appear to reflect that. Also, Routes C and D appear to run through the Tucson Water recharge basins.

We appreciate your consideration of our comments.

Sincerely,

Michael J. Ortega, P.E.  
City Manager

cc: Farhad Moghimi, Executive Director, Pima Association of Governments



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CITY MANAGER

March 17, 2017

Rebecca Yedlin  
Environmental Coordinator  
Federal Highway Administration  
4000 North Central Avenue, Suite 1500  
Phoenix, Arizona 85012

RE: 999-M(161)S  
I-11, I-19/SR 189 to US 93/SR 89  
TRACS No. 999 SW 0 M5180 01P  
I-11 Corridor Tier 1 EIS  
Evaluation Methodology and Criteria for Alternatives Selection

Dear Ms. Yedlin,

Thank you for the opportunity for the City of Tucson to review and comment on the Draft *Evaluation Methodology and Criteria for Alternatives Selection* for the Tier 1 Environmental Impact Statement (EIS) for the I-11 Corridor.

The City of Tucson requests the opportunity to meet with project staff from FHWA, ADOT, and AECOM this month to discuss in detail the Alternatives Selection Methodology, prior to your finalization of the methodology and criteria.

In general, the City seeks to ensure that the criteria and methodology:

- do not inherently favor routes through vacant lands over those along existing freeways;
- address the City's serious concerns over impacts to water resources;
- do not minimize the importance of multimodal improvements, including passenger rail;
- explicitly analyze growth induced by the corridor alternatives and related impacts; and
- fully and accurately assess the economic and social impacts of the corridor alternatives.

In addition, the City of Tucson's initial summary comments are as follows, by section:

**2.1.1.2 Agency Scoping Input, 2.1.1.3 Public Scoping Input**

- The South section of the I-11 Corridor Study Area should be more specifically segregated from the Central and North sections when discussing agency and public scoping input as it relates to the prospect of bypassing metropolitan Tucson. The decision to bypass metropolitan Phoenix (in the North and Central segments) has already been made through the *I-11 and Intermountain West Corridor Study (IWCS)*; however the decision for the Tucson area will be made via this EIS process, and should receive substantial and separate consideration. As the draft *Evaluation Methodology and Criteria Report* is currently written, input is summarized across all three sections, the result of which is that input on the South section is not meaningfully characterized.

#### 2.1.1.4 Technical Analysis

- Engineering and Environmental Inputs: The City of Tucson requests the opportunity to review and provide comments on these critical model inputs. Some areas of concern include:
  - Interstates 10 and 19 in the South section may not meet current engineering standards for interstate freeway design. The City needs to be assured that this fact will not inherently disadvantage alternatives that co-locate I-11 with the existing I-10 and I-19 in this area.
  - Figure 2.6 Typical Section for Proposed Interstate Freeway Facility
    - It is not clear how this will be used as a model input, however the potential to bias the model away from existing facilities appears high.
  - The City of Tucson Water's Central and Southern Avra Valley Storage and Recovery Project (CAVSARP and SAVSARP) and their planned expansion areas are not represented in the map of Environmentally Sensitive Areas (page 14), despite the fact that these facilities represent the primary renewable water supply available to the entire Tucson metro region and \$250 million in existing public investment. The location of such facilities is subject to its own engineering and environmental constraints, and moving or replacing them is probably not feasible. These facilities should be incorporated both in the Environmentally Sensitive Areas map and within the Environmental and Engineering Inputs.
  - The Environmentally Sensitive Areas (14) and Environmental Inputs also should (do not currently) include City of Tucson Water properties in the Avra Valley, which are variously subject to:
    - The City of Tucson's Avra Valley Habitat Conservation Plan (HCP). The HCP is currently under review by the U.S. Fish and Wildlife Service for a Section 10 Permit under the Endangered Species Act.
    - Restrictive covenants unrelated to the HCP.
    - 100-year leases to Tucson Audubon Society for conservation purposes.These properties are also statutorily connected with water rights essential to the City of Tucson Water system, which provides potable water for the vast majority of metropolitan Tucson.
    - City staff provided ADOT I-11 project staff with this information, as well as documents and GIS files related to CAVSARP, SAVSARP, and the Avra Valley HCP and properties in summer of 2016.
- Density Analysis for Potential Corridor Alternatives : This paragraph must elaborate on how all routes will be modeled. A model methodology based on avoidance of obstacles may be too simplistic and inherently bias route evaluation toward vacant lands.

#### 2.1.1.5 Optimization of Corridor Alternatives

- More information is needed here about how routes will be "optimized."

### 2.1.2 Initial Range of Corridor Alternatives

- More information is needed here regarding how the comparison will be done (i.e. quantitative, qualitative), and how this will impact the range of corridor alternatives to be evaluated.

### 2.2.1 Evaluation Criteria and Table 2-1 Evaluation Criteria and Measures

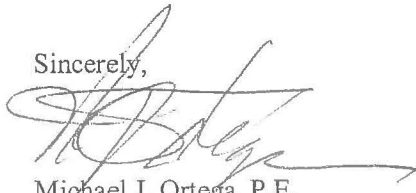
- Address Population and Employment Growth: criteria and measures should be added that address the potential for corridor alternatives to induce growth in new, previously undeveloped areas. Induced growth may address the project's ability to meet the project's purpose to "support improved regional mobility..." and to "...support economic vitality" in existing metropolitan areas. Induced growth will also create indirect environmental impacts to the Sensitive Environmental Resources listed, which should be evaluated. A Growth-related, Indirect Impact Analysis of some corridor alternatives may be necessary, and should be conducted early in the EIS process (e.g., see *Guidance for Preparers of Growth-related, Indirect Impact Analyses*, Caltrans 2006).
- Mitigate Congestion and Improve Travel Times:
  - All measurements should account for the potential to add additional, segregated, limited access "express"-style lanes along existing freeway corridors in urban areas. How each corridor alternative is designed and managed will impact all of the criteria and measures within this category, and must be addressed.
  - A criteria and measures should be added for the ability of the corridor alternatives to facilitate passenger transit service. This will ultimately impact all of the criteria and measures within this category, and must be addressed.
- Improve Access to Economic Activity Centers:
  - The "Number of...activity centers" measure is ill-defined, and subject to a high level of subjectivity and manipulation. This measure should be re-defined in a more specific and meaningful way.
  - The "Additional population within a 45-minute drive time" measure is too broad, and would seem to draw very little distinction between the various corridors within the overall study area.
- Support Homeland Security and National Defense: urban areas should be separated from rural areas in this evaluation, and the evaluation measure should say "Provides alternate interstate freeway or urban arterial route." The measure should also not be a simple "yes" or "no."
- Minimize Direct Impacts on Sensitive Environmental Resources: a criteria and measures regarding impacts to water resources should be added.

To: Rebecca Yedlin  
Date: March 17, 2017  
Page 4 of 4

- “Other information to be considered” (page 19): the weight of these significant factors (Plan Consistency, Implementation of Corridor Typical Section, Agency Input, Public Input) relative to the Evaluation Criteria and Measures detailed in Table 2-1 needs to be clarified. For instance, they are not mentioned in the following section 2.2.2 Evaluation Approach, Evaluation of Corridor Options.

This letter includes initial comments from the City, which will be best addressed by meeting in person. Please contact my staff (James MacAdam, 520-837-4068, [James.MacAdam@tucsonaz.gov](mailto:James.MacAdam@tucsonaz.gov)) to arrange a time when City staff may discuss these comments with your project team.

Sincerely,



Michael J. Ortega, P.E.  
City Manager

cc: Honorable Mayor and Council Members  
Joyce Garland, Chief Financial Officer and Assistant City Manager  
Albert Elias, Assistant City Manager  
Manjeet Ranu, Director, Planning and Development Services  
Timothy Thomure, Director, Tucson Water  
Daryl Cole, Director, Tucson Department of Transportation  
Andrew Greenhill, Manager, Intergovernmental Affairs  
Karen Fogas, Executive Director, Tucson Audubon  
Farhad Moghimi, Executive Director, Pima Association of Governments



CITY OF  
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CITY MANAGER

May 5, 2017

Jay Van Echo  
ADOT I-11 Study Manager  
Arizona Department of Transportation  
Sent via electronic mail

RE: 999-M(161)S  
I-11, I-19/SR 189 to US 93/SR 89  
TRACS No. 999 SW 0 M5180 01P  
I-11 Corridor Tier 1 EIS  
Evaluation Methodology and Criteria for Alternatives Selection

Dear Jay,

Thank you for meeting with City of Tucson staff on April 3, 2017 regarding the City's comments on the *Evaluation Methodology and Criteria for Alternatives Selection*. As a follow-up to one of the items discussed in that meeting, we are providing detailed information on City of Tucson Water properties and facilities within the Avra Valley. This will be pertinent to your considerations, as Corridor Options C and D (as identified at <http://www.i11comment.com/Home/Map>) would both appear to directly and substantially impact these properties and facilities. The following information is provided via numbered electronic pdf documents attached to this communication:

- Solar Farm Lease (1,1a,1b)
- Solar Farm Lease
- Farm Water Rights
- Habitat Conservation Plan (4, 4a, 4b, 4c, 4d, 4e)
- CAVSARP Section 7 Permit (5, 5a, 5b, 5c, 5d)
- CAVSARP Map
- SAVSARP Map
- CAVSARP/SAVSARP Capital and Operating cost
- Phoenix Inter AMA agreement (9, 9a)
- Audubon Agreements (10, 10a)

You should receive 23 documents. In addition, as a courtesy we are also re-sending maps and GIS shape files associated with these properties, which were provided to the ADOT I-11 project team in summer of 2016.

To: Jay Van Echo  
Date: March 17, 2017  
Page 2 of 2

Please note that these files will be sent in three separate emails. Do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'J MacAdam', with a long horizontal line extending to the right.

James MacAdam  
Project Manager

cc: Michael J. Ortega, City Manager  
Joyce Garland, Chief Financial Officer and Assistant City Manager  
Albert Elias, Assistant City Manager  
Lynne Birkinbine, Deputy Director, Planning and Development Services  
Timothy Thomure, Director, Tucson Water  
Daryl Cole, Director, Tucson Department of Transportation  
Andrew Greenhill, Manager, Intergovernmental Affairs  
Farhad Moghimi, Executive Director, Pima Association of Governments  
Jennifer Pyne, I-11 Project Team, AECOM



CITY OF  
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OFFICE OF THE  
CITY MANAGER

December 23, 2016

Rebecca Yedlin  
Environmental Coordinator  
Federal Highway Administration  
4000 North Central Avenue, Suite 1500  
Phoenix, Arizona 85012

RE: 999-M(161)S  
I-11, I-19/SR 189 to US 93/SR 89  
TRACS No. 999 SW 0 M5180 01P  
I-11 Corridor Tier 1 EIS  
Draft Purpose and Need Memorandum

Dear Ms. Yedlin,

Thank you for the opportunity for the City of Tucson to review and comment on the Draft *Purpose and Need Memorandum* for the Tier 1 Environmental Impact Statement (EIS) for the I-11 Corridor. The City's comments are as follows:

- (Section 4.1 Alternatives Selection Report, page 37) The City of Tucson requests that impacts to water supply be included among the evaluation and screening criteria of the Alternatives Selection Report (ASR). We understand that the City will have the opportunity to review the ASR methodology and criteria at a later date, but wish to emphasize the importance of this factor, given its outsized economic and environmental significance in our arid region.
- (Section 4.3 Final Tier 1 EIS and Record of Decision, page 38) We request that explicit clarification be provided in the document that Build Alternatives would not necessarily require a 2,000-foot-wide "clear zone" or right of way; and that the proposed interstate freeway facility and its related corridor could be narrower in areas that are constrained by natural or man-made factors.

As these comments suggest, it is my expectation that this EIS will evaluate a Build Alternative that includes co-location of the I-11 with I-10 and I-19 through the Tucson metro region. This co-location Build Alternative must be considered on equal footing to other alternatives, without pre-established limitations, such as a requirement for a 2,000-foot clear corridor.

Sincerely,

Michael J. Ortega, P.E.  
City Manager

cc: Farhad Moghimi, Executive Director, Pima Association of Governments





July 8, 2016

CITY OF  
TUCSON  
OFFICE OF THE  
CITY MANAGER

Mr. Aryan Lirange, Senior Urban Engineer  
Federal Highway Administration  
4000 North Central Avenue, Suite 1500  
Phoenix, Arizona 85012

RE:  
999-M(161)S  
I-11, I-19/SR 189 to US 93/SR 89  
TRACS No. 999 SW 0 M5180 01P  
I-11 Corridor Tier 1 EIS  
Participating Agency Invitation Letter

Dear Mr. Lirange,

The City of Tucson will serve as a Participating Agency during the Tier 1 EIS process for the I-11 Corridor. City staff participated in the Agency Scoping Meeting of Wednesday, June 22 at Pima Association of Governments in Tucson.

At this time, the City's comments on the Scope pertain to the alternatives to be studied and impacts to be evaluated. To provide additional context, relevant policies are cited from *Plan Tucson: City of Tucson General and Sustainability Plan*, which was ratified by voters in 2013. The comments provided in this letter should not be construed as a policy position on the I-11 project or EIS process. Rather, they are provided as information to be considered in your analysis. City staff will discuss the I-11 project with Mayor and Council at the appropriate time in the future; and they may choose to direct staff to submit additional comments at that time.

### **Consideration of Alternatives**

Related Plan Tucson policy:

*Policy LT22:* Participate in efforts to develop a coordinated regional, multi-modal transportation system that improves the efficiency, safety, and reliability of transporting people and goods within the region and to destinations outside the region (*Built Environment Focus Area: Land Use, Transportation, & Urban Design Element*).

The City requests that the Tier 1 EIS consider innovative approaches to alternatives that locate I-11 approximately within the existing rights of way for I-10 and I-19 (including frontage roads). Developing the interstate within already disturbed areas has the potential to have fewer impacts to natural resources, lower cost, easier access to I-10 East for both freight and passenger travelers, and shorter routes to already developed freight hubs along I-10 and I-19. Any alternatives along existing facilities in the urban area need to study a smaller than 2,000' wide study area, using a reasonable width of dual designated highway.

One such innovative approach is detailed in the collector-distributor roadway alternative (System Alternative IV) as described in the ADOT/FHWA *Interstate 10: Junction Interstate 19 to State Route 83/State Route 210: Golf Links Road to I-10 Feasibility Report Update* completed in February 2015. This approach separates local and through traffic, and has the potential to greatly facilitate freight movement without adding as much physical infrastructure (i.e. lanes) as would otherwise be required. A collector-distributor roadway would also provide a consistent approach along I-10 through the city if that alternative is selected on the eastern portion of the urban area along I-10.

### **Potential Economic Impacts**

Related Plan Tucson policies:

Policy RG1: Increase international partnerships and trade opportunities, with particular focus on Tucson's strong economic, cultural, and geographic ties to Mexico (*Economic Environment Focus Area: Regional & Global Positioning Element*).

Policy RG2: Capitalize on Tucson's strategic location by maintaining and enhancing Tucson as an international port and center for commerce and logistics (*Economic Environment Focus Area: Regional & Global Positioning Element*).

