U.S. FISH & WILDLIFE SERVICE

Record of Decision
Pima County Multi-Species Conservation Plan
Final Environmental Impact Statement

PIMA COUNTY, ARIZONA | MAY 2016

U.S. DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE

Record of Decision

Pima County Multi-Species Conservation Plan (MSCP)
Final Environmental Impact Statement

Pima County, Arizona

May 2016

TABLE OF CONTENTS

Acronyms ..... **ii**

1.0 Introduction **1**

1.1 Covered Species 2

1.2 Covered Activities 3

1.3 Permit Implementation 4

2.0 Decision **6**

3.0 Alternatives Considered **11**

3.1 Comparison of Alternatives 12

4.0 Public Involvement **13**

4.1 Scoping 13

4.2 Public Review of Draft MSCP and EIS 14

5.0 Additional Information **15**

TABLES

1: MSCP Covered Species for Pima County's Section 10(a)(1)(b) Incidental Take Permit 2

2: Comparison of Alternatives 13

Acronyms

BCO	Biological and Conference Opinion
CLS	Conservation Lands System
CFR	Code of Federal Regulations
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FR	Federal Register
HCP	Habitat Conservation Plan
ITP	Incidental Take Permit
MSCP	Multi-Species Conservation Plan
NEPA	National Environmental Policy Act
RFCD	Pima County Regional Flood Control District
ROD	Record of Decision
SDCP	Sonoran Desert Conservation Plan
STAT	Science Technical Advisory Team
USFWS	United States Fish and Wildlife Service

1.0 Introduction

Pima County and the Pima County Regional Flood Control District (RFCD; these co-applicants will herein be referred to as Pima County, unless otherwise noted) have applied to the U.S. Fish and Wildlife Service (USFWS) for an incidental take permit (ITP) pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S. Code §1531–1544). The requested permit, which is for a period of 30 years, would authorize incidental take of the species detailed in Section 1.1 below (Covered Species).

The USFWS intends to issue an ITP to Pima County to provide a mechanism for the County to comply with the ESA as they conduct legally authorized activities, as detailed in Section 1.2 below (Covered Activities), within the Permit Area (see Section 3.1 of the Pima County Final Multi-Species Conservation Plan (MSCP) for a description of the Permit Area), located in Arizona. Issuance of the ITP requires Pima County to implement conservation and stewardship actions described in the Pima County MSCP.

Issuance of an ITP by the USFWS is a Federal action that may affect the quality of the human environment and is therefore subject to review under the National Environmental Policy Act of 1969, as amended (NEPA; 40 Code of Federal Regulations [CFR] 1505.2). In compliance with NEPA, the USFWS prepared an Environmental Impact Statement (EIS) with the primary purpose of analyzing and disclosing potential impacts that could result from issuance of an ITP to Pima County, as well as the subsequent implementation of the MSCP. This Record of Decision (ROD) was prepared in compliance with the agency decision-making requirements of NEPA.

The purpose of this ROD is to document the USFWS's decision regarding the selection of the Preferred Alternative as evaluated in the Final MSCP and the USFWS's Final EIS. This ROD was prepared to:

- document the USFWS's decision with regard to the alternatives associated with the Proposed Action, including the No Action Alternative;
- identify all the alternatives considered in reaching the decision;
- identify key issues (Covered Species, Covered Activities, etc.);
- identify associated impacts, mitigation, and findings, providing all practicable means to avoid and minimize environmental harm;
- summarize public involvement; and
- provide a conclusion.

1.1 Covered Species

The MSCP covers the following 44 species (Table 1).

