



MEMORANDUM

Date: June 27, 2018

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

From: C.H. Huckelberry
County Administrator 

Re: **Conservation Effluent Pool**

In recognition of the severe threats to riparian areas from drought and other factors in the Southwestern United States and the importance of this type of ecosystem in the Tucson area, Pima County and the City of Tucson reserved up to 10,000 acre-feet of effluent per year for use in riparian restoration projects. Any use of this "Conservation Effluent Pool" (Pool) would require a decision from the Pima County Board of Supervisors, as well as the City's Mayor and Council.

An annual summary of activity of the Pool is required from staff under the Implementing Agreement adopted under Board Resolution 10-302. This memorandum provides an update of the recent discussions regarding use of the Pool, along with recommendations for further action.

Background

Use of effluent from the Pool is restricted to those entities identified in the 2001 Supplemental Agreement between City of Tucson and Pima County, including a number of local water providers and the Regional Flood Control District. There are a number of potential projects that have been identified that could use the Pool (see attached). So far, none of the entities has submitted a formal request for evaluation by the Pool Administrators.

In 2015, the Community Water Coalition requested both City of Tucson and Pima County to allocate portions of the Pool to the effluent-dependent reaches of the Santa Cruz River downstream of the metropolitan treatment facilities. Neither Pima County nor City of Tucson have done so. Knowing the concern about preserving effluent flow in the river, Pima County responded to the Coalition's request by suggesting the Coalition support legislative efforts to provide full credits for effluent recharge in the riverbed. Pima County and City of Tucson support changes to state law to give incentive for effluent to remain in the channel, but such change did not move forward during this legislative session.

In 2016, Tucson Water initiated discussions about a potential use of City effluent that could also be supplemented with an allocation from the Pool. The City's project could use the Pool to support riparian vegetation along the Santa Cruz River near Mission Lane. In 2017, the Regional Flood Control District expressed concerns about excess sediment and riparian

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vegetation in the most constrained portion of the channel adjacent to Rio Nuevo. In 2018, City of Tucson began working on permits needed for the project.

Prospects for New Project Requests

In late 2017, the Gila topminnow was detected in the Santa Cruz River effluent downstream of the Agua Nueva treatment facility. Additional surveys have confirmed that the river is being used by this endangered species. As a consequence, entities lacking an incidental take permit must avoid, minimize and mitigate the effects of each river project on the fish through a Section 7 or Section 10 permit process under the Endangered Species Act (ESA).

The Conservation Effluent Pool is available to any qualified entity to mitigate project effects under Section 7 or Section 10. The Implementing Agreement specifically acknowledges that the Pool can be used to satisfy ESA requirements. An allocation of the Pool to the river would assure that a minimum flow could be maintained for this endangered fish.

ESA-related projects do not need consent by the Governing Bodies to use the Pool for this purpose. Section 4.2 of the Implementing Agreement provides that "for a project that is characterized by the Operator as an ESA Riparian Project, the Pool Administrators shall approve the project as an ESA Riparian Project if it has been permitted by the Act, or in the discretion of the Administrators, has a reasonable presumption of obtaining a permit in the future." Furthermore, allocations to the river do not require payment of wheeling fees for use of the reclaimed system.