Policy LT22: Participate in efforts to develop a coordinated regional, multi-modal transportation system that improves the efficiency, safety, and reliability of transporting people and goods within the region and to destinations outside the region (*Built Environment Focus Area: Land Use, Transportation, & Urban Design Element*).

Policy TQ2: Preserve and celebrate the beauty of Tucson's natural landscape and the wonder of the Sonoran Desert (*Social Environment Focus Area: Tourism & Quality of Life Element*).

To: Mr. Aryan Lirange

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While the overall economic impact of any roadway alternative would need to be verified by a formal economic impact study, the initial economic development impact of I-11 (any alternative) to the City of Tucson would be the creation of construction jobs and businesses supporting the construction industry. I-11 would further support efforts of the Port of Tucson to continue to build its inland port services. This would further position Tucson as a major logistics center in the Southwest, allowing Tucson to be more competitive in the global economy.

For roadway alternatives that skirt or bypass the majority of the Tucson metro area, there are pros and cons to consider. Potential negative impacts to the City include loss of sales tax revenue from frontage hotels, restaurants and gas stations that cater to the trucking industry. However, the types of businesses typically associated with the trucking industry are retail and basic service industry related jobs, which tend to have low wages with limited positive spinoffs. As further due diligence, the City can undertake an analysis of the sales tax generated from businesses ¼-mile on either side of I-10 from Kolb Road to Ruthrauff Road to fully understand the extent of the revenue impact.

Additionally, there could be substantial loss of revenue from domestic and Mexican visitors who would then have an option to bypass the City of Tucson. Currently, visitors from Mexico spend nearly \$1 billion in Tucson and Pima County each year. This accounts for more than 5% of the total taxable sales in Pima County, the majority of which occurs within the City of Tucson.

Also, roadway alternatives that pass through undeveloped or rural areas would have the potential to affect tourism, a large portion of which is driven by the region's unique natural assets such as plants and wildlife, scenic views, natural quiet, and dark skies. Conversely, studies show that a decrease in urban truck traffic could also improve the quality of life of existing Tucson residents and assist in further downtown redevelopment.

For roadway alternatives using the existing I-10/I-19 rights of way, the inverse would be true. Mexican and domestic visitors would not have the option to bypass Tucson and would continue to visit Tucson for shopping and leisure services. The frontage hotels, restaurants, retailer and gas stations along the interstate would see an increase in sales corresponding to the increase in truck traffic. Additionally, an increase in traffic could cause congestion, increased pollution and ambient noise for the neighborhoods immediately surrounding the interstate.

## **Potential Social Impacts**

Related Plan Tucson Policy:

*Policy LTI:* Integrate land use, transportation, and urban design to achieve an urban form that supports more effective use of resources, mobility options, more aesthetically-pleasing and active public spaces, and sensitivity to historic and natural resources and neighborhood character (*Built Environment Focus Area: Land Use, Transportation, & Urban Design Element*).

Potential impacts to neighborhoods adjacent to proposed roadway alternatives (noise, air pollution, etc.) need to be evaluated. It should be noted that many neighborhoods along the existing alignments of I-10 and I-19 already experience high stress levels (based on *City of Tucson Indicators of Neighborhood Stress*, 2016).

## **Potential Impacts to Tucson Water Properties in Avra Valley**

Related Plan Tucson Policies:

*Policy WR1:* Continue to plan and manage the City's water supplies, quality, and infrastructure for long-term reliability and efficiency (*Natural Environment Focus Area: Water Resources Element*).

*Policy WR5:* Protect groundwater, surface water, and stormwater from contamination (*Natural Environment Focus Area: Water Resources Element*).

*Policy WR6:* Integrate land use and water resources planning (*Natural Environment Focus Area: Water Resources Element*).

*Policy WR7:* Collaborate on multi-jurisdictional and regional water planning and conservation efforts (*Natural Environment Focus Area: Water Resources Element*).

*Policy WR10:* Continue to manage the City's Water Service Area, considering service area expansion only when it furthers the long-term social, economic, and environmental interest of City residents (*Natural Environment Focus Area: Water Resources Element*).

Any alternatives that are studied that traverse the Avra Valley will need to consider impacts to City-owned (Tucson Water) water facilities in the area. These facilities are depicted in the attached map, and include both the Central and Southern Avra Valley

To: Mr. Aryan Lirange

Date: July 8, 2016

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Storage and Recovery Project (CAVSARP and SAVSARP). These water facilities (collectively referred to as “Clearwater”) represent the primary source of Tucson’s renewable water supply.

Alignment through Clearwater could present significant challenges to the utility’s operations, and there could be significant costs in the event that Tucson Water infrastructure was required to be moved in order to make way for a new Interstate. Recharge basins, wells, transmission lines, and more have cost the utility’s ratepayers over \$250 million, and the timeframe for their development, including studies, permitting, and construction, takes many years. It is unclear at this time what the costs and timelines would be for moving infrastructure to alternate locations.

In addition, the current location of the project, including both CAVSARP and SAVSARP, was selected because of the hydro-geological advantages of the area. It is unknown at this time whether—and if feasible, where—replacement infrastructure could be relocated under similar conditions as those that exist in the present location. Any reduction in Tucson Water’s recharge and recovery capacity in the area could increase our dependence on non-renewable groundwater supplies to meet customer demand.

Other considerations include:

- Habitat Conservation Plan (HCP): For almost a decade, Tucson Water has worked with the U.S. Fish and Wildlife Service in order to secure a Section 10 permit for all Tucson Water properties in Avra Valley. Tucson Water strongly recommends that any new development in the area comply with our Section 10 permit.
- Water quality concerns: Locating an Interstate Highway in close proximity to Tucson’s drinking water supply must account for potential introduction of incompatible land uses and activities in the area such as land development, gas stations, and the movement of hazardous materials.
- Tucson-Phoenix water exchange: Current plans include the expansion of recharge operations at CAVSARP and SAVSARP to accommodate the increased storage of City of Phoenix (and potentially other municipal partners’) water in our facilities. Any reduction of current recharge capacity—or limitations on future recharge basin construction and recharge capacity—by a new Interstate could reduce or eliminate Tucson’s ability to fulfill its obligations under the proposed agreement.

To: Mr. Aryan Lirange

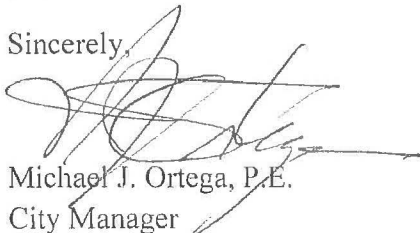
Date: July 8, 2016

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- Water rights: Tucson Water purchased these retired farm properties in Avra Valley for their water rights. Due to the nexus between land ownership and water rights, sale and/or lease of the properties can complicate Tucson's water rights in the area.
- Restrictive covenants: Separate from the HCP, portions of Clearwater are limited by permanent restrictive covenants, tied to the deed, that apply to both current and future owners of the land. These covenants restrict both the ability to route an Interstate through Clearwater, as well as Tucson Water's ability to relocate infrastructure.

City staff is available to provide further information to the I-11 Project Team as needed. Specifically, we would like to request an in-person consultation between City staff and I-11 Project Team members to address any questions you might have, and to provide further detail if needed. James MacAdam (James.MacAdam@tucsonaz.gov, 520-837-4068) in the City Manager's Office will serve as the City's point of contact on this project.

Sincerely,

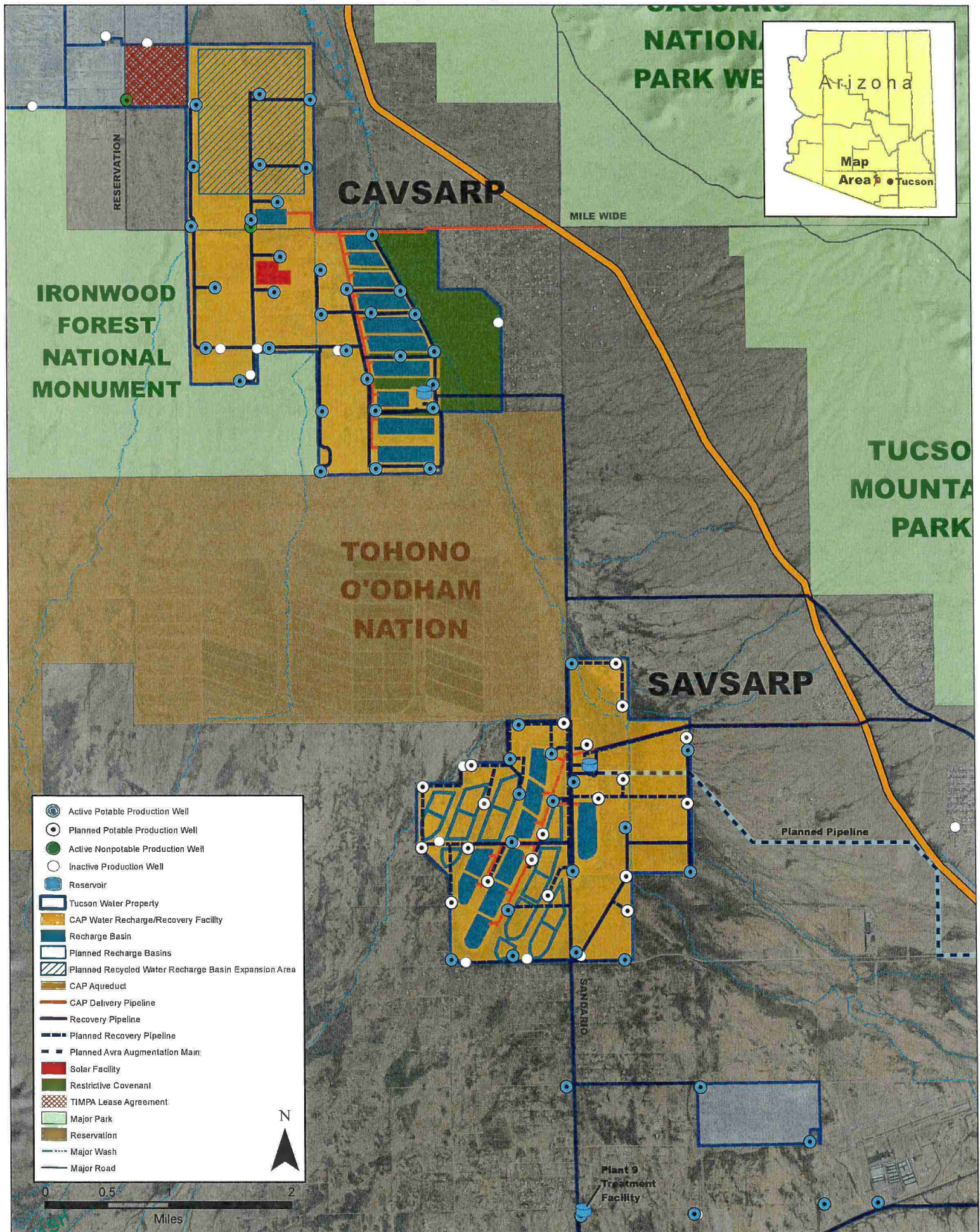


Michael J. Ortega, P.E.  
City Manager

Attachments: Map of Tucson Water Avra Valley Recharge Projects  
Map of Tucson Water Avra Valley Property

cc: Farhad Moghimi, Executive Director, Pima Association of Governments  
Albert Elias, Assistant City Manager  
Joyce Garland, Assistant City Manager  
Timothy Thomure, Director, Tucson Water  
Daryl Cole, Director, Tucson Department of Transportation  
Nicole Ewing-Gavin, Interim Director, Planning and Development Services  
Department  
Greg Jackson, Management Coordinator, Economic Initiatives Office

# Tucson Water Avra Valley Recharge Projects







**OFFICIAL MEMBERS PRESENT:**

- Mayor Jonathan Rothschild, Chairperson
- Council Member Regina Romero (Ward 1)
- Council Member Paul Cunningham (Ward 2)
- Council Member Paul Durham (Ward 3)
- Council Member Shirley Scott (Ward 4)
- Council Member Richard G. Fimbres (Ward 5)
- Council Member Steve Kozachik (Ward 6)

**OFFICIAL MEMBERS**

**ABSENT/EXCUSED:** None

**STAFF PRESENT:**

- Michael J. Ortega, City Manager
- Michael Rankin, City Attorney
- Roger Randolph, City Clerk

**LOCATION:**

Mayor and Council Chambers  
City Hall  
255 West Alameda Street  
Tucson, Arizona

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1                   MAYOR ROTHSCHILD: Let's move on to Item 8,  
2 Arizona Department of Transportation I-11 Draft Environmental  
3 Impact Statement; scheduled for 40 minutes. Staff from the  
4 Arizona Department of Transportation has a presentation on the I-  
5 11 Draft Tier 1 Environmental Impact Statement Study and  
6 Recommended Alternatives. Mr. Manager?

7                   MR. ORTEGA: Mr. Mayor, Members of the Council,  
8 this is an opportunity to hear directly from some ADOT  
9 representative -- I believe Greg Byers is here; he's going to  
10 make a presentation.

11                   So you have been copied on many of the correspondence  
12 -- and pieces have gone back and forth -- particularly our  
13 comments on the I-11 Corridor Analysis and Study as we've had the

1 opportunity to comment on that. As we received a copy of the  
2 EIS, the draft EIS, what I suggested is that ADOT come before  
3 you, have a conversation, give you an opportunity to weigh in.  
4 In the materials, I did provide you with a draft of -- of my  
5 letter to ADOT which I plan to send after this; assuming that you  
6 give me the nod to do that. But I did think it was important for  
7 ADOT to have an opportunity to outline for you some of the -- the  
8 thoughts that they have on this, as well as, you know, maybe  
9 outline for you what the next steps might be.

10 So, with that, I'll turn it over to Greg.

11 MR. BYERS: Thank you, Mr. Mayor, Councilors. I  
12 have a short presentation that we'll kind of go through. What  
13 we're covering here is what's called the Tier -- Draft Tier 1  
14 Environmental Study. And let me kind of go through this real  
15 quick on what that actually means.

16 So, in the National Environmental Policy Act, the  
17 policy gives us the opportunity to do what's called a Tier 1 out  
18 of, basically, two tiers; to do some preliminary planning on  
19 projects without having full funding for that project. That's  
20 extremely important to understand because without having to have  
21 a full appropriation for a project -- and, in this case, if the  
22 full project was to be built, we're talking about billions of  
23 dollars -- there's no way in the world that we could do that  
24 under physical constraint. So that's what brings this about.

25 And this is -- the Tier 1 is the highest level, the

1 most preliminary, that we can possibly do; it does not get into  
2 project-level details; it does not get down to the nitty-gritty,  
3 this is extremely high-level; so that's very important to  
4 understand as we go forward in the presentation.