TABLE 1
MSCP COVERED SPECIES FOR PIMA COUNTY'S SECTION 10(A)(1)(B)
INCIDENTAL TAKE PERMIT

Common Name	Scientific Name	Federal Listing Status
Plants (4 species)		
Pima pineapple cactus	*Coryphantha scheeri* var. *robustispina*	*Endangered*
Needle-spined pineapple cactus	*Echinomastus erectocentrus* var. *erectocentrus*	*Not listed*
Huachuca water umbel	*Lilaeopsis schaffneriana* ssp. *recurva*	*Endangered*
Tumamoc globeberry	*Tumamoca macdougalii*	*Not listed*
Mammals (7 species)		
Mexican long-tongued bat	*Choeronycteris mexicana*	*Not listed*
Western red bat	*Lasiurus blossevillii*	*Not listed*
Western yellow bat	*Lasiurus xanthinus*	*Not listed*
Lesser long-nosed bat	*Leptonycteris curasoae yerbabuena*	*Endangered*
California leaf-nosed bat	*Macrotus californicus*	*Not listed*
Pale Townsend's big-eared bat	*Corynorhinus townsendii pallescens*	*Not listed*
Merriam's mouse	*Peromyscus merriami*	*Not listed*
Birds (8 species)		
Western burrowing owl	*Athene cunicularia hypugaea*	*Not listed*
Cactus ferruginous pygmy-owl	*Glaucidium brasilianum cactorum*	*Petitioned*
Rufous-winged sparrow	*Aimophila carpalis*	*Not listed*
Swainson's hawk	*Buteo swainsoni*	*Not listed*
Yellow-billed cuckoo (western distinct population segment)	*Coccyzus americanus*	*Threatened*
Southwestern willow flycatcher	*Empidonax traillii extimus*	*Endangered*
Abert's towhee	*Melozone aberti*	*Not listed*
Arizona Bell's vireo	*Vireo bellii arizonae*	*Not listed*
Reptiles (6 species)		
Desert box turtle	*Terrapene ornata luteola*	*Not listed*
Tucson shovel-nosed snake	*Chionactis occipitalis klauberi*	*Not listed*
Sonoran desert tortoise	*Gopherus morafkai*	*Not listed*
Groundsnake (valley form)	*Sonora semiannulata*	*Not listed*
Northern Mexican gartersnake	*Thamnophis eques megalops*	*Threatened*
Giant spotted whiptail	*Aspidoscelis stictogramma*	*Not listed*
Amphibians (2 species)		
Chiricahua leopard frog	*Lithobates chiricahuensis*	*Threatened*
Lowland leopard frog	*Lithobates yavapaiensis*	*Not listed*

TABLE 1
MSCP COVERED SPECIES FOR PIMA COUNTY'S SECTION 10(A)(1)(B)
INCIDENTAL TAKE PERMIT
(continued)

Common Name	Scientific Name	Federal Listing
Fish (5 species)		
Longfin dace	*Agosia chrysogaster*	*Not listed*
Desert sucker	*Catostomus clarki*	*Not listed*
Sonora sucker	*Catostomus insignis*	*Not listed*
Gila chub	*Gila intermedia*	*Endangered*
Gila topminnow	*Poeciliopsis occidentalis occidentalis*	*Endangered*
Invertebrates (12 species)		
Papago talussnail	*Sonorella ambigua*	*Not listed*
San Xavier talussnail	*Sonorella eremita*	*Conservation Agreement*
Total Wreck talussnail	*Sonorella imperatrix*	*Not listed*
Empire Mountain talussnail	*Sonorella imperialis*	*Not listed*
Sonoran talussnail	*Sonorella magdalenensis* syn. *tumamocensis*	*Not listed*
Pungent talussnail	*Sonorella odorata*	*Not listed*
Posta Quemada talussnail	*Sonorella rinconensis*	*Not listed*
Santa Catalina talussnail subspecies	*Sonorella sabinoenis buehmanensis*	*Not listed*
Santa Catalina talussnail subspecies	*Sonorella sabinoensis tucsonica*	*Not listed*
Las Guijas talussnail	*Sonorella sitiens*	*Not listed*
Tortolita talussnail	*Sonorella tortillita*	*Not listed*
Santa Rita talussnail	*Sonorella walkeri*	*Not listed*

1.2 Covered Activities

Pima County is seeking incidental take permit coverage for effects resulting from the Covered Activities that they authorize or undertake (see Chapter 3 of the Final MSCP for more details):

- Ground disturbances on individual, single-dwelling lots that occur subsequent to the County's issuance of a building permit that authorizes grading of 14,000 square feet or more, provided that the property owner elects to participate in the County's Section 10 permit;

