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# MEMORANDUM

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Date: August 1, 2014

To: The Honorable Ramón Valadez  
District 2 Member  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator

A handwritten signature in black ink, appearing to be "CHH", is written over the printed name "C.H. Huckelberry".

Re: **Your Information Request Regarding Enabling Instrument for Clean Water Act Section 404 In-Lieu Fee Program Approved by the Board of Supervisors on July 2, 2013**

After meeting with the Tucson Audubon Society and US Army Corps of Engineers' representative Marjorie Blaine, you asked whether the County had any option regarding the July 2, 2013 agreement approved by the Board of Supervisors regarding the In-Lieu Fee (ILF) Program.

Section IX D.2, Termination/Program Closure states: "Any Party to this Instrument may terminate its participation in this Instrument by giving 60 days written notice to the other Parties." The balance of this paragraph can be found on Pages 22 and 23 of the Enabling Instrument. Since there are no authorized ILF projects under this Instrument, the agreement can be terminated with a 60-day notice to all parties, which would include the Tucson Audubon Society and the US Army Corps of Engineers, Los Angeles District. Also, since no funds have been expended and no projects approved, termination would be relatively simple.

CHH/anc

c: The Honorable Chair and Members, Pima County Board of Supervisors  
Suzanne Shields, Director, Regional Flood Control District  
Chris Cawein, Director, Natural Resources, Parks and Recreation