5           So, as part of the background in the study area, what  
6 we're looking at here is this is the I-10 Intermountain West  
7 Corridor which was actually completed -- that study was completed  
8 back in 2014. This goes for 280 miles; it goes from Nogales to  
9 Wickenburg. From Wickenburg north to the state line with Nevada,  
10 that route, SR -- the U.S. 93, has already been designated as the  
11 future I-11; so that was done by Congress back, I believe, six  
12 years ago. So one of the other things is this actually goes  
13 through five different counties: It goes through Santa Cruz  
14 County, Pima County, Pinal County, Maricopa County, and Yavapai  
15 County.

16           So, in the Tier 1, what we're looking for here is we're  
17 trying to designate a 2,000-foot-wide corridor. We're talking  
18 about extremely wide, roughly -- not quite a half-mile-wide  
19 corridor that we can possibly put a freeway in, so -- or a  
20 roadway of some type. Okay? I'm not saying -- I -- I want to  
21 say a freeway, but we're talking about a roadway of some type.  
22 Ultimately, what we're probably talking about is about a 400-  
23 foot-wide right-of-way swath that's going to occur somewhere  
24 within that 2,000 feet. So this gives us the ability to try and  
25 look at as much impact as we possibly can. We're not looking at

1 the least impact, we're looking at almost the most impact that  
2 can occur within that 2,000 feet.

3 And so the people who put this together, there's two  
4 lead agencies, and that's ADOT as well the Federal Highway  
5 Association -- or Administration. We have ten cooperating  
6 agencies. The cooperating agencies are basically all the federal  
7 agencies. We have one state agency that's a cooperating agency  
8 here and that is Game and Fish.

9 We have 51 participating agencies. City of Tucson is a  
10 participating agency, along with other cities, counties -- let's  
11 see, city (sic), counties, state agencies, other federal  
12 agencies, as well as tribal agencies.

13 And then, of course, we have 92 consulting parties that  
14 have gone into putting together the document that we currently  
15 have put out for public review.

16 So the purpose and need for the -- this document  
17 itself, there's -- there's several items that we have to  
18 consider. One is population and -- and employment growth. We  
19 have traffic growth and travel time reliability. We have access  
20 to economics and the activity centers as well as system linkages  
21 and regional mobility and Homeland Security and National Defense.  
22 That last one is necessary because, again, that's built in to  
23 part of our NIFA requirements that we go through.

24 Alternatives identified are based on prior studies,  
25 like I said, we had the Intermountain West Corridor Study that we

1 looked at; agency and public input, which we are currently in the  
2 input phase; right now we're looking for public comments. Tribal  
3 coordination. We've been working with several tribes as we go  
4 through putting this together, as well as the technical analysis  
5 that comes from cultural, biological, and so forth, as we go  
6 through all of the NIFA requirements.

7 Common themes. We stay consistent with local regional  
8 plans and other projects. We foster economic development,  
9 protect environmental sensitivity resources, consider wildlife  
10 connectivity as well as consider co-locating existing  
11 transportation routes with new routes. Yeah, here we go.

12 So the technical analysis on this, we -- we have to go  
13 by interstate design standards because, ultimately, that's  
14 exactly what we're looking for at this point in time. So one of  
15 the other things we have to do is we have to avoid -- and -- and  
16 that's -- that's paramount in this study -- avoid and minimize  
17 impacts to national parks and monuments, wildlife areas, roadless  
18 areas, critical habitats, Section 4(f) properties -- that's  
19 crucial to this area. So those Section 4(f) properties are  
20 public properties that are basically utilized by the public,  
21 tribal lands, 100-year floodplains and floodways, as well as  
22 impacts to existing development.

23 So there's a no-build alternative that's possible that  
24 comes out of this study; but we have to keep in mind with the no-  
25 build alternative that it's not recommended at this point in time

1 because it does not provide access to planned growth areas, it  
2 does not reduce travel time for long-distance traffic, it does  
3 not connect metropolitan areas and markets, does not enhance  
4 access to the existing transportation network to support economic  
5 vitality, and it does not provide alternate regional -- regional  
6 routes for emergency evacuation and defense access.

7 So, as we went through the study, we came up with  
8 actually hundreds of different alternatives. We took and boiled  
9 those alternatives down into three full-length alternatives: So  
10 we have the purple one which is a mix of existing and new  
11 corridor options. We have the green option which is the -- is  
12 primarily new corridor options. And we have an orange option  
13 which is the most -- mostly existing interstate and highway  
14 corridors. So I know that map is very hard to see, but it kind  
15 of gives you an idea of what we're looking at as we went through  
16 that 280-mile stretch.

17 So we came up with a Recommended Corridor Alternative,  
18 and it is a mixture of all three of those alternatives so with  
19 the -- primarily based on the purple and green. This best meets  
20 purpose and need, while reducing the potential for adverse  
21 impacts. So, again, you can see how it routes all the way up  
22 through the entire length of the corridor.

23 As far as a timeline goes, right now we are in a public  
24 comment period. That public comment period stays open until July  
25 8th. We have already gone through a whole series of public

1 hearings. There was an initial set of hearings when we first  
2 started. This second set came out with the Recommended Corridor  
3 Alternative, so we are in the process of bringing all those  
4 comments together. Every single one of those comments must be  
5 addressed as part of the need for process. We have to -- we have  
6 to go through every single one of them. We are expecting  
7 somewhere in the neighborhood of 20,000 comments for this  
8 publication.

9 If you look at this, what we're looking at is trying to  
10 have a record of decision somewhere around mid-2020 is what we're  
11 hoping for. It all depends on how the comments come through, how  
12 we can take and address all those comments, and where they go,  
13 so -- but that's our current timeline on what we're looking at.

14 So I was talking about the public hearings. We just  
15 finished up a whole round of public hearings. We had hearings  
16 down in Buckeye, Wickenburg, Casa Grande, Nogales, here in  
17 Tucson, and also out in Marana, So we have completed all of our  
18 public hearings; however, public comment can still be made.

19 So we have several options for that public comment to  
20 come in. We have -- it can be done online through our  
21 [I11study.com](http://I11study.com) website.

22 It can also be done on the phone. Here's the phone  
23 number, that 1-844-544-8049.

24 It can also be done by email through the -- ADOT's  
25 [i11adotstudy@hdrinc.com](mailto:i11adotstudy@hdrinc.com), or it can be mailed in to I-11 Tier 1

1 EIS Study Team in care of ADOT Communications at 1655 West  
2 Jackson Street, Mail Drop 126F, in Phoenix, Arizona, 85007.  
3 That's all.

4 MAYOR ROTHSCHILD: All right.

5 MR. BYERS: All of the information --

6 MAYOR ROTHSCHILD: Go ahead.

7 MR. BYERS: Okay. All of the information, and the  
8 -- the EIS report itself, can be found on our website. Again,  
9 it's [illstudy.com](http://illstudy.com). You can find all -- it's a 700-page document,  
10 not including the appendices, which are somewhere in the  
11 neighborhood of another 1,500 pages.

12 MAYOR ROTHSCHILD: Okay.

13 MR. BYERS: You can read it all if you want.

14 MAYOR ROTHSCHILD: All right. Well, thank you,  
15 sir, for coming in. We appreciate you coming down.

16 I think the Council's concern was since the July 8th  
17 deadline's coming up -- and they wanted to have a collective  
18 thought to you -- and I think putting it in the context that  
19 we're really in the stage one of the Tier 1, with 20,000 comments  
20 to review, and with any luck, a potential final recommended  
21 corridor a year from now --

22 MR. BYERS: Right.

23 MAYOR ROTHSCHILD: -- but, that being said, I'm  
24 looking at your -- your criteria, and it says, "to avoid  
25 wilderness areas, roadless areas, critical habitats, tribal



1 lands, and impacts to existing developments." When I think of  
2 impacts to existing developments, I'm thinking of our water  
3 infrastructure that supports this entire region's water. And so  
4 I think there's concern amongst this body about why areas were  
5 chosen -- a route was chosen --en though it's not the final route  
6 -- when that's out there.

7 Now, before I turn over to Council, I do want to point  
8 out that our City Manager, I think -- and I'm hoping if you could  
9 confirm -- that those comments will also be part of the record.  
10 In July, 2016, Mr. Ortega submitted comments to FHWA on the scope  
11 of the Tier 1 EIS process explicitly calling the agency's  
12 attention to the need to protect Tucson Water's CAVSARP, SAVSARP  
13 facilities, so that'll be part of the record?

14 MR. BYERS: Yes, sir.

15 MAYOR ROTHSCHILD: Okay. In December, 2016, he  
16 submitted comments that recommended evaluating a route that would  
17 collate -- co-locate I-11 and I-10/I-19 through the Tucson Metro  
18 region, giving that route equal consideration with other  
19 alternatives.

20 In March, 2017, he requested a meeting, which I'm sure  
21 occurred, that -- and I -- and if this hasn't been documented I  
22 think it will be in what we're doing here today -- to not  
23 inherently favor routes through vacant lands over those along  
24 existing freeways, address the City's concerns over impacts to  
25 water resources, do not minimize the importance of multi-modal

1 improvements, including passenger rail, explicitly analyzing  
2 growth induced by corridor alternatives and related impacts, and  
3 that's a concern to our community, both from building out 30  
4 miles west of our community -- what kind of growth could occur  
5 out there versus the impact it might have on our existing  
6 community -- and so fully and accurately assess the economic and  
7 social impacts of the corridor alternatives. And I know that  
8 that documentation was sent to ADOT regarding CAVSARP and  
9 SAVSARP.

10 So I think -- and, hopefully, everybody will be  
11 reasonable about it, 'cause you're just gathering the information  
12 -- but I -- I -- I can -- I can feel the frustration when we've  
13 provided that information and -- and, yet, we get this kind of  
14 recommendation back.

15 Now, I -- I know it's preliminary, but I should end it  
16 with a question somewhere: How do we get to that kind of  
17 recommendation in front of everything else we know? And I'm not  
18 talking about anything but from north of Marana, maybe Casa  
19 Grande 8 down -- why -- why we wouldn't use the existing route?

20 MR. BYERS: So there's -- I'm -- I'm real  
21 reluctant to answer a lot of questions here because there's --  
22 there's one thing that we have going -- because of the -- the  
23 current comment time period that we have, we have public comments  
24 and we have a public hearing.

25 MAYOR ROTHSCHILD: Even better. We -- why would

1 we want to hear answers from you when we could just make our  
2 comments?

3 MR. BYERS: There you go.

4 MAYOR ROTHSCHILD: But, anyway, so I'm going to  
5 start with Council Member Kozachik.

6 COUNCIL MEMBER KOZACHIK: And so I won't ask  
7 questions. I'll just make a couple of comments. I'm equally  
8 perplexed as Jonathan is and the City Manager as to why when we  
9 sent in specific -- identifying specific pieces of major capital  
10 infrastructure that affected the -- the water supply for this  
11 entire region, that they're just omitted from the report. So  
12 that's -- that's one comment.

13 The second comment is with respect to Frame 7 -- and  
14 Jonathan was reading it. Interstate Design Standards shall avoid  
15 or minimize impacts to all of these -- all of these items that he  
16 read off. And the recommended alternative impacts every single  
17 one of them.

18 UNIDENTIFIED FEMALE: Very negatively.

19 COUNCIL MEMBER KOZACHIK: So that would be another  
20 comment.

21 Another comment is that I -- I get the sense that,  
22 because of the -- because of those two first -- first two points,  
23 there's a sense in this region anyway, among many people, that  
24 this is a done deal and -- and, you know, what the hell? Why are  
25 we even bothering? Because with the egregious impacts that I

1 just mentioned and that are -- exist on Frame 7, that that  
2 alternative shouldn't even be under consideration if it weren't  
3 already a done deal, and so that's a frustration that I hear a  
4 lot.

5 And I guess I can't avoid one -- one question and that  
6 is: Who -- who has ADOT spoken to that really supports this  
7 alternative that's west of the Tucson Mountains and through Avra  
8 Valley; is that -- can you answer that? 'Cause somebody must  
9 support it or it wouldn't be on the -- it wouldn't be an  
10 alternative.

11 MR. BYERS: ADOT is not the only agency that is  
12 working on this. We have multiple agencies, including all of our  
13 federal parks that are working on this. It is -- it is working  
14 through all the science and all of the information that has been  
15 put together and gathered that these recommendations are coming  
16 forth.

17 COUNCIL MEMBER KOZACHIK: Okay. Fine. It would  
18 be fair -- it would be -- it would be helpful for me anyway to  
19 know who supports that so that we could go and affirmatively  
20 education them.

21 MAYOR ROTHSCHILD: Yeah, I know. That's right.  
22 (Applause.)

23 MAYOR ROTHSCHILD: Council Member Romero. We'll  
24 just go down the line. Council Member Romero.

25 COUNCIL MEMBER ROMERO: Thank you, Mr. Mayor.

1 I just want to make sure that we also add into the  
2 record later tonight we have a resolution against the proposed I-  
3 11 recommended option; so I'd like to make sure that this  
4 particular recommendation or resolution that we have later  
5 tonight makes it also into the record for the comment period.

6 But, I mean, what are the agencies, federal agencies,  
7 that ADOT is working with that came to the conclusion that this  
8 particular route would be the recommended route?

9 MR. BYERS: So there's -- there's nine agencies  
10 that are working with us in putting -- putting this together,  
11 meet on a monthly basis, and have for the last two and half  
12 years, putting this together. This is a consensus, and it has to  
13 be a consensus through that group, to put this forward.

14 So it's -- like I said, it's working through all the  
15 science, it's working through all the information, it's using the  
16 data that we have gathered to bring forth the recommendation that  
17 is in the report.

18 MAYOR ROTHSCHILD: It -- it --

19 COUNCIL MEMBER ROMERO: Okay. But what are the  
20 agencies?

21 MAYOR ROTHSCHILD: Yeah.

22 MR. BYERS: So we -- we have -- we have the Bureau  
23 of Rec. We have the Forest Service. We have -- let's see here.  
24 I'm trying to think of who all we have. The Game and -- or the  
25 U.S. Fish and Wildlife. We have the Forest Service. We have --

1 I can't remember them all off the top of my head, but, basically,  
2 every agency within the Department of Interior.

3 MAYOR ROTHSCHILD: Could -- could you -- could you  
4 get -- could you get us a list of those agencies?

5 MR. BYERS: In fact, they're all listed in the  
6 report, but I can certainly get that information.

7 MAYOR ROTHSCHILD: Okay. Fine.

8 COUNCIL MEMBER ROMERO: And the input from the  
9 community will mean -- be made clear, both from jurisdictions  
10 like ours and community representatives -- will be shared with  
11 the entire federal agencies and ADOT that is working on this --  
12 on this project?

13 MR. BYERS: Yes, and, in fact, it's up to all of  
14 those agencies, as well as ADOT and Federal Highway, to not only  
15 look at all of those but to answer every comment.

16 COUNCIL MEMBER ROMERO: Okay. So some of us on  
17 this Council -- I don't know -- I don't know exactly who lands  
18 where -- but I could speak for myself that I am not going to  
19 support this option; that actually me and a couple of others of  
20 my colleagues on the Council brought a resolution against this --  
21 this option; and that this could be a devastating economic and  
22 environmental blow to not just the City of Tucson but for the  
23 region.