- Ground disturbances that occur as part of—and are subsequent to—the development of a residential subdivision where such actions are subject to the County's issuance of a site construction permit, provided the property owner elects to participate in the County's Section 10 permit after the submittal of the site construction permit application, but prior to the County's issuance of the site construction permit;

- Ground disturbances that occur as part of—and are subsequent to—the development of a non-residential facility where such actions are subject to the County's issuance of a site construction permit, provided the property owner elects to participate in the County's section 10 permit, after the submittal of the site construction permit application, but prior to the County's issuance of the site construction permit.

- Restoration activities such as vegetation treatments (including fire management activities) that are intended to improve the biological and ecological values;

- Activities of the County including construction, repair, maintenance, and operation of County facilities and infrastructure (see Final MSCP Section 3.4.1.2 for details);

- Construction, operation, and maintenance of renewable energy generation projects located on County-owned lands leased to others specifically for that purpose;

- Relocation of utilities within County rights-of-way, where required by Pima County;

- Monitoring and land management activities including surveys, scientific studies, and other such activities carried out by Pima County and its cooperators for the purposes of this MSCP;

- Recreation activities authorized by Pima County; and

- County ranch-management activities—exclusive of livestock herbivory and trampling—on land owned by the County and lands managed by the County through grazing leases issued by the State of Arizona.

The County will provide incidental take coverage for up to approximately 36,000 acres of new ground-disturbing activities, which can come from any combination of Covered Activities. The County will reserve approximately 5,000 acres to cover its own construction and maintenance activities; the remaining 31,000 acres is allocated for ground disturbances caused by private-sector development.

1.3 Permit Implementation

Pima County's role is that of the permittee, with central responsibility for ensuring that all requirements of the MSCP are met—most importantly that:

- any incidental take will not appreciably reduce the likelihood of the survival and recovery of the Covered Species;

- take is incidental to the lawful Covered Activities;
- impacts are minimized and mitigated to the maximum extent practicable;
- adequate funding is provided; and
- other permit requirements are met.

The responsibilities of Pima County are described further in the MSCP Implementing Agreement (MSCP Appendix D).

The RFCD is co-permittee, responsible for the following:

- Providing adequate funding for district responsibilities;
- Cooperating in monitoring activities on RFCD mitigation lands;
- Enforcing terms of legal instruments granted by Pima County to the RFCD to ensure protection in perpetuity on County lands;
- Granting of conservation easements or restrictive covenants on RFCD owned lands identified as potential mitigation land; and
- Minimizing impacts and notifying the County of amendments to the Floodplain and Erosion Hazard Mitigation Ordinance as described in Table 4.1 of the Final MSCP; and
- Providing support in meeting all other permit requirements.

The responsibilities of the RFCD are described further in the MSCP Implementing Agreement (MSCP Appendix D).

Pima County's Science Technical Advisory Team (STAT) was instrumental in the development of the Sonoran Desert Conservation Plan and MSCP. A new group of STAT members will be assembled within 12 months of permit issuance for the further development and implementation of the Pima County Ecological Monitoring Plan. The new STAT group will be focused on:

- Overseeing the implementation of the Effectiveness Monitoring and Adaptive Management components of the MSCP including integration among parameters;
- Reviewing the annual Effectiveness Monitoring Report that summarizes work completed during the previous year regarding monitoring species, habitat, ecosystem, climate, and threat parameters;
- Identifying and prioritizing research needs;

- Providing guidance for integration with other monitoring and research efforts in the region by other State, Federal, and local entities;
- Reviewing proposed changes to protocols;
- Reviewing changes to Priority Conservation Areas and habitat models used to measure habitat loss and protection of Covered Species; and
- Recommending changes in mitigation credit for stewardship levels on ranch lands.

2.0 Decision

The USFWS has selected Alternative D (Preferred Alternative), based on a thorough review of the alternatives and their environmental consequences, as described in the Final EIS and summarized below. We believe that the selected alternative best balances the protection and management of the Covered Species and their associated habitats, while allowing Pima County to move forward with the lawful Covered Activities under their jurisdiction and authority. The No Action and Other Action alternatives were not selected due to unacceptable economic costs or greater impacts to federally listed, candidate, or other Covered Species and their habitats, as compared to the selected alternative.