Recommendations

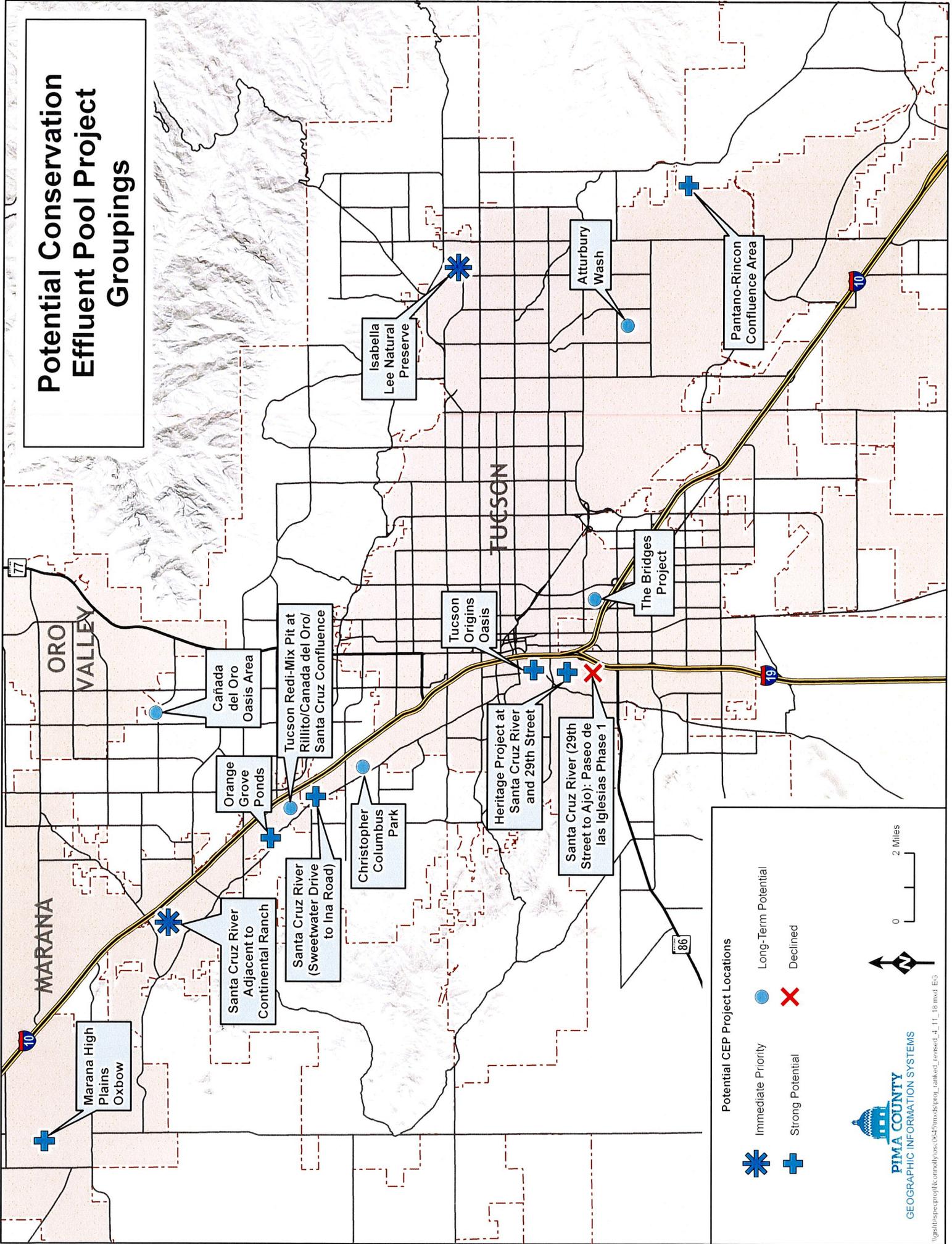
1. Pima County's Pool Administrator, Julia Fonseca, shall work with potential applicants to make them aware of the opportunity to use the Pool to satisfy mitigation requirements for impacts to the Gila topminnow.
2. Pima County and the Flood Control District will continue to work with others to seek full credits for in-channel recharge of effluent, whether through managed or constructed recharge.

CHH/lab

Attachment

c: Carmine DeBonis, Deputy County Administrator for Public Works
Suzanne Shields, Director, Regional Flood Control District
Jackson Jenkins, Director, Regional Wastewater Reclamation Department
Carla Blackwell, Director, Development Services
Linda Mayro, Director, Sustainability and Conservation
Julia Fonseca, Environmental Planning Manager, Sustainability and Conservation

Potential Conservation Effluent Pool Project Groupings



Potential CEP Project Locations

-  Immediate Priority
-  Strong Potential
-  Long-Term Potential
-  Declined

0 2 Miles



PIMA COUNTY
GEOGRAPHIC INFORMATION SYSTEMS

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