24 It -- as the Mayor was saying, what you say on your  
25 paper in terms of Interstate Design Standards, avoiding or

1 minimizing impacts, all of -- each and every one of these impacts  
2 national parks and monument wildness areas, roadless areas,  
3 critical habitats, tribal lands, floodplains and -- and existing  
4 development; all of it is negatively impacted by this route. And  
5 so Avra Valley is an asset, a water asset, that serves our  
6 community and could -- could also be negatively impacted,

7 So I want to make it clear as day that we do have a  
8 resolution in front of us against this route and that we -- I  
9 will do everything in my power to work with your agencies and  
10 ADOT as much as we possibly can as a community to not approve  
11 this route because it affects our environment so much, it affects  
12 our economy so much by bypassing the City of Tucson.

13 And, to be honest with you, I think ADOT and these nine  
14 federal agencies should be looking at -- at not just investing in  
15 I-10 and I-19, but also investing in rail, because this  
16 particular route will cost billions of dollars more in terms of  
17 the alternative of investing on I-10 and I-19, what we already  
18 have, and on rail.

19 So I just -- I just want to add for the record that I  
20 don't support this. I will do everything I possibly can, along  
21 with my colleagues, to make sure that we find an alternative  
22 route. And that alternative route should be -- should be rail,  
23 and investing on I-19 and I10.

24 MAYOR ROTHSCHILD: Council Member Cunningham?

25 COUNCIL MEMBER CUNNINGHAM: You know what, I'm

1 looking at all this stuff. Let's -- let's begin with, you know,  
2 we've got the Department of Bureau of Land Commission, Bureau of  
3 Land Management, Bureau of Federal Highways. I've got Fish &  
4 Game, Wildlife. We've got all these things.

5 Does each agency send a designated representative to  
6 the committee?

7 MR. BYERS: Yes, sir.

8 COUNCIL MEMBER CUNNINGHAM: Do any of those  
9 committee members live in Tucson?

10 MR. BYERS: One -- or two -- two do.

11 COUNCIL MEMBER CUNNINGHAM: Two -- two --

12 MR. BYERS: Those being the two represented by  
13 ADOT.

14 COUNCIL MEMBER CUNNINGHAM: So no one from the  
15 federal agencies live in Tucson?

16 MR. BYERS: Not that I'm aware of, no.

17 COUNCIL MEMBER CUNNINGHAM: Just two people from  
18 ADOT who live in -- who live in Tucson -- because it doesn't  
19 sound like anybody from Tucson was in the room -- you talked  
20 about we avoid national monuments, national parks, the green --  
21 according to the website, the green, orange, purple and blue all  
22 go into Tucson Mountain Park, they all enter into the Saguaro  
23 wilderness of Saguaro East, one of them aligns right off of T-0  
24 land. So how is that -- that isn't even on your own -- that  
25 isn't even on their own criteria.



1           Not only that, we shouldn't even call this I-11, we  
2 should call this the "Ignore Tucson Corridor." I want to bring  
3 to people the words, "Two Guns, Canyon Diablo, Truxton,  
4 Valentine, Oatman, Goldroad;" those are all ghost towns in  
5 Arizona that used to be on Route 66 until they built a freeway  
6 bypassing them.

7           If this is the route selected, I will organize an  
8 initiative that will require us to take this to the Supreme Court  
9 to stop it. There is no way that anybody in their right mind  
10 from Tucson would think this alignment is -- does any good for  
11 anyone; from the ecological standpoints, to the cost to the  
12 government, to what it does to us economically, which potentially  
13 devastates us.

14           I can't even believe that not even the Mayor or the  
15 Manager could make any recommendations about this. This is one  
16 of these things where this goes back to, you know, I-8 and the  
17 San Diego freeway going to Toltec and not coming from Tucson; I  
18 mean, this is the same type of stuff. This has been going on for  
19 50 years where Phoenix decides what's best for Tucson.

20           Well, Phoenix doesn't -- they don't live here. This is  
21 not a way to treat a million people. There are a million people  
22 in the Tucson community and you basically -- the federal  
23 government basically just said, "You know what? We don't care  
24 about you guys."

25           MAYOR ROTHSCHILD: Okay. Council Member Durham?

1                   COUNCIL MEMBER DURHAM: I want to go on the  
2 record: Over my dead body will ADOT build a freeway in Avra  
3 Valley. (Applause.)

4                   You say -- I did a little research and the investment  
5 of Tucson Water in the recharge basins, wells, transmission  
6 lines, and more have cost Tucson Water's ratepayers over \$250  
7 million, but that -- the majority of that money was spent between  
8 2000 -- 2000 and 2004; that would be much greater now.

9                   There is the risk that the -- I -- I recognize that one  
10 possible route believes they can thread the needle between the  
11 existing recharge basins and the planned expansion area; and two  
12 require the recharge basins to be moved.

13                   First of all, there's the risk that they can't be moved  
14 at any cost because the -- the soil conditions, the -- the  
15 subsurface soil conditions, are the best and they're working for  
16 the existing locations of the recharge basins. We don't know,  
17 and you don't know, if they can even be moved. Tucson Water  
18 believes that the risk is -- that the risk that they can't be  
19 moved is high. We're pretty sure that ADOT has not done -- has  
20 not fully investigated this risk.

21                   Then there is the possibility of a hazardous waste  
22 spill; a truck carrying hazardous waste turns over and it  
23 contaminates the Tucson water supply. I recommend to ADOT that  
24 you take seriously that risk. That's all.

25                   MAYOR ROTHSCHILD: And thank you Council Member

1 Durham.

2 Council Member Scott?

3 COUNCIL MEMBER SCOTT: Thank you. I would echo my  
4 colleagues' statements. I think you'd find all of us probably  
5 unanimously agreeing that this particular selection of this road  
6 for the City of Tucson does not meet all of the standards that  
7 you -- that your group has put together.

8 I think it's -- should be of serious note that Tucson  
9 is the second largest city in the whole state. I think we need  
10 to have you recognize that there are -- that's a very significant  
11 population here. We are not a small ville. We are a large city  
12 compared to many. Sure, Phoenix is bigger. But we are the  
13 second largest city in the entire state. So I think our voice  
14 should be heard loud and clear as to our thoughts.

15 The population numbers that were used to start this  
16 process, apparently, should be challenged seriously because if  
17 you base your -- if you base your process on data that isn't  
18 current, or reflection of the future, then you're missing the  
19 very thing you're trying to address which is: We want to go and  
20 address the issues of population growth. Well, I think there's a  
21 question about that database. So that argument falls short of  
22 succeeding.

23 So, then, I-10 itself, just right now: If you have an  
24 asset, you should take care of it. And for those of us who go  
25 back and forth on I-10 -- which I'm sure you enjoy doing --

1 you'll find that there is quite a bit of money that still needs  
2 to be invested in the current asset you have. So where's the  
3 money going to go if you start a brand new project where you're  
4 not even taking care of the one you have to the fullest extent  
5 possible? So it's just also a question of money.

6 And on a water note: The recharge basins were  
7 originally set up by the City of Tucson in order to address  
8 federal issues about recharging water. Great! Phoenix did not  
9 think that was a good idea at first, but now they're paying City  
10 of Tucson to recharge their water. So it doesn't just affect  
11 CAVSARP and SAVSARP for the City of Tucson; it affects the water  
12 supply --

13 MAYOR ROTHSCHILD: Yeah.

14 COUNCIL MEMBER SCOTT: -- for the City of Phoenix,  
15 amongst others.

16 So those are some questions and statements that I -- I  
17 would like to address. And I wish that we could see some  
18 reflection of those kinds of thoughts when you're presenting to  
19 us something that, as one of my colleagues said, might look like  
20 a done deal.

21 And we don't want to see this go through. And I'll  
22 think you'll see a large lion roar come out of this area with  
23 regard to whether this should move forward as-is.

24 MAYOR ROTHSCHILD: Mr. Clerk, are you capable of  
25 making a transcript, a written transcript of this, and submitting

1 it along with whatever we may do?

2 MR. RANDOLPH: Yes, Your Honor.

3 MAYOR ROTHSCHILD: Okay. I think that we should  
4 do that. There's been some really good comments here.

5 Council Member Fimbres, you want to say anything?

6 COUNCIL MEMBER FIMBRES: Yes. Thank you, Mr.  
7 Mayor.

8 Does the state have funding to start this project? I  
9 know this project's been around for, what, four or -- you just  
10 had two years to do a report and now this -- the report's come  
11 back and this group has voted on moving this -- this one plan  
12 phase now. But is there funding to move and where is the funding  
13 coming from if we --

14 MR. BYERS: There is --

15 COUNCIL MEMBER FIMBRES: --- there is no funding  
16 currently, right?

17 MR. BYERS: There is no funding that -- in the  
18 current program. There is no funding in a future program,  
19 whether it be state, federal or anything else. At this point in  
20 time, there's absolutely no funding --

21 COUNCIL MEMBER FIMBRES: So what type of --

22 MR. BYERS: -- at all.

23 COUNCIL MEMBER FIMBRES: -- time frame are we  
24 looking at with the --

25 MR. BYERS: It's -- it's way, way out, yeah.

1 COUNCIL MEMBER FIMBRES: So what we need to do is  
2 plan it right, do it right, and relook at the route, 'cause you  
3 need operations and maintenance costs to maintain the highway;  
4 and you're not going to get it if you're bypassing the City of  
5 Tucson.

6 And -- and this was created like the CANAMEX Corridor  
7 was talked about, about enriching and creating more development  
8 in these cities for long-term sustainability, and I don't see  
9 this. Plus, then where you're going through is going to  
10 jeopardize our water sources, our key precious resource is our  
11 water and that's going to be jeopardized. So I think we need to  
12 look at this and revisit it.

13 And I know we have a resolution tonight? Was --

14 MAYOR ROTHSCHILD: Yes.

15 COUNCIL MEMBER FIMBRES: Okay. And we also have  
16 other thoughts and we -- we want to work with you to improve the  
17 route. Obviously, there were no Tucsonans or folks in Nogales or  
18 Sahuarita on this to plan this thing correctly. Thank you.

19 MAYOR ROTHSCHILD: Council Member Kozachik, do you  
20 have any more --

21 COUNCIL MEMBER KOZACHIK: I would just say the  
22 point of the funding, that's really not an issue for me because  
23 we need to nip this one in the bud before the funding becomes  
24 available as you -- we can't back out of this. (Applause.)

25 MAYOR ROTHSCHILD: Okay. I'm going to go back to

1 Council Member Durham. And we'll come back down and we'll finish  
2 up.

3 COUNCIL MEMBER DURHAM: You know, I -- I think  
4 that mostly Phoenix-based ADOT would like to make Tucson look  
5 more like Phoenix: freeways everywhere, lots of sprawl. The  
6 Avra Valley route for I-11 will cause tremendous sprawl,  
7 development. And it's just -- it's just not a good idea. Like I  
8 say, I think maybe Phoenix-based ADOT would like to make Tucson  
9 look more like Phoenix: lots of sprawl and freeways everywhere.

10 MAYOR ROTHSCHILD: Council Member Cunningham?

11 COUNCIL MEMBER CUNNINGHAM: I want to be  
12 constructive, too. I mean, I'm a little -- everybody's very  
13 frustrated about the -- the lot -- the -- the route that gets  
14 changed. I really ask the group to reconsider the orange  
15 aligning from Harden Way to the Air Max Park. That's really the  
16 -- when you guys -- it's a 280-mile route. Our concern is this  
17 28-mile thing that's on our -- that's in our city. And there is  
18 an orange route, I don't know how that discussion got -- I really  
19 don't know how that discussion got changed or why it ended up  
20 going the way it went and how they ended up deciding that. But I  
21 really think they ought to look at that orange route, revisit the  
22 orange route specifically from -- when you really consider it  
23 specifically from Harden Road -- about Cortaro Farms Road to --  
24 to the Air Max Park, which is -- I want to say it's right after  
25 Mineral Hill Road -- Helmet Peak Road about -- I think those --

1 that's the area that Tucson -- that is really part of Tucson.

2 So we should have some say about that one part of it.  
3 It's -- it's less than 30 miles in the entire project. Look, no  
4 one wants to kill a federal project in the -- the big picture,  
5 but everybody wants to understand that -- we know best for our  
6 community, or we're supposed to, we -- or otherwise what -- what  
7 good are we? And I think that this orange route, that right-of-  
8 way is there, I think in the -- in the costs that you guys are  
9 looking at, you'll probably save a little money and you'll also  
10 build something that will be functional for -- for Tucson.

11 So that would be what I'd say: Kind of all or nothing  
12 is that orange route.

13 MAYOR ROTHSCHILD: Mr. Mayor?

14 MAYOR ROTHSCHILD: Yes, Council Member Romero.

15 COUNCIL MEMBER ROMERO: Mr. City Manager, we need  
16 to make sure that -- that our statements tonight are a resolution  
17 against this -- this route is also shared with our congressional  
18 delegation to make sure that they understand how the City of  
19 Tucson feels about this -- about this route. And so we need to  
20 get our resolution and our commentary in the hands of each and  
21 every one of the delegates, congressional delegates, in the State  
22 of Arizona.

23 We also have -- we also pay D.C. lobbyists to do work  
24 for us in D.C., make sure that they are well aware of our  
25 position on this and that they let the agencies -- the federal



1 agencies that are involved in this process know -- each and every  
2 one of them know how the City of Tucson stands on this case;  
3 because it's nice for ADOT to be here, but I would much rather  
4 we, the City of Tucson, communicate with these federal agencies  
5 and our congressional delegation so we make it very clear that  
6 the City of Tucson does not support this iteration of I-11.

7 MAYOR ROTHSCHILD: Okay. All right. Thank you,  
8 sir, for coming in and -- and hearing us. I'm sure you're  
9 hearing things all over the state, but we do appreciate being  
10 able to get on the record before the public comment period has  
11 ended. So thank you very much.

12 MR. BYERS: Thank you for having me.

13 MAYOR ROTHSCHILD: Appreciate it. Okay.

14 \* \* \* \* \*

15 (Transcriptionist's Note: A brief discussion regarding Item 8 is  
16 resumed at a later time during the meeting.)

17 \* \* \* \* \*

18 MAYOR ROTHSCHILD: Let's move on to Item 14, which  
19 which before we go to that, our City Attorney has advised me that  
20 if we want to send the transcript from our discussion today with  
21 the ADOT to ADOT, we need a motion and second --

22 COUNCIL MEMBER FIMBRES: So moved.

23 MAYOR ROTHSCHILD: -- to do that.

24 UNIDENTIFIED COUNCIL MEMBER: Second.

25 MAYOR ROTHSCHILD: That motion and second to

1 authorize the Clerk to transcribe and send to ADOT our discussion  
2 today on Item 10 (sic) I think, whatever item --

3 MR. RANDOLPH: Included in that would also be the  
4 direction to the Manager to send the letter that was included in  
5 the materials.