Implementation of this decision entails USFWS's approval of the MSCP, the associated Implementing Agreement, and issuance of an ITP pursuant to Section 10(a)(1)(B) of the ESA. The issuance of the ITP, including all terms and conditions governing the permit, requires adherence to all of the avoidance, minimization, and mitigation measures specified by Pima County in the MSCP to offset impacts to Covered Species to the maximum extent practicable, including implementation of the specified monitoring and adaptive management measures.

The USFWS reached this decision based on finding that the Final MSCP meets the statutory and regulatory criteria for issuance of an ITP under the ESA. The criteria are contained in Section 10(a)(1)(B) of the ESA and at 50 CFR 17.22(b)(2)/17.32(b)(2), and include the following.

1. **The taking will be incidental.** Under the ESA, all taking of federally listed fish and wildlife species included in the MSCP must be incidental to otherwise lawful activities and not the purpose of such activities. The USFWS has determined that the take requested by Pima County would be incidental to, and not the purpose of, the MSCP Covered Activities. In addition, we have determined that the Covered Activities are lawful and fall under the legal jurisdiction and authority of Pima County. The take of individuals of Covered Species will be primarily due to indirect impacts of habitat destruction and/or alteration, but some take is

anticipated as a result of some of Pima County's management and monitoring activities included in the MSCP.

2. **The applicant will, to the maximum extent practicable, minimize, and mitigate the impacts of such taking.** Pima County has developed the MSCP, pursuant to the incidental take permit requirements codified at 50 CFR 17.22(b)(1) and 50 CFR 17.32(b)(1), which require measures to minimize and mitigate the effects of issuing the ITP. Under the provisions of the MSCP, the effects of take will be minimized, mitigated, and monitored to the maximum extent practicable in accordance with the permit requirements. To make a finding that the MSCP minimizes and mitigates the effects of the take to the maximum extent practicable, we must first find that the minimization and mitigation measures provided under the MSCP are rationally related to the level of incidental take anticipated under the MSCP. In effect, the minimization and mitigation measures need to address the biological needs of the Covered Species in a manner that is commensurate with the effects to the species allowed under the MSCP. The minimization measures proposed by Pima County were developed based on a comprehensive evaluation of effects to Covered Species that would result from Covered Activities that will occur in the Permit Area. From 1999 through its application in 2010, Pima County has tested and adopted various measures to avoid, minimize, and mitigate impacts of the effects of urban growth and development in Pima County. The process of incremental revision of policies, adoption of guidelines, and revisions to ordinances has demonstrated what has been practicable at the level of land-use policy. The MSCP formalizes avoidance and minimization measures currently being implemented (see Table 4.1 of the Final MSCP), and provides additional species conservation measures in Appendix A of the MSCP that will avoid, minimize, and mitigate impacts associated with take of Covered Species and their habitat.

   The mitigation for the MSCP is based on the commitment from Pima County to acquire, protect, manage, and monitor approximately 116,000 acres as mitigation to offset impacts from Covered Activities that occur over the life of the permit (see Final MSCP Table 4.2). Applying the landscape-level mitigation tool, mitigation for Covered Activities will be calculated based on the projected acres of impact and its location relative to the Conservation Lands System (CLS). Therefore, the level of mitigation is commensurate with the level and location of impacts of the Covered Activities.

   As discussed above, we find that incidental take of Covered Species will be avoided and minimized to some extent, and where take cannot be avoided, Pima County will mitigate the impacts of take to the maximum extent practicable. In the case of mitigation, Pima County will fully compensate for impacts associated with take. Conservation measures aimed at avoiding, minimizing, and mitigating take

of listed species will also avoid and minimize impacts to various physical and biological resources detailed in the Affected Environment of the Final EIS (e.g., water quality, native wildlife, migratory birds) and, in some cases, may produce a net conservation benefit. The Final MSCP provides for management, monitoring, reporting, and an adaptive management strategy that will minimize uncertainty and risk to species. The USFWS believes that the MSCP prescribes all practicable means to avoid, minimize, and mitigate take and adverse impacts to Covered Species and the affected environment. In evaluating the various alternatives included in the EIS, Pima County has shown that measures related to mitigation beyond those included in the Preferred Alternative would be impracticable from an economic perspective and also the perspective of the availability of additional conservation lands that they could acquire and manage.

