Memorandum of Understanding Between Baca Float Land Development, Ltd. (BFLD) and the Tubac Nature Center (TNC) (collectively "The Parties") Regarding the Ecological Restoration of the Tubac Borrow Pit.

WHEREAS the Tubac Borrow Pit comprises approximately 2 acres located within Santa Cruz County Parcel No. 112-44-023A, centered approximately at coordinates 31.6047816, -111.0455515.

WHEREAS this land lies within the floodplain of the Santa Cruz River.

WHEREAS Parcel No. 112-44-023A is owned by Baca Float Land Development, Ltd. (BFLD)

WHEREAS the Barrio De Tubac community lies to the west, adjacent to Parcel No. 112-44-023A.

WHEREAS TNC, in collaboration with partner organizations and in consultation with the Barrio De Tubac community and other community stakeholders, developed the Tubac Nature Preserve Conceptual Master Plan Recommendations Report, June 2023 (the "Conceptual Plan").

WHEREAS the purpose of the Conceptual Plan is to provide a framework to guide the development of a nature preserve in the Santa Cruz River floodplain in Tubac.

WHEREAS the ecosystem of the floodplain of the Santa Cruz River in Tubac is subject to various forms of environmental degradation, requiring restoration and management to improve and maintain ecological and public access values, as identified in the Conceptual Plan.

WHEREAS the Conceptual Plan identifies the restoration of the Tubac Borrow Pit and its wetland as a priority for ecosystem restoration.

WHEREAS TNC contracted with the Tucson Bird Alliance (TBA; formerly known as Tucson Audubon Society) to prepare the Tubac Borrow Pit Wetland Restoration Plan, completed November 2024 (the "Wetland Restoration Plan").

WHEREAS the primary purpose of the Wetland Restoration Plan is to improve wetland conditions and marsh habitat through redesign, restoration, and adaptive management.

WHEREAS the adaptive management approach recognizes that additional information, in particular an improved understanding of issues including but not limited to water availability in the Tubac Borrow Pit and the associated grading plan, is needed for the design and construction of the wetland restoration.

NOW THEREFORE:

The Parties are committed to the permanent preservation of lands owned by BFLD within the Santa Cruz River floodplain in Tubac; and to the establishment of a natural preservation area on the land, including ecological restoration and improvements for the purpose of public access and enjoyment through passive recreation, consistent with the Conceptual Plan.

While The Parties agree that the Conceptual Plan serves as a framework for conservation, the specific actions and commitments in this MOU pertain solely to the restoration of the Tubac Borrow Pit.

The Parties support the restoration of the Tubac Borrow Pit in accordance with the Wetland Restoration Plan using an adaptive management approach.

TNC, in partnership with TBA, by December 2026 and contingent upon available funding, will (1) conduct studies and develop a final design plan for the Tubac Borrow Pit wetland restoration as an addendum to the Wetland Restoration Plan; and (2) continue to implement invasive plant control.

The Parties agree that construction of the wetland restoration may commence subject to review and approval by BFLD of the final design plan, and that invasive plant control efforts should continue as expeditiously as possible.

TNC will consult with the Barrio De Tubac community and other community stakeholders, at key junctures and as requested, to communicate project status and address their comments and concerns, throughout the projected five-year time frame for the design and construction of the wetland restoration; and on continued invasive plant control efforts.

BFLD will permit access to the Tubac Borrow Pit to TNC and its project partners and contractors including TBA, and will facilitate and support implementation of the wetland restoration design and construction, and continued invasive plant control, subject to the terms of this MOU.

For Baca Float Land Development, Ltd.:

Gary Brasher, Managing Partner

3/20/25
Date

For Tubac Nature Center:

Michael Dunn, President

5/20/2025
Date