6 MAYOR ROTHSCHILD: Okay. All right.

7 MR. ORTEGA: Mr. Mayor, I'm going to make a few  
8 changes, obviously, based on the conversation here, but it is my  
9 intent to incorporate and then we'll actually attach it all in  
10 the packet just to --

11 MAYOR ROTHSCHILD: Okay.

12 MR. ORTEGA: -- update it.

13 MAYOR ROTHSCHILD: And a motion --

14 COUNCIL MEMBER FIMBRES: And on my motion, Mr.  
15 Mayor.

16 MAYOR ROTHSCHILD: Okay. Motion and second.

17 COUNCIL MEMBER FIMBRES: Yeah.

18 MAYOR ROTHSCHILD: All in favor say, "Aye." Aye.  
19 Anyone opposed?

20 (Motion is carried by Council Members' voice vote of 7  
21 to 0.)

22 MAYOR ROTHSCHILD: All right. That passes.

23 (Conclusion of Study Session discussion of Item 8.)

24 \* \* \* \* \*



ADOPTED BY THE  
MAYOR AND COUNCIL

June 18, 2019

RESOLUTION NO. 23051

RELATING TO PUBLIC HEALTH AND SAFETY: DECLARING MAYOR AND COUNCIL'S OPPOSITION TO CONSTRUCTION OF A NEW INTERSTATE HIGHWAY THAT BYPASSES THE CITY OF TUCSON AND TRAVERSES PRISTINE AND INVALUABLE SONORAN DESERT AREAS; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Tucson (Tucson) works to advance goals of sustainability, equity, economic growth and vibrant, livable neighborhoods; and

WHEREAS, in November 2013 Tucson voters adopted Plan Tucson, the City of Tucson General Plan & Sustainability Plan; and

WHEREAS, Tucson has established a Sustainability Program that recognizes the detriment of petroleum-fueled car and truck travel because of their greenhouse-gas and pollutant emissions; and

WHEREAS, Plan Tucson seeks to create, preserve, and manage biologically rich, connected open space; wildlife and plant habitat; and wildlife corridors, including natural washes and pockets of native vegetation, while working to eradicate invasive species; and

WHEREAS, an interstate highway in the Avra Valley would degrade the Sonoran Desert, sever wildlife corridors, impede washes and flood prone areas, open new areas to intense residential and commercial development

far from existing urban centers, and encourage more car and truck travel at time when climate change and air pollution are growing concerns; and

WHEREAS, Tucson strives to protect night skies from light; and

WHEREAS, Tucson believes in an urban form that conserves natural resources, improves and builds on existing public infrastructure and facilities, and provides an interconnected multi-modal transportation system to enhance the mobility of people and goods; and

WHEREAS, Tucson seeks to protect its CAP water recharge facilities in Avra Valley, groundwater, surface water, and stormwater from contamination; and

WHEREAS, in April 2012 the Mayor and Council passed a resolution to adopt the Downtown Gateway Redevelopment Area and central business district; and

WHEREAS, Tucson seeks to capitalize on Tucson's strategic location by maintaining and enhancing Tucson as an international port and center for commerce and logistics; and

WHEREAS, Tucson supports the expansion of passenger and freight multi-modal transportation services to better connect Tucson to regional and international markets and destinations; and

WHEREAS, the Interstate 11 Draft Tier 1 Environmental Impact Statement Recommended Alternative route would run through the Avra Valley, negatively impacting Tucson Mountain Park, Saguaro National Park - West, Ironwood Forest National Monument, Bureau of Reclamation's Central Arizona

Project mitigation parcel, and severing linkages between important habitat areas and disturbing an unknown number of archeological sites; and

WHEREAS, the cost of building a new highway in Avra Valley would be enormous, would promote urban sprawl, and would divert cars and trucks away from existing businesses in Tucson; and

WHEREAS the state of Arizona could reduce highway traffic congestion, reduce the cost of highway maintenance, and save on the costs of rights of way purchases and concrete and asphalt production and installation - while reducing air pollution and greenhouse gas emissions – by instead investing in I-19 & I-10 and developing multi-modal transportation facilities in existing transportation corridors to sustainably accommodate projected increases in freight while providing for much-needed passenger rail traffic.


NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Mayor and Council strongly oppose the currently proposed alignment of I-11, that would have the effect of bypassing the existing Interstate 10. The Mayor and Council support the expansion and reconfiguration of the existing I-10 and I-19 corridor as the only acceptable alternative for the proposed I-11 highway; and that any alternative route that would result in the construction of a new interstate highway in or through Avra Valley would produce enormous adverse impacts to economic, environmental, historic, cultural and archaeological resources that could not be adequately

mitigated and that are contrary to the interstate design standards and criteria that must be applied to this project.

SECTION 2. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this Resolution become immediately effective, an emergency is hereby declared to exist and this Resolution shall be effective immediately upon its passage and adoption.

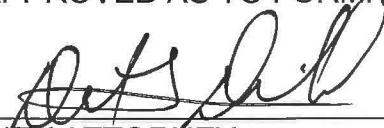
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, June 18, 2019.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY

REVIEWED BY:

  
\_\_\_\_\_  
CITY MANAGER

MR/dg  
6/13/19







City of Tucson Meeting Notes, October 29, 2019



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## Meeting Notes

**Purpose:** Section 4(f) Consultation Meeting with the City of Tucson

**Date/Time:** October 29, 2019 @ 9:00 – 11:00

**Location:** ADOT offices, 1221 S. 2<sup>nd</sup> Ave, Tucson, Arizona

**Prepared by:** AECOM

**Attendees:** FHWA: Rebecca Yedlin; Aryan Lirange; Velyjha Southern  
 ADOT: Jay Van Echo; Katie Rodriguez  
 City of Tucson: John Kmiec, Jodie Brown, Scott Clark, Mike Hayes, Anna Steiner, Robin Raine  
 AECOM: Jessica Rietz, Anita Frijia

*If you have revisions to the meeting notes, please send to the preparer of the notes within 5 business days of receipt and the notes will be revised and re-circulated as appropriate. After revisions, if any, the notes will be filed as final.*

### MEETING NOTES

**Purpose:** Section 4(f) consultation with City of Tucson about properties for which the City is the Official with Jurisdiction.

#### Key Discussion Points/Action Items:

#### Introductions and Purpose of Meeting

Jay gave overview of purpose of the meeting. The purpose of this meeting is to consult about Section 4(f) properties of which the City of Tucson has jurisdiction. However, if there is a need to meet about issues other the Section 4(f) that can also be arranged.

#### Overview of Section 4(f)

Rebecca Yedlin gave an overview of Section 4(f) regulations. She explained the different types of evaluations: individual and programmatic, as well as, Net Benefit and de minimis determinations.

#### Tier 1 vs Tier 2

Jay explained the difference between Tier 1 and 2. Tier 1 is a high level planning study to see where there is a need for a corridor. This study started in 1995 with the need for a N/S corridor. In order to advance to a Tier 2, the project must be in the STIP and have reasonable funding source. Currently, I-11 has neither.

#### Overview of I-11 Build Corridor in Tucson

DEIS looked at several options (see attached PowerPoint presentation).

*Option B1* would widen I-10, while keeping the frontage roads. This option would include improvements to I-10 by co-locating I-11. Needs 120 feet of new ROW.

*Option B.2* would add C/D roads. The C/D roads would have no access to adjacent parcels. It would not function the same as a frontage road. Most of the TIs would need to be rebuilt. The City of Tucson just completed rebuilding the TIs.

*Option B.3* would add elevated express lanes. This option would not improve I-10. Tier 2 would determine the on/off location points. SHPO determined that this was not an avoidance alternative. Archeology would also be an issue, that may be 4f.

*Option B.4* would tunnel I-11 only. This option would no improve I-10. Tier 2 would determine the on/off location points. The tunnel would be approximately 6 miles, at about \$1Billion per mile. The Alaskan way eliminated the surface road, but that would NOT happen here. Tolling is not precluded for an elevated or tunneled structure, but the EIS does not mention tolling.

*Option B.5* would eliminate frontage roads. The City of Tucson proposed this scenario and was not evaluated in the DEIS; however, team is considering it.

Frontage roads are currently underutilized. They are being used mainly for access. ADOT would need to acquire those properties that lose access. The City would lose the employment and tourist tax base of those businesses.

The City of Tucson's main concern is the diversion of traffic away from Tucson.

### **Discussion of City of Tucson 4(f) Properties with a Potential Use**

FHWA and ADOT assume that all parks are significant for purposes of the Section 4(f) evaluation.

- El Paso and Southwestern Greenway (planned and existing trail)
  - This is the only Section 4(f) property that has not yet been completed.
  - North of St. Mary is planned and to go through Barrio Anita to the park.
  - The portion just south of Congress still needs to be completed by a developer.
  - Manning House – the plan is complete but has not been built yet (between Grand and Congress)

**✓Action:**

- City of Tucson (Jodie Brown) to research the homestead site in the Manning House parking lot, will provide more info to I-11 team.

- David G. Herrera and Ramon Quiroz Park
  - The parking lot is not used much.
  - Robin: City of Tucson Park (OWJ). Boundary looks correct.
  - People park in the dirt if there is an activity.
  - The pool was just re-done
  - Significant to the community

- Santa Cruz River Park
  - Everything is the County's park and maintenance except for some may be owned by the City of Tucson. There is an agreement for the maintenance of the path.
  - RY: What is the time for the conversion to the County?
  - Robin: same as I-11

**✓Action:**

- City of Tucson (Robin Raine) to provide agreement between the City and Pima County on Santa Cruz River Park maintenance responsibilities
- I-11 Team to reach out to the City (John Van Winkle) to get GIS data regarding Santa Cruz River Park
- I-11 Team to revise Santa Cruz River park boundaries based on updated City and County GIS data

-----  
 Other Park Discussed, not on agenda:

- Julian Wash Greenway
  - Portions cross under the freeway.
  - Part of the Loop Trail belongs to Pima County.
- Garden of Gethsemane
  - Even if it is a planned, it is considered 4(f)

**✓Action:**

- I-11 Team review the COT GIS data. There are a lot of easements across private property.
- San Juan Park
  - City park on state property.
  - There are planned improvements (ramada) from bond money
- Meander Bend Park
  - Future park (filling it with dredge from the Santa Cruz)
  - Not in Master plan.
- Prince to Miracle Mile
  - Future commercial tech park

Anza Park –Audubon Society uses it as a preserve. It is a city owned property. Was purchased for water rights.

**✓Action:**

- City of Tucson (John Kmiec) to research the Anza Park item in the City DEIS comment letter, will provide clarification to I-11 team

**Discussion of Historic Properties with a Potential Use (SHPO)**

Historic properties OWJ is SHPO.

Barrio Kroeger neighborhood plan to become a historic district. LSD did preliminary evaluation and seems like it could be eligible (Criteria A & C).

**✓Action:**

City of Tucson (Jodie Brown) to provide more info on Barrio Kroeger (south of the river at Starr Pass Blvd)

- 
- El Paso and Southwestern Railroad Historic District

**✓Action:**

- I-11 Team to confirm the most up-to-date map of the El Paso and Southwestern Greenway (planned & existing trail)

- Barrio El Membrillo Historic District
  - A widening would obliterate Barrio El Membrillo

- Levi H. Manning House
  - There is a homestead in the parking lot, adjacent to the greenway. City of Tucson is not letting anyone park there.

- Barrio Anita Historic District
  - Boundary need to be revised.

**✓Action:**

- I-11 Team to confirm and revise boundaries of the Barrio Anita Historic District (Jodie suggested using their Tucson Map online)

**Avoid Section 4(f) Use - Properties Within 2,000-foot Build Corridors**

There are recharge areas north of the park. City is looking to extend contiguously. Old County treatment plant may also be turned into a park. Currently in talks, not in master plan.

**Next Steps**

The I-11 Team will confirm all boundaries of all Section 4(f) properties by means of consultation letters.

c: Document Control

**Attachments:**

- PowerPoint presented at meeting
- Sign-in sheet

Meeting Purpose: Section 4(f) Consultation Meeting with City of Tucson

Location: ADOT Tucson District Offices, 1221 S. 2nd Street

Date: Tuesday, Oct 29 Time: 9:00-11:00am

SIGN-IN SHEET

| Name                    | Organization | Phone           | E-mail                     | Address                         |
|-------------------------|--------------|-----------------|----------------------------|---------------------------------|
| Jay Van Edo             | ADOT         | 520-400-6207    | jvanedo@adot.gov           | 1202 So 2nd Ave Tucson AZ       |
| Annik Richardson-Frizer | AECOM        | 1002-1018-24198 | annik.richardson@aecom.com |                                 |
| Jessica Rutz            | AECOM        | 602-648-2506    | jessica.rutz@aecom.com     |                                 |
| John L. Micic           | Tucson AZ    | 520-837-2088    | John.L.Micic@tucsonaz.gov  | 310 W. Alameda Tucson, AZ 85726 |
| Katie Rodriguez         | ADOT         | 602-712-0058    | KRodriguez@adot.gov        |                                 |
| Nellyna Southern        | FHWAA        | -               | Nellyna.Southern@dot.gov   |                                 |
| Amyan Lirange           | FHWAA        |                 | amyan.lirange@dot.gov      |                                 |
| Rebecca Yedlin          | FHWAA        | 602-302-8979    | rebecca.yedlin@dot.gov     |                                 |
| JODIE BROWN             | COT          | 520 837 6968    | jodie.brown@tucsonaz.gov   | 201 S Stone                     |
| Scott Clark             | COT          | 837-4072        | Scott.Clark@tucsonaz.gov   | 201 S Stone                     |
| MIKE HAYES              | COT          | 837-8057        | MIKE.HAYES@TUCSONAZ.GOV    | 900 S. RANDOLPH WAY             |
| Anna Steiner            | COT          | 837-5317        | Anna.Steiner@tucsonaz.gov  | 201 N Stone 85701               |







# I-11 Corridor

## Tier 1 Environmental Impact Statement



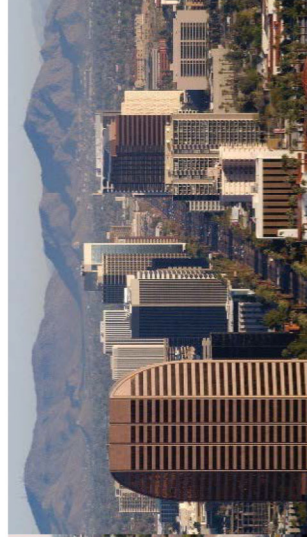
City of Tucson Section 4(f)  
Consultation Meeting

October 29, 2019

# Meeting Agenda



1. **Introductions**
2. **Overview of Section 4(f)**
3. **Overview of I-11 Scenarios (Option B through Tucson)**
4. **Discussion of City of Tucson 4(f) Properties with a Potential Use**
5. **Discussion of Historic Properties with a Potential Use (SHPO)**
6. **Properties where a Section 4(f) Use is Avoided**
7. **Next Steps**