3. **The applicant will ensure that adequate funding for the Habitat Conservation Plan (HCP) and procedures to deal with unforeseen circumstances will be provided.** The USFWS finds that the permittees will ensure funding adequate to carry out the implementation of the MSCP. Through general obligation bonds and the RFCD tax levy as described in Chapter 8 of the MSCP, Pima County has already funded the acquisition of conservation lands that provides for mitigation in advance of the actual impacts anticipated in the MSCP. The permittees have committed to securing approximately 116,000 acres of land for mitigation credit, depending on the exact extent and location of permitted development relative to the Maeveen Marie Behan CLS and species-specific mitigation needs. Acres needed for mitigation also depend on the mitigation credits available as determined by the stewardship levels on mitigation lands as described in Section 4.4 of the Final MSCP. In addition to the land acquisition and dedication, funding will be provided by the permittees, through the funding elements described below, to manage, monitor, and administer these approximately 116,000 acres of mitigation lands. Pima County currently has actually gained control of more than 116,000 acres as described above, but given the mitigation framework as outlined in the MSCP, Pima County currently has approximately 110,000 acres of mitigation credits. Management and monitoring of these mitigation acres will be accomplished with existing staff, supplemented as necessary to meet the obligations set forth in the MSCP. Management, monitoring, adaptive management, and program administration will be financed primarily through general funds derived from County taxes as described in Section 8.2 of the Final MSCP, and supplemented through funds provided from RFCD tax levies. Funding for the implementation of the MSCP has been identified, planned for, and assured by Pima County. Details regarding implementation and funding can be found in Chapter 8, Funding Mechanisms and Commitments, of the Final MSCP.

The USFWS's no surprises assurances, changed circumstances, and unforeseen circumstances are also discussed in the Final MSCP (MSCP Chapter 7). Changed circumstances, including the resultant Pima County response, are addressed in Table 7.1 of the Final MSCP. Unforeseen circumstances would be addressed through the USFWS's close coordination with Pima County in the implementation of the MSCP, and the County has committed to a specific process to address such circumstances (Section 7.3.1 of the Final MSCP). Adaptive management will be used to direct changes to conservation, mitigation, or management measures and monitoring when needed. The Final MSCP (Chapter 6, Monitoring and Adaptive Management; Chapter 9, Reporting and Public Participation) provides for monitoring, reporting, and an adaptive management strategy that will minimize uncertainty and risk to species. The USFWS has, therefore, determined that Pima County's financial commitment and plan, along with their willingness to address changed and unforeseen circumstances in a cooperative fashion, are sufficient to meet this criterion.

4. **The taking will not appreciably reduce the likelihood of survival and recovery of the species in the wild.** As the Federal action agency considering whether to issue an ITP to Pima County, the USFWS has reviewed the Proposed Action through consultation under Section 7 of the ESA. This consultation resulted in the development of a Biological and Conference Opinion (BCO). We find that incidental taking to be authorized under the proposed permit will not appreciably reduce the likelihood of the survival and recovery of the Covered Species in the wild. The ESA's legislative history establishes the intent of Congress that this issuance criterion be identical to a finding of "no jeopardy" pursuant to section 7(a)(2) of the ESA and the implementing regulations pertaining thereto (50 CFR 402.02). As a result, we have reviewed the MSCP under section 7 of the ESA. In our BCO (USFWS 2015b), which is incorporated herein by reference, we conclude that the issuance of the proposed ITP is not likely to jeopardize the continued existence of the 44 species covered under the ITP. We also concluded that currently designated or proposed critical habitat for the Covered Species will not be destroyed or adversely modified. The Conclusion section for each of the Covered Species in the BCO provides additional details regarding our jeopardy and adverse modification analyses for the Covered Species.

5. **The applicant agrees to implement other measures that the USFWS requires as being necessary or appropriate for the purposes of the HCP.** The USFWS has assisted Pima County in the development of the MSCP, commented on draft documents, and participated in numerous meetings and conference calls. USFWS worked closely with Pima County during every step of the planning process and document preparation, so that conservation of the Covered Species would be assured and recovery would not be precluded by the

Covered Activities. The MSCP incorporates USFWS's recommendations for minimization and mitigation of impacts, as well as steps to monitor the effects of the MSCP and ensure success. Annual monitoring, as well as coordination and reporting mechanisms, have been designed to ensure that changes in conservation measures can be implemented if proposed measures prove ineffective (adaptive management) or impacts differ from estimates anticipated in the MSCP (changed circumstances) (see Chapters 6 and 7 of the Final MSCP). The Final MSCP provides commitments and procedures for on-going amendments to the conservation plan and ITP. It is the position of USFWS that no additional measures are required to implement the intent and purpose of the MSCP as detailed in the Final MSCP and its associated ITP.

6. **The USFWS has received such other assurances as may be required that the MSCP will be implemented.** Pima County has had a history of implementing elements of the MSCP for a number of years prior to actually even applying for their ITP. This history shows a commitment by Pima County to assure that the MSCP will be implemented. The CLS and its governing policies and guidelines have been a part of Pima County's Comprehensive Plan since 2001. Based on previous affirmation from the USFWS, Pima County has, over the last decade or so, been actively acquiring a land portfolio to rely upon as mitigation for impacts resulting from Covered Activities (see Final MSCP Table 4.3 and Figure 4.1). In this fashion, the County has secured mitigation lands prior to impacts and permit issuance. Taking into account the 25 percent mitigation credit for State Trust Land agreed to by the USFWS (see Final MSCP Section 4.4), Pima County has already acquired over 110,000 acres with which to mitigate future impacts (see Final MSCP Figure 4.1, Table 4.3, and Appendix H). This represents 95 percent of the mitigation projected to be needed over the 30-year permit (see Final MSCP Table 4.2).

   The USFWS has received such other assurances as may be required that the MSCP will be implemented. Pima County has assured that the MSCP will be carried out as specified. Compliance with the MSCP is a condition of the permit. The authority of the permit is a primary instrument for ensuring that the MSCP will be implemented. Additionally, Pima County and the USFWS have developed an Implementation Agreement for the MSCP, which binds Pima County to fully implement and fund the MSCP.

3.0 Alternatives Considered

The USFWS analyzed four alternatives, including the No Action Alternative, and their environmental consequences were evaluated in the Draft and Final EIS. Prior to the release of the Draft EIS, the USFWS and Pima County considered a wider range of alternatives that included various permittees, permit areas, Covered Species, and Covered Activities that were ultimately not chosen for further analysis.

All EIS alternatives assumed the continued implementation of Pima County's Conservation Lands System, as adopted in the Pima County Comprehensive Plan. Each MSCP alternative incorporated the projected development scenarios resulting from the community growth model that is detailed in Appendix G of the MSCP. All alternatives assumed the continued funding of management, conservation measures, and other funding priorities that promote the Sonoran Desert Conservation Plan (SDCP) biological goals. Each of the action alternatives relied on County-controlled mitigation land in proportion to the anticipated habitat impacts of each alternative. Finally, all MSCP alternatives would have benefited from—but not relied upon—the cooperation of other jurisdictions, Federal and State government agencies, Tribes, and non-profit organizations to achieve the ultimate goals and objectives of the SDCP and MSCP. Therefore, the effects analyzed in the Draft EIS and Final EIS are those effects that are unique to each alternative considered.

The following is a brief summary of the alternatives considered. A complete description of the alternatives is included in the Final EIS.

- **Alternative A, No Action Alternative**: Pima County would not apply for, and the USFWS would not issue a Section 10(a)(1)(B) permit for incidental take of listed species in Pima County.