# Overview of Option B through Tucson



To accommodate 2040 traffic demands, the Orange Alternative would expand I-10 and I-19:

| Section of I-10                             | Number of Lanes    |                                                               |                                             |
|---------------------------------------------|--------------------|---------------------------------------------------------------|---------------------------------------------|
|                                             | Existing Condition | No Build Alternative (2040)                                   | Orange Alternative – Option B (2040)        |
| I-19: Sahuarita to I-10                     | 4                  | 4                                                             | 6-8 – Expand as needed within existing ROW  |
| I-10: I-19 to Speedway Boulevard            | 8                  | 8                                                             | 14 – Expand as needed                       |
| I-10: Speedway Boulevard to Prince Road     | 8                  | 8                                                             | 12 – Expand as needed                       |
| I-10: Prince Road to Pima/Pinal County Line | 6                  | 8 – Prince Road to Ina Road<br>6 – Ina Road to Tortolita Road | 8-10 – Expand as needed within existing ROW |

*Source: Draft Tier 1 EIS, Appendix E1*

These capacity improvements would meet LOS D on I-19 and I-10 in 2040

# Option B Scenarios through Tucson

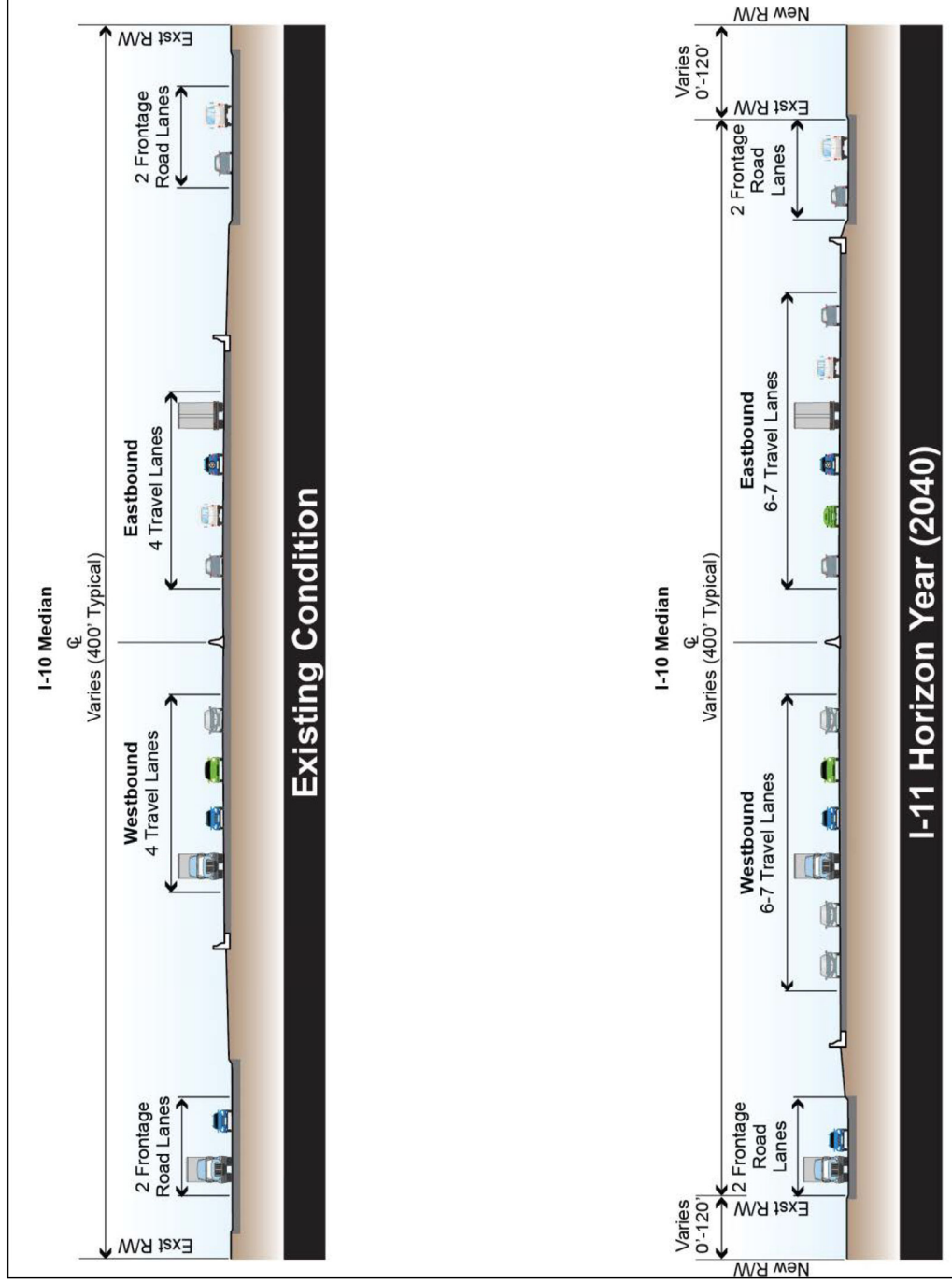


- **B1 – General Purpose Widening, keeping Frontage Roads**
- **B2 – Collector/Distributor Road System**
- **B3 – Elevated Express Lanes (I-11 Only)**
- **B4 – Tunnel (I-11 Only)**
- **B5 – General Purpose Widening, eliminating Frontage Roads**

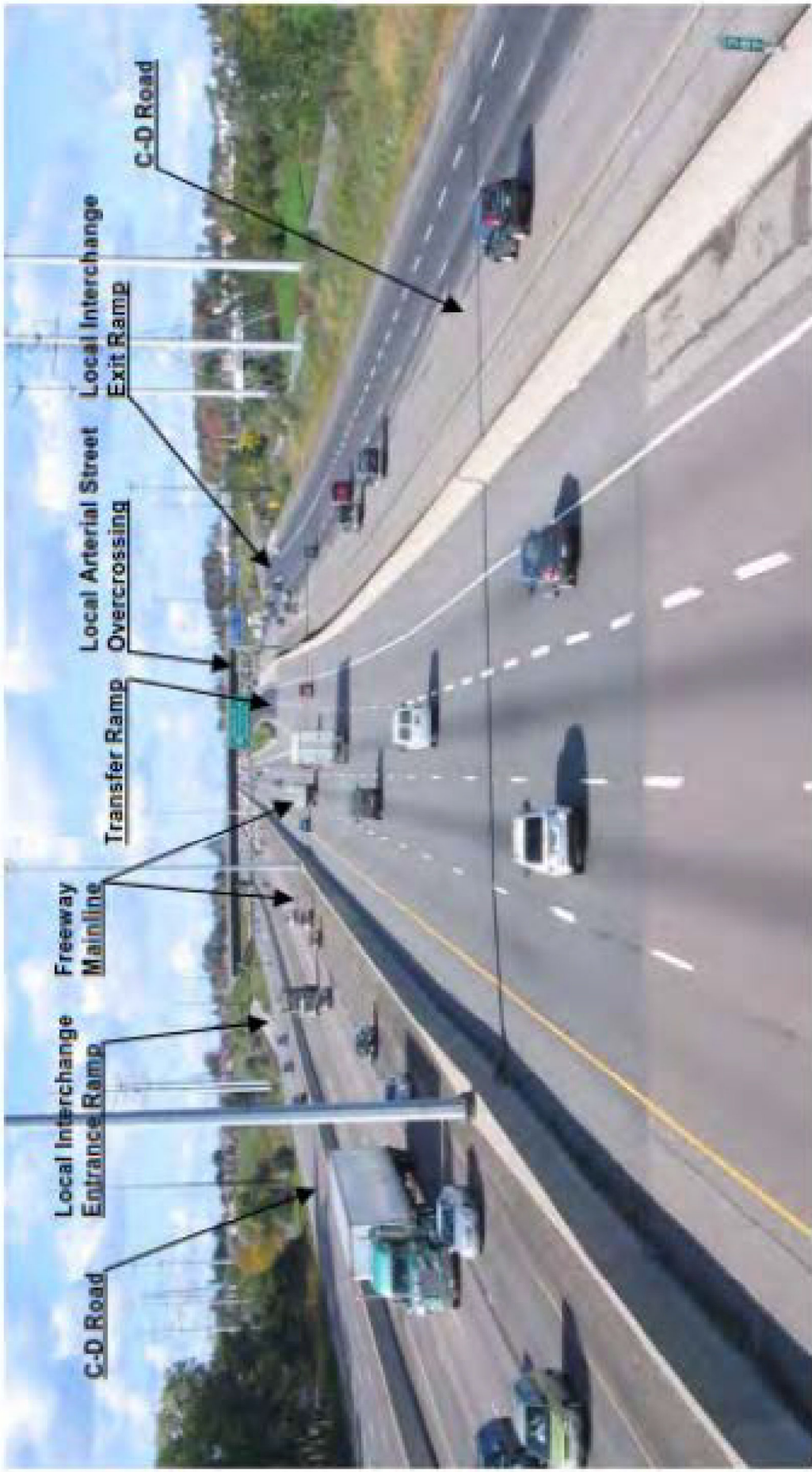
# Draft Tier 1 EIS Right-of-Way Assumptions



## I-10, I-19 to Prince Road



# B2 - Collector/Distributor Road System

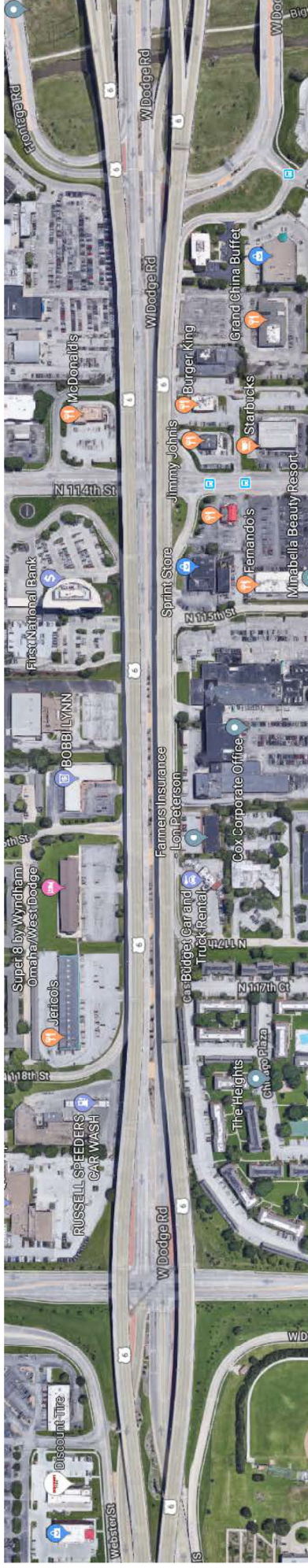


## B3 - Elevated Express Lanes



- **I-11 travel lanes on structures extending between I-19 and Prince Road**
- **No access points except at eastern/western ends (Tier 2 decision point)**
- **No improvements to I-10**

# B3 - Elevated Express Lanes





# B4 - Tunnel



- **I-11 in tunnel between I-19 and Prince Road**
- **No access points except at eastern/western ends (Tier 2 decision point)**
- **More design needed to determine ROW needs at the portals**
- **No improvements to I-10**

# B4 - Tunnel



## **B5 - General Purpose Widening, eliminating Frontage Roads**



- **Eliminates both east/westbound frontage roads and uses space to construct I-11 lanes**
- **Not evaluated in DEIS**
- **Request by City of Tucson**
- **More design needed to determine feasibility, acquisitions, impacts to abutting properties, and local access and circulation**



# I-11 Corridor

## Tier 1 Environmental Impact Statement



THANK YOU!!



**Town of Marana**



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Letter from Town of Marana, DEIS Comments, July 8, 2019



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## Town of Marana, Arizona

The Town of Marana appreciates this opportunity to comment on the I-11 corridor. Although we have no specific comments on the broader corridor, we are very concerned with the route of the proposed interconnect between I-10 and I-11. Attached is a letter outlining this concern as well as minor comments towards the study in general. We are always available to discuss this matter.



July 8, 2019

Mr. Jay Van Echo  
Arizona Department of Transportation  
1221 S 2<sup>nd</sup> Avenue  
Tucson, AZ 85713

**Re: Interstate 11 Tier 1 Environmental Impact Statement – Marana comments**

Dear Jay,

On behalf of the Town of Marana, I would like to thank you and ADOT for your time in meeting with Marana senior staff and for your efforts to solicit information and feedback on the Interstate 11 corridor Tier 1 Environmental Impact Statement. We understand the level of effort that must go into such a study and complexity of defining a multi-state corridor. Understandably, it is difficult for such a study to know all of the intricacies of each jurisdiction a corridor passes through. We are providing the following comments, concerns and requests to better inform the design team on the ultimate corridor.

The majority of the currently defined corridor passes to the west of the Town's jurisdictional limits. The corridor does however pass through the planning area of the Town of Marana as defined by our 2010 general plan and our proposed Make Marana 2019/2020 general plan. The Town has no comment on the main corridor alignment. We have significant concern about the potential I-10/I-11 interconnection as depicted in the current report. Following this discussion, we have minor comments on section 4f features to help clarify and make the report more accurate.

The potential I-10/I-11 interconnection was depicted in the 2017 Agency and Public Information Meeting Summary Report, dated Nov 30, 2017, that was used for discussion of the corridor. The general location of this interconnection was depicted as substantially in southern Pinal County and not within Marana. The southwest terminus was located approximately south



of Pinal County and the northeast terminus was substantially north of the county line. Please see figure 1.

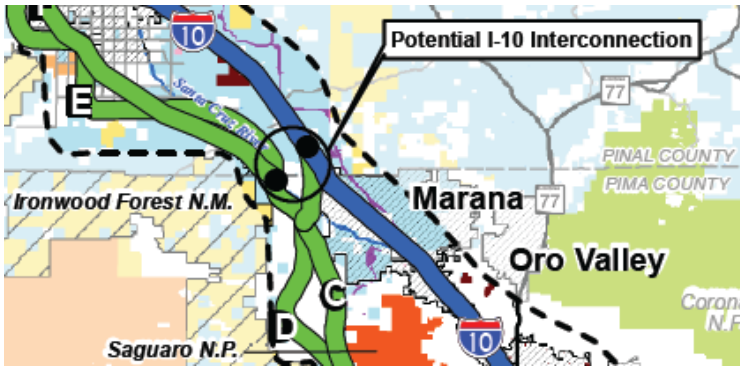


Figure 1, Exhibit from appendix B of 2017 agency meeting materials

Within the draft EIS published on April 5, 2019, figure 2-4, Range of Corridor Options, from the Key Figures collection still shows the interconnection termini similar to the 2017 documents. The northeastern terminus is well north of the Pinal County line with the southwestern terminus just below the county line. This figure also shows overlapping study corridors, one of which passes to the south of the interconnection termini. However, Figure 2-5 End-to-End Build Corridor Alternatives map has dropped the previously shown locations of the interconnection location in favor of the southerly study corridor, now depicted as the “purple” alignment and entirely below the Pinal County line. Please see figures 2 and 3.