- **Alternative B, Permit for Pima County Activities Only**: the USFWS would issue a Section 10(a)(1)(B) permit for coverage of 44 species that would apply only to certain ground-breaking activities undertaken by Pima County, and would not include activities merely permitted by Pima County.

- **Alternative C, Permit for Pima County Activities and All Private Development Activities for which the County Issues Permits**: the USFWS would issue a Section 10(a)(1)(B) permit for coverage of 44 species that would apply to activities that Pima County undertakes, as in Alternative B, but would also include a broader range of private-sector activities than covered under Alternative D.

- **Alternative D, Preferred Alternative, Permit for Pima County Activities and Select Private Development "Opt-in" and "Opt-out" Provisions**: the USFWS

would issue a Section 10(a)(1)(B) permit for coverage of 44 species that would apply to activities that Pima County undertakes, including certain private development-related impacts, when the property owner elects to participate in the MSCP to receive coverage under the County's permit. Potential impacts to Covered Species of any individually owned, single lot would be automatically covered when the property owner receives a building permit authorizing grading of 14,000 square feet or more (approximately 1/3 acre), unless the property owner declines to be included (i.e., opt-out). Permit coverage would also be available to subdivision and non-residential projects subject to a County site construction permit. In these cases, property owners must initiate the request—or opt in—for their development to be included under the County's permit. The ability to opt in would be determined by eligibility criteria that include having all owners of the area within the limits of the proposed disturbance shown on the site construction permit unanimously support the opt-in provision application; the site construction permit has been applied for, but has not yet been issued by the County; and the County is in receipt of all applicable fees (see Section 3.4.1.1.2 and 4.5.2 of the Final MSCP).

The fundamental difference between the three action alternatives (i.e., Alternatives B, C, and D) is the type and extent of activities proposed for permit coverage. The amount of mitigation proposed by each action alternative was commensurate with the location and projected acreage of modeled impacts. All three of the action alternatives proposed Section 10(a)(1)(B) permit coverage for 44 Covered Species.

3.1 Comparison of Alternatives

The three action alternatives would have resulted in USFWS's issuance of an ITP, while the No Action Alternative would not have. All alternatives would have resulted in Pima County's continued implementation of the Conservation Lands System through application of the Pima County Comprehensive Plan. Although the Conservation Lands System provides for the protection of open space lands that fall under the County's control, all action alternatives would formalize and institutionalize the requirement to apply permanent protections to any of these lands that are to be used for mitigation.

The action alternatives did not differ in the list of species covered by the permit. The most important difference among the alternatives was the extent and type of activities covered and the amount of monitoring, management, and mitigation required to offset associated impacts.

The scope of the management and monitoring plan also differed among the alternatives. The management and monitoring plan for Alternative B (i.e., permit for Pima County activities only) was the smallest in scope. Conversely, the largest management and monitoring effort was required under Alternative C, with Alternative D being intermediate.

The management and monitoring effort for all three action alternatives was commensurate with anticipated impacts and the scale of the mitigation program for that alternative.

Table 2 provides a summary comparison of all alternatives.

TABLE 2
COMPARISON OF ALTERNATIVES

	Alternative			
Issue/Action	**A**	**B**	**C**	**D (Preferred)**
Issue 10(a)(1)(B) Permit	No	Yes	Yes	Yes
Implementation of the CLS (SDCP)	Yes	Yes	Yes	Yes
Pima County Stewardship of Ranch Lands Leased from the State Land Department for use as Mitigation Credit	No	No	Yes	Yes
Coverage of Pima County activities	No	Yes	Yes	Yes
Coverage of Private Development Activities	No	No	Yes, all	Yes, subset
Need to Acquire Additional Mitigation Lands in addition to Those Already Acquired	No	No	Yes, substantial	Yes, potentially minimal
Coordinated Mitigation for all 44 Species	No	Yes	Yes	Yes
Acreage of Covered Activities	0	5,000	111,300	36,000
Acreage of Mitigation Requirement*	0	16,000	252,000	116,000

*Alternatives had varying mitigation ratios, which were: Alternative A, none; Alternatives B and D, highest ratio; Alternative C, lowest ratio (as described in the MSCP).
CLS = Maeveen Marie Behan Conservation Lands System
SDCP = Sonoran Desert Conservation Plan

During scoping for the EIS, a number of other alternatives were discussed but not considered in further detail because they either: (1) did not meet the USFWS's purpose and need for issuing a Section 10(a)(1)(B) permit, (2) did not achieve conservation envisioned by the STAT, (3) were not within the control of the applicant, (4) did not meet the applicant's specific needs, or (5) were otherwise considered infeasible.