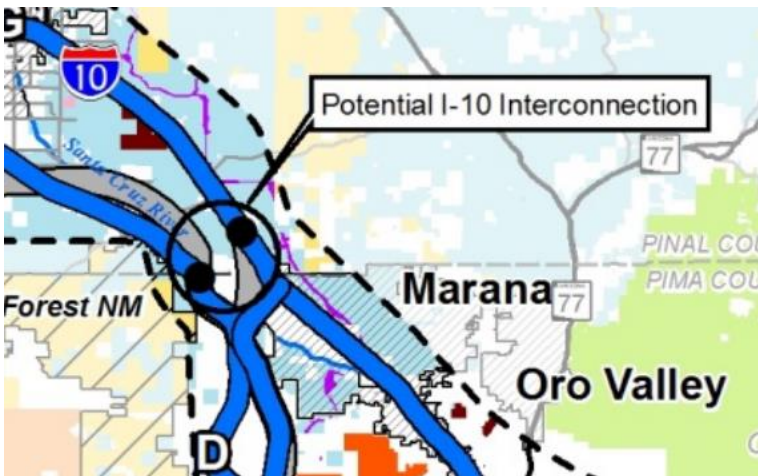


Figure 2, Figure 2-4 of draft EIS, termini similar to 2017 meeting materials



Figure 3, Figure 2-5 of draft EIS, termini shifted into Marana

The various alignments; green, purple, and orange; were collapsed into the recommended alternative and this southerly interconnection has propagated to this recommendation as shown in figure 4.



Figure 4, draft EIS recommended alternative

While understanding that the scale of the previous documents likely did not account for the Pinal Airpark and the alignment of the interconnection should be adjusted to avoid the airpark, the Town of Marana strongly objects to the now depicted location of the interconnection. The northeastern terminus as now proposed would place a system interchange in essentially the exact location of the proposed Tortolita Interchange as documented in ADOT's "Tangerine to I-8" design concept report. The Tortolita interchange is proposed to serve 6,500 residences in



addition to industrial and commercial uses. This volume is incompatible with a connection into a system interchange. We posit that the original northeastern terminus, which appears to coincide with the relocated Pinal Airpark/Missile Base Road interchange from the same “Tangerine to I-8” DCR would be a more appropriate location for a system interchange. The volumes associated with the Missile Base area are a fraction of those at the proposed Tortolita Interchange and could be more easily accommodated into the system interchange network. Pinal Airpark could be accommodated by a service interchange on the interconnection freeway. There are also several master planned communities proposed in the Town that would be impacted by the currently proposed interconnection corridor. The corridor also passes very close to the Town’s wastewater plant, reclamation facility, and the state of Arizona veteran’s cemetery. A corridor closer to the original depicted location would avoid these conflicts. As an attachment to this letter, the Town is providing an exhibit to show the Town’s preferred corridor for the interconnection between I-10 and I-11. We would like to continue to work with ADOT to fine tune this corridor to take into account on the ground features and avoiding splitting parcels when practicable.

Although minor in nature compared to our concerns regarding the interconnection alignment, we offer the following comments on the Section 4F features:

The following park elements should be added to the report, though we do not believe they are proximate enough to affect the study:

1. El Rio Preserve, a natural wetland park at the north end of Continental Ranch.
2. Loop trail, part of the Tucson region’s loop trail system along the Santa Cruz River. The trail system extends north to Sanders Road.
3. CAP trail, the Tucson region is working towards a multi-use trail system using the Central Arizona Project canal alignment from Tangerine Road northwards.
4. Marana Cemetery on Barnett Road west of Sandario Road.

The following element should also be added to the report and is proximate enough to the corridor to be material.

1. Marana Mound, an archaeological site within the Villages of Tortolita development.

While not specifically referenced by section 4f, the following features are akin to the types of features best avoided when planning new road corridors.

1. Marana cemetery, a private cemetery located on Barnett Road west of Sandario Road.
2. State of Arizona Veteran’s Cemetery, located on Lockett Road just south of the Pinal County line and within the currently depicted interconnection route.



Again, we would like to thank ADOT and you personally for your outreach and collaboration on this corridor study. We look forward to continued discussions on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Brann", written over a horizontal line.

Keith Brann, P.E., CFM  
Town Engineer

Cc: Jamsheed Mehta, Town Manager  
Erik Montague, Deputy Town Manager  
Mo El-Ali, Public Works Director  
Jason Angell, Development Services Director



Letter to Town of Marana, October 8, 2020



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U.S. Department  
of Transportation  
**Federal Highway  
Administration**

ARIZONA DIVISION

4000 North Central Avenue  
Suite 1500  
Phoenix, Arizona 85012-3500  
Phone: (602) 379-3646  
Fax: (602) 382-8998  
<http://www.fhwa.dot.gov/azdiv/index.htm>

October 8, 2020

In Reply Refer To:  
999-M(161)  
TRACS No. 999 SW 0 M5180 01P  
I-11 Corridor Tier 1 EIS  
Section 4(f) Consultation

Keith Brann, Town Engineer  
Marana Parks & Recreation Department  
13250 N. Lon Adams Road  
Marana, AZ 85653

Dear Mr. Brann;

The Federal Highway Administration (FHWA) and Arizona Department of Transportation (ADOT) received your letter dated July 8, 2019, providing comments on the I-11 Corridor Draft Tier 1 Environmental Impact Statement (EIS) and Preliminary Section 4(f) Evaluation. Comments from the Town will be responded to in the I-11 Final Tier 1 EIS. This letter requests your assistance by verifying information about several properties under your jurisdiction or, if needed, providing accurate information.

### **Project Overview**

The ADOT, in cooperation with FHWA as the lead federal agency, published a Draft Tier 1 EIS and Preliminary Section 4(f) Evaluation on April 5, 2019. The project would provide a new interstate highway from Nogales to Wickenburg, Arizona. The Draft Tier 1 EIS provides a programmatic approach for identifying existing and future conditions by evaluating 2,000-foot-wide Build Corridor Alternatives, within which project-level highway alignments could be identified in Tier 2.

### **Overview of Section 4(f) Properties**

As a part of the Tier 1 EIS process, an analysis of properties eligible for protection under Section 4(f) of the U.S. Department of Transportation (DOT) Act of 1966 [Section 4(f)] (as implemented by 23 Code of Federal Regulation [CFR] 774) must be completed. Section 4(f) properties are any publicly owned parks and recreation areas (including trails); waterfowl and wildlife refuges; and National Register of Historic Places (NRHP) eligible historic sites considered to have national, state, or local significance.

Section 4(f) properties are publicly owned land considered to be a park, recreation area, or wildlife and waterfowl refuge when the land has been officially designated as such by a federal, state or local agency, and the officials with jurisdiction over the land determine that its primary purpose is as a park, recreation area, or refuge. Primary purpose is related to a property's primary function and how it is intended to be managed. Incidental, secondary, occasional, or dispersed activities similar to park, recreational, or refuge activities do not constitute a primary purpose within the context of Section 4(f).

Additionally, a property must be a significant public park, recreation area, or wildlife and waterfowl refuge. The term significant means that, in comparing the availability and function of the park, recreation area, or wildlife and waterfowl refuge with the park, recreation, or refuge objectives of the agency, the property in question plays an important role in meeting those objectives.

FHWA and ADOT evaluated the following properties for which the Town provided information on July 8, 2019: Marana Mortuary and Cemetery, Marana Mound, and Arizona Veteran's Memorial Cemetery – Marana. Although each of these properties is included in Tier 1 EIS analyses, FHWA preliminarily determined that the properties are not protected by Section 4(f) or will not be evaluated as such. Marana

Mortuary and Cemetery is a privately-owned property that is not listed on or eligible for listing in the NRHP. Marana Mound is eligible for the NRHP under Criterion D; however, it is 3,000 feet outside of the Build Alternative Corridors and, therefore, its Section 4(f) status will not be determined as part of this project. The Arizona Veteran's Memorial Cemetery – Marana is a publicly-owned property, but it is not a historic site, a park, a recreation area, or a wildlife or waterfowl refuge.

### Request for Agreement

FHWA and ADOT recognize the following properties as having Section 4(f) protection: El Rio Preserve, Loop Trail (portion in Town of Marana), and San Lucas Community Park.

FHWA respectfully requests that the Town of Marana Parks & Recreation Department verifies the following information about the properties protected by Section 4(f) within your jurisdiction:

1. Attached Figures 1 through 3 show the locations and boundaries of these properties in relation to the Build Corridor Alternatives. As the official with jurisdiction over these properties, meaning the agency that owns or administers the properties in question and the person who is empowered to represent the agency on matters related to the properties, are the boundaries of the properties accurately depicted in the figures? If not, would you please assist us by providing the correct boundary information?
2. As the official with jurisdiction over the foregoing properties, is it accurate to say each property is significant when compared to the objectives of the agency?

### Next Steps

FHWA and ADOT will use your response to further evaluate whether the project would have the potential to impact Section 4(f) properties. The results of the Preliminary Section 4(f) Evaluation will be reported in the I-11 Final Tier 1 EIS, currently in preparation. FHWA will continue to coordinate with the Marana Parks & Recreation Department as the project advances.

During Tier 2 studies, the 2,000-foot width of a selected Build Corridor Alternative would be refined to a specific roadway alignment. At that time, ADOT would continue coordination with the Marana Parks & Recreation Department. ADOT would undertake a Final Section 4(f) Evaluation as part of the Tier 2 studies. That evaluation would examine the applicability of Section 4(f) to the foregoing protected properties related to the specific roadway alignment.

We appreciate your assistance with our request and respectfully ask for your response by November 6, 2020. For your convenience, a signature line is provided below if you agree with the preceding information. You can sign it and send it back to FHWA. If you do not agree, please provide us with the correct information. If you have any questions or need additional information, please feel free to contact Rebecca Yedlin, FHWA Environmental Coordinator, at 602.382.8979 or [Rebecca.Yedlin@dot.gov](mailto:Rebecca.Yedlin@dot.gov).

Sincerely,

REBECCA  
ANNE YEDLIN

Digitally signed by  
REBECCA ANNE YEDLIN  
Date: 2020.10.08  
10:24:48 -07'00'

for  
Karla S. Petty  
Division Administrator

We, Marana Parks & Recreation Department, as the official with jurisdiction under Section 4(f) for the El Rio Preserve, Loop Trail (portion in Town of Marana), and San Lucas Community Park, have reviewed Figures 1 through 3. The boundaries of the properties, as shown on the figures, are accurate. The properties are significant as defined by Section 4(f) and compared to the objectives of the Marana Parks & Recreation Department. The Marana Parks & Recreation Department is the sole official with jurisdiction over the properties.

---

Signature for Marana Parks & Recreation Department  
Agreement  
999-M(161)

---

Date

Enclosures

ecc:  
RYedlin  
JVanEcho

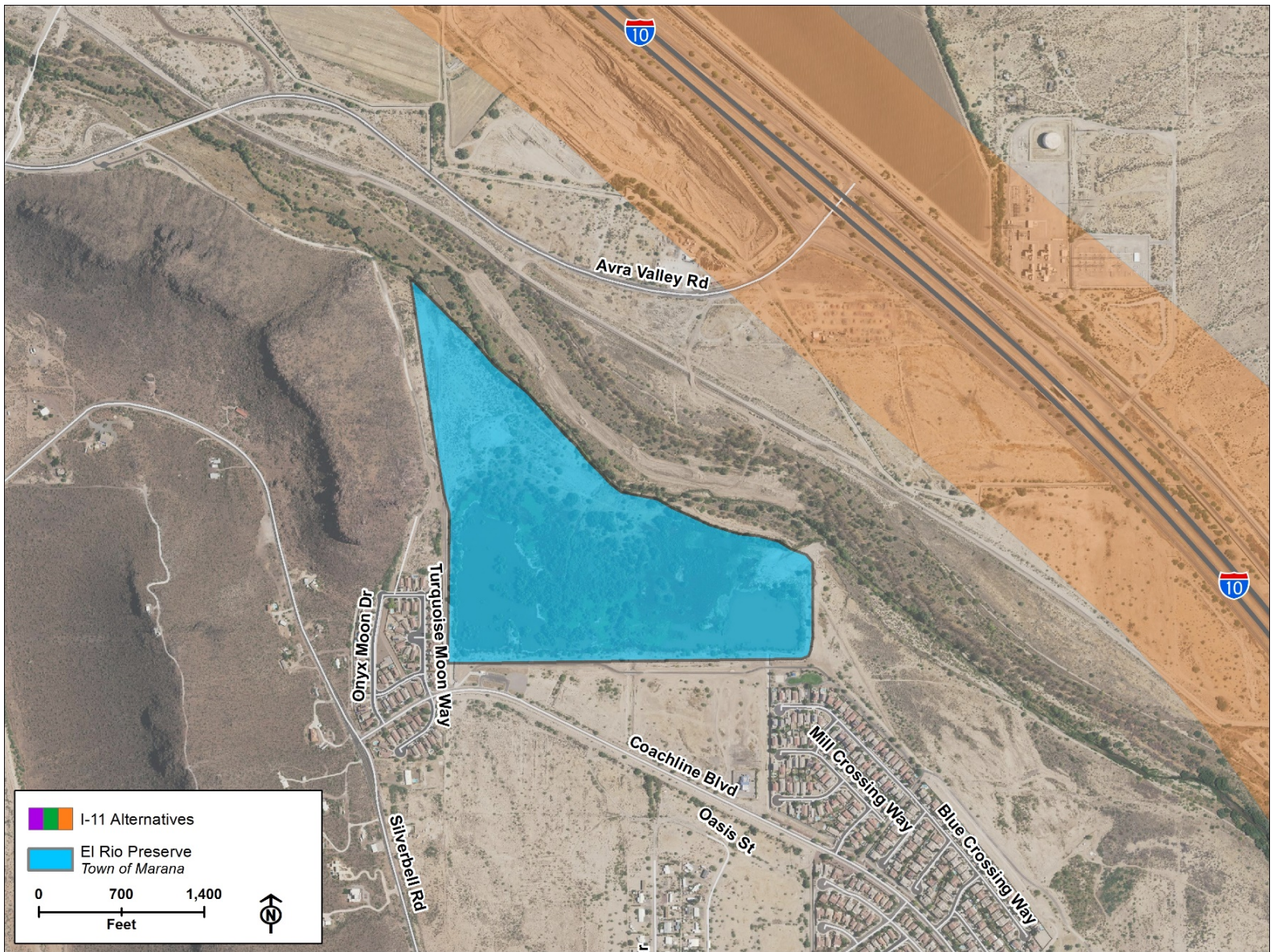


Figure 1 - El Rio Preserve



Figure 2 - The Loop Shared Path

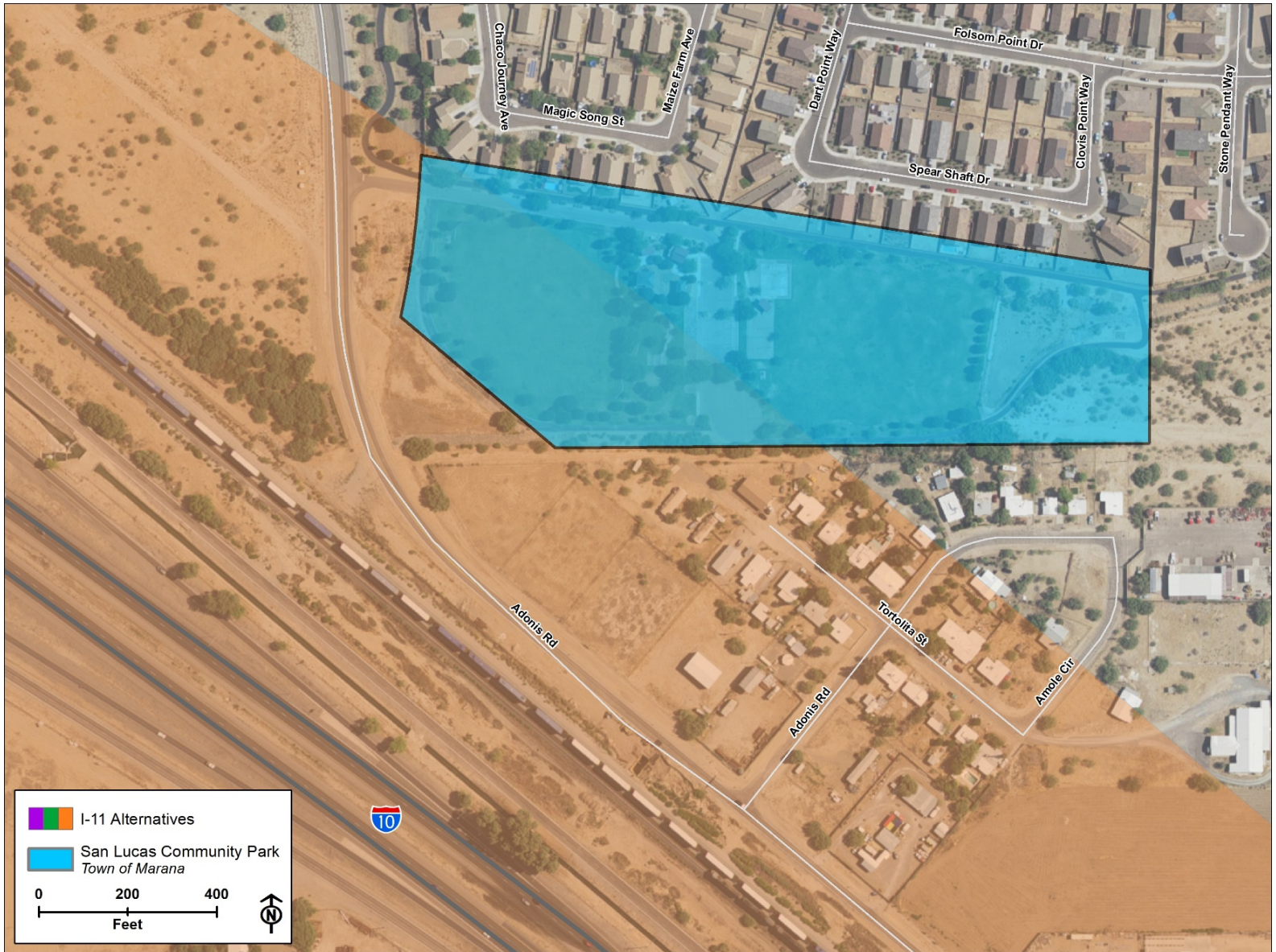


Figure 3 - San Lucas Community Park



Letter from Town of Marana, November 9, 2020



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## Westberry, Susan

---

**From:** Jones, Laynee  
**Sent:** Monday, November 9, 2020 2:22 PM  
**To:** Rietz, Jessica; Richardson, Anita; Anderson, Seth; Roche, Leslie; Westberry, Susan  
**Subject:** FW: I-11 - Section 4(f) Consultation  
**Attachments:** 999-M(161)\_Marana Figures.pdf; Marana I-11 EIS comments 2019-7-8.pdf; I-11 Impact Section 4(f) properties.pdf

---

**From:** Yedlin, Rebecca (FHWA) <Rebecca.Yedlin@dot.gov>  
**Sent:** Monday, November 09, 2020 10:32 AM  
**To:** Jay Van Echo (JVanEcho@azdot.gov) <JVanEcho@azdot.gov>; Jones, Laynee <laynee.jones@aecom.com>; Roche, Leslie <Leslie.Roche@aecom.com>  
**Cc:** 'jayv@horrocks.com' <jayv@horrocks.com>  
**Subject:** [EXTERNAL] FW: I-11 - Section 4(f) Consultation

FYI

---

**From:** Jim Conroy <[jconroy@MARANAAZ.GOV](mailto:jconroy@MARANAAZ.GOV)>  
**Sent:** Monday, November 9, 2020 9:49 AM  
**To:** Yedlin, Rebecca (FHWA) <[Rebecca.Yedlin@dot.gov](mailto:Rebecca.Yedlin@dot.gov)>  
**Cc:** Keith Brann <[kbrann@MARANAAZ.GOV](mailto:kbrann@MARANAAZ.GOV)>; Jennifer Flood <[jjflood@MARANAAZ.GOV](mailto:jjflood@MARANAAZ.GOV)>; Wayne Barnett <[wbarnett@MARANAAZ.GOV](mailto:wbarnett@MARANAAZ.GOV)>  
**Subject:** FW: I-11 - Section 4(f) Consultation

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Rebecca Yedlin,

I am responding to your October 8, 2020 letter to Town of Marana (TOM) Engineer Keith Brann, regarding your request that the TOM verify ADOT's accuracy depicting the properties having Section 4(f) protection in the I-11 Corridor Draft Tier 1 Environmental Impact Statement (EIS). The properties in question are : El Rio Preserve, Loop Trail (portion in Town of Marana), and San Lucas Community Park identified in the attached communications.

I have reviewed the attached Tier 1 draft documents and agree that you have accurately represented the locations and boundaries of these TOM park properties. Additionally, I have signed and dated the attached document as you have requested confirming that we concur with your documentation of these park properties.

We look forward to reviewing the findings of your Tier 2 studies as they are developed. In particular, I strongly recommend that a wildlife corridor be considered in the area of the El Rio Preserve.

Respectfully,

**Jim Conroy, CPRP**  
**Director**  
**Parks and Recreation Department**

**Town of Marana**

11555 West Civic Center Drive

Marana, AZ. 85653

(520) 382-1968

[jconroy@MaranaAZ.gov](mailto:jconroy@MaranaAZ.gov)

A LINK OR OPENING AN ATTACHMENT.

Please see the attached I-11 Section 4(f) consultation letter for three Marana properties.

If you would like a hard copy mailed to you, or have any questions about the consultation, please let me know. Thanks,  
Rebecca

Rebecca Yedlin

Environmental Coordinator

Federal Highway Administration Arizona Division

4000 N Central Ave, Ste#1500

Phoenix, AZ 85012

602.382.8979



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**ARIZONA DIVISION**

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October 8, 2020

In Reply Refer To:  
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13250 N. Lon Adams Road  
Marana, AZ 85653

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Additionally, a property must be a significant public park, recreation area, or wildlife and waterfowl refuge. The term significant means that, in comparing the availability and function of the park, recreation area, or wildlife and waterfowl refuge with the park, recreation, or refuge objectives of the agency, the property in question plays an important role in meeting those objectives.

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We appreciate your assistance with our request and respectfully ask for your response by November 6, 2020. For your convenience, a signature line is provided below if you agree with the preceding information. You can sign it and send it back to FHWA. If you do not agree, please provide us with the correct information. If you have any questions or need additional information, please feel free to contact Rebecca Yedlin, FHWA Environmental Coordinator, at 602.382.8979 or [Rebecca.Yedlin@dot.gov](mailto:Rebecca.Yedlin@dot.gov).

Sincerely,

REBECCA ANNE YEDLIN  
Digitally signed by  
 REBECCA ANNE YEDLIN  
 Date: 2020.10.08  
 10:24:48 -07'00'

for  
 Karla S. Petty  
 Division Administrator

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Signature for Marana Parks & Recreation Department  
Agreement  
999-M(161)

11/6/20  
Date

Enclosures

ecc:  
RYedlin  
JVanEcho

**JIM CONROY, CPRP**  
Director  
**TOWN OF MARANA**  
Parks and Recreation  
11555 West Civic Center Drive  
Marana, AZ 85653  
(520) 382-1968  
CELL (520) 749-8346  
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**Town of Sahuarita**



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Letter to Town of Sahuarita, October 8, 2020



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U.S. Department  
of Transportation  
**Federal Highway  
Administration**

ARIZONA DIVISION

4000 North Central Avenue  
Suite 1500  
Phoenix, Arizona 85012-3500  
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<http://www.fhwa.dot.gov/azdiv/index.htm>

October 8, 2020

In Reply Refer To:  
999-M(161)  
TRACS No. 999 SW 0 M5180 01P  
I-11 Corridor Tier 1 EIS  
Section 4(f) Consultation

Ms. Beth Abramovitz, Public Works Director/Town Engineer  
Town of Sahuarita  
375 W Sahuarita Center Way  
Sahuarita, AZ 85629

Dear Ms. Abramovitz;

The purpose of this letter is to consult with the Town of Sahuarita Parks and Recreation Department, as the official with jurisdiction over properties identified in this letter, related to the I-11 Corridor Tier 1 Environmental Impact Statement (EIS) and Preliminary Section 4(f) Evaluation. Federal Highway Administration (FHWA) identified properties that may be protected by Section 4(f) of the Department of Transportation Act of 1966 [Section 4(f)], now codified at 48 United States Code 303 et seq. and implemented in 23 Code of Federal Regulations (CFR) 774, and is requesting your assistance by verifying the information in this letter or, if needed, providing accurate information.

### **Project Overview**

The Arizona Department of Transportation (ADOT), in cooperation with FHWA as the lead federal agency, published a Draft Tier 1 EIS and Preliminary Section 4(f) Evaluation on April 5, 2019. The project would provide a new interstate highway from Nogales to Wickenburg, Arizona. The Draft Tier 1 EIS provides a programmatic approach for identifying existing and future conditions by evaluating 2,000-foot-wide Build Corridor Alternatives, within which project-level highway alignments could be identified in Tier 2.

### **Overview of Section 4(f) Properties**

As a part of the Tier 1 EIS process, an analysis of properties eligible for protection under Section 4(f) must be completed. Section 4(f) properties are any publicly owned parks and recreation areas (including trails); waterfowl and wildlife refuges; and National Register of Historic Places (NRHP) eligible historic sites considered to have national, state, or local significance.

Section 4(f) properties are publicly owned land considered to be a park, recreation area, or wildlife and waterfowl refuge when the land has been officially designated as such by a federal, state or local agency, and the officials with jurisdiction over the land determine that its primary purpose is as a park, recreation area, or refuge. Primary purpose is related to a property's primary function and how it is intended to be managed. Incidental, secondary, occasional, or dispersed activities similar to park, recreational, or refuge activities do not constitute a primary purpose within the context of Section 4(f).

Additionally, a property must be a significant public park, recreation area, or wildlife and waterfowl refuge. The term significant means that, in comparing the availability and function of the park, recreation area, or wildlife and waterfowl refuge with the park, recreation, or refuge objectives of the agency, the property in question plays an important role in meeting those objectives.

Joint planning is a term used to describe a condition in which Section 4(f) does not apply and is detailed in 23 CFR 774.11(i), which states:

(i) When a property is formally reserved for a future transportation facility before or at the same time a park, recreation area, or wildlife and waterfowl refuge is established, and concurrent or joint planning or development of the transportation facility and the Section 4(f) resource occurs, then any resulting impacts of the transportation facility will not be considered a use as defined in § 774.17...(2) Concurrent or joint planning or development can be demonstrated by a document of public record created after, contemporaneously with, or prior to the establishment of the Section 4(f) property. Examples of an adequate document to demonstrate concurrent or joint planning or development include: (i) A document of public record that describes or depicts the designation or donation of the property for both the potential transportation facility and the Section 4(f) property; or (ii) A map of public record, memorandum, planning document, report, or correspondence that describes or depicts action taken with respect to the property by two or more governmental agencies with jurisdiction for the potential transportation facility and the Section 4(f) property, in consultation with each other.

### **Request for Agreement**

FHWA and ADOT evaluated a property referred to as the “Sahuarita Property” for which the Town provided information in February and March 2020. As indicated by the Town, the property has not been formally designated as a park, is unnamed, and the property is not included in any currently approved General Plan or Master Plan as a park, recreation area, or wildlife or waterfowl refuge. For these reasons, FHWA determined that the Sahuarita Property is not protected by Section 4(f) at this time.

FHWA respectfully requests the Town of Sahuarita to verify the following information about the Sahuarita Property within your jurisdiction:

1. Figure 1 shows the location and boundaries of the Sahuarita Property in relation to the Build Corridor Alternatives. As the official with jurisdiction over this property, meaning the agency that owns or administers the properties in question and the person who is empowered to represent the agency on matters related to the properties, are the boundaries of the property accurately depicted in the figure? If not, would you please assist us by providing the correct boundary information?
2. Joint planning could apply to the Sahuarita Property if the Town agrees that when the time comes for the Town to plan and formally designate the park, the Town will contact and coordinate with ADOT and if the future I-11 transportation facility is within the park boundaries, the Town agrees to accommodate for I-11. This joint planning of the transportation facility and the potential future Section 4(f) resource would allow the construction of I-11 within the park boundaries, as it would not be considered a use under Section 4(f).

### **Next Steps**

FHWA and ADOT will use your response to further evaluate whether the project would have the potential to impact the Sahuarita Property. The results of the Section 4(f) Evaluation will be reported in the I-11 Final Tier 1 EIS, currently in preparation. FHWA will continue to coordinate with the Town of Sahuarita as the project advances. During Tier 2 studies, the 2,000-foot width of a selected Build Corridor Alternative would be refined to a specific roadway alignment. At that time, ADOT will evaluate the potential for the Sahuarita Property to be protected by Section 4(f), based on actions the Town may have taken to formally designate and plan for the property between now and then, and would undertake a Final Section 4(f) Evaluation as part of the Tier 2 study.

We appreciate your assistance with our request and respectfully ask for your response by November 6, 2020. For your convenience, a signature line is provided below if you agree with the preceding

information. You can sign it and send it back to FHWA. If you do not agree, please provide us with the correct information. If you have any questions or need additional information, please feel free to contact Rebecca Yedlin, FHWA Environmental Coordinator, at 602.382.8979 or [Rebecca.Yedlin@dot.gov](mailto:Rebecca.Yedlin@dot.gov).

Sincerely,

REBECCA  
ANNE YEDLIN

Digitally signed by  
REBECCA ANNE  
YEDLIN  
Date: 2020.10.08  
10:32:15 -07'00'

for  
Karla S. Petty  
Division Administrator

We, the Town of Sahuarita, have reviewed Figure 1. The boundaries of the Sahuarita Property, as shown on Figure 1, are accurate. The Town of Sahuarita is the sole official with jurisdiction over the property and agrees to accommodate for the future I-11 transportation facility now, which would be before the future park is established. When the time comes for the Town to plan and formally designate the park, the Town will contact and coordinate with ADOT. Joint planning of the transportation facility and the potential future Section 4(f) resource would prevent the construction of I-11 within the park boundaries from being considered a use under Section 4(f).

Beth Abramovitz  
2020.10.09 10:30:29 -07'00'

10/09/2020

Signature for Town of Sahuarita Agreement  
999-M(161)

Date

Enclosure

ecc:  
RYedlin  
JVanEcho