4.0 Public Involvement

4.1 Scoping

To identify the scope and content of the Draft EIS for the MSCP, the USFWS formally initiated the scoping process on September 7, 2000 with the publication in the *Federal Register* (FR) (65 FR 54295) of the Notice of Intent to prepare an EIS. Public involvement meetings were held in the forum of open house/informational meetings in October, November, and December 2000. During this initial scoping period the topics of primary concern were identified as: funding, private property, ranching, mining, cultural resources, water, the MSCP, and species concerns.

In addition, a public scoping meeting was held in October 2003 prior to the release of an early Draft MSCP. This meeting was preceded by the publication in the *Federal Register* (68 FR 53748) of a second Notice of Intent to prepare an EIS. Correspondence received during the comment period ending October 27, 2003 included 14 letters and 7 summary pages of comments and recommendations. The comments received during the second (2003) scoping period echoed previous comments and raised concerns about the potential delisting of the cactus ferruginous pygmy-owl, a potential future open space bond initiative, potential zoning restrictions, the lack of a Draft MSCP to review, and the desire for more detailed information on plan implementation, funding, costs, and restrictions on ranching and other land uses.

Subsequent drafts of the MSCP were published in 2005, in January and September 2006, 2008, and 2009 as part of the extensive process of developing scientific information and inviting public review and comment. In the 2008 MSCP draft, Pima County proposed to narrow the scope of covered private lands to rezonings. Public meetings were held in January, February, and March of 2009. During the extensive public process in 2009, Pima County heard concerns regarding the extent of coverage and the monitoring plan. In order to address these concerns, a Revised Administrative Draft MSCP was submitted to the USFWS in 2010. Significant revisions included changing the type of private development action that would receive coverage from rezonings to the issuance of grading permits, and a revised monitoring plan.

4.2 Public Review of Draft MSCP and EIS

A Notice of Availability and Notice of Public Meetings for the Draft MSCP and EIS were posted in the *Federal Register* on December 7, 2012 (77 FR 73045). The USFWS posted the *Federal Register* notice and announced the availability of the Draft MSCP/Draft EIS on the Arizona Ecological Services website (http://www.fws.gov/southwest/es/arizona/HCPs.htm).

The formal comment period for the Pima County Draft MSCP/Draft EIS was from December 7, 2012 to March 15, 2013. Pima County hosted five public meetings throughout the county to solicit input on the Draft MSCP in January 2013. The USFWS held one public comment meeting for the EIS on February 21, 2013 in Tucson, Arizona.

During the public comment period, including the six public meetings as described above, 20 letters and written comments were received. Of the comments received during the Draft MSCP/Draft EIS public comment review period, the topics of primary concern were the planning and decision making process, natural resources management, social and economic concerns, cumulative effects, and MSCP-specific issues. Detailed information concerning public involvement and a record of comments received during scoping and public comment periods are provided in Chapter 6 of the Final EIS.

5.0 Additional Information

The Final EIS is available at the USFWS Albuquerque Regional Office and the Arizona Ecological Services Tucson Field Office. A copy of this Record of Decision will be made available on the state and regional websites and at the offices listed above. For additional information, call Mr. Scott Richardson, Arizona Ecological Services Office, at (520) 670-6150 x 242. Additional information related to the Pima County MSCP and its development and implementation can be found at: www.pima.gov/mscp.

This ROD does not become the final agency decision until thirty (30) days following the publication of the Notice of Availability of the Final EIS.

JUL 0 1 2016

Deputy Regional Director
U.S. Fish and Wildlife Service
Southwest Region

Date

This page is intentionally blank.