

Pima County Regional Flood Control District
 Comment/Response Summary
 Draft Facility Impact Permit
 November, 2018

No.	Location/Comment	Date Rec'd	Name/Contact	Response
	General			
1	The only comment to pass on would be related to the actual permit such as review timeframe, expiration date, renewals, and modifications, but all that could be addressed in your permit fee schedule.	2/21/17	Robert Johnson PCDOT	The fee schedule will include suggested details.
2	If RWRD has an easement, then this policy should not apply since our rights to operate a sewer are already protected by the easement.	2/6/17	Eric Weiduwilt RWRD	The easement establishes RWRD's right to operate a sewer; however, activity that impacts a District facility such as bank protection within easements should comply with applicable ordinances and FIP conditions.
3	<p>The existing IGA between RWRD and RFCD should take priority and it would be important to clarify the hierarchy of authority between the two. How will this deal with existing sewers versus new sewers?</p> <p>A few solutions are to exempt existing wastewater assets from all the provisions (like a "prior-rights" clause), or exempt existing wastewater infrastructure from the specific sections that would prevent us from operating the public sewer system as currently in place. This clause would protect existing infrastructure if RFCD does major improvements that impact existing sewer or if the stream bed drops such that existing sewers are exposed. I ask that the policy and permit protect RWRD from unreasonable actions that would be very expensive to resolve (e.g. relocating the sewer siphon at Alameda on the Santa Cruz River, or relocating the sewer reaches in the CDO wash).</p> <p>Part or separate to the above would be to have the capability of getting a blanket permit for all O&M wastewater activities on all sewers within RFCD property so that we can access and maintain the system as needed without overburdening us with paperwork. We do need to trim trees and drive over bushes to access sewers so that should not require additional permits.</p> <p>We would also want new sewers to be covered by a blanket O&M permit for access and maintenance.</p>	2/6/17	Eric Weiduwilt RWRD	<p>The proposed ordinance is geared toward new impacts. Will clarify in section 21.02.040 that existing authorized uses and routine maintenance do not require a permit.</p> <p>If repairs are required due to a flooding, erosion, or channel migration, it seems the solution/mitigation could have a significant impact and should be subject to a permit.</p> <p>Clarified that routine maintenance does not require a permit. It's assumed that access is granted because it is necessary for maintenance.</p>
4	Broad definitions	4/4/17	Timothy Thomure Tucson Water	

Pima County Regional Flood Control District
 Comment/Response Summary
 Draft Facility Impact Permit
 November, 2018

<p>o District Lands – It is unclear which RFCD facilities this will apply to, whether or not it applies only to RFCD facilities that are located in actual dedicated as Tier 1-3 impacts appear to imply or all RFCD facilities as other parts imply. It is unclear if this applies to everything in a flood zone.</p> <p>o Real Property Interest – TW may have shared “Real Property Interest” in various public right-of-ways. The language in the ordinance could be interpreted to apply to most if not all RFCD facilities regardless of whether the facility is located within dedicated “District Lands” or if the RFCD facility is located within a public right-of-way that is intended for shared use with other public facilities.</p> <p>o Impact – The definition of, “effect or have an effect on,” is a very slight trigger.</p> <p>Permit Requirements</p> <p>o Justification Letters and/or Reports – May require substantial additional effort without a compelling need for the additional information.</p> <p>o Fees, Insurance, Bonds, & Liability Related Requirements – Many of these are part of the normal construction permitting requirements, it is unclear if this requirement is in addition to the normal requirements.</p> <p>o Exemptions – This does not seem to exclude title or use rights legally established</p>		<p>The intent is to apply Tiers 1-3 to District Lands as defined in 21.02.020: Areas where the District has a Real Property Interest but where District Structures are not present. This is irrespective of flooding impacts, and a Floodplain Use Permit from the appropriate jurisdiction may also be required. Tier 4 applies to impacts to major watercourses where a District Real Property Interest exists, even if no District Structures exist, as well as to impacts to any District Structure.</p> <p>If TW has a Real Property Interest within District Lands or if the impacted area is within public right-of-way, then no application for the property interest is required; however, other provisions would still apply.</p> <p>The District has attempted to clearly define impact. It is not clear where the language “effect or have an effect on” is located within the document.</p> <p>The intent is not to require justification for the project; however, the District is requesting a discussion of whether an alternative with less impact is feasible and, if not, how impacts can be minimized and mitigated. The intent is for a brief discussion by staff on the project team. Preparation by a licensed consultant is not required.</p> <p>There will not be an additional fee for all projects, only projects that impact District Lands and Facilities. If the project includes such an impact, then, yes this is an additional requirement.</p> <p>The intent is to exempt existing uses</p>
---	--	---

Pima County Regional Flood Control District
 Comment/Response Summary
 Draft Facility Impact Permit
 November, 2018

	prior to the Ordinance.			but to review new impacts that may occur after the adoption of the ordinance.
	21.02.020 -- Definitions			
5	I. Real Property Interest This definition does not include a reference to the status of the interest, ie: a <i>current</i> lease as opposed to an <i>expired</i> lease.	4/4/17	Timothy Thomure Tucson Water	Clarified that existing property interest is required.
	21.02.030 – Facility Impact Permit Requirements			
6	C. Issuance of Permit 2. The language conflicts with our need to access existing sewer infrastructure for maintenance or repair as necessary if this action is deemed to "interfere with the drainage or conservation values of the District".	2/6/17	Eric Weiduwilt RWRD	Paragraph 2 refers to the initial installation. When the original permit is issued, the plans will indicate that drainage considerations such as flow conveyance or obstruction and scour and conservation goals such as preservation of or mitigation of riparian habitat have been considered. It is not anticipated that maintenance and repair will substantially alter the initial project configuration. Added language that permit may allow some conflict.
	21.02.040 – Permit – Exemptions			
7	Does not seem to include exemptions for emergency egress A. It is unclear if TW would need a permit for drainage easements on TW/COT Property C. Given the broad definitions of impact and District facility, it seems permits should apply to any such work regardless if it is District funded	4/4/17	Timothy Thomure Tucson Water	If TW has a Real Property Interest within District Lands, then no application for same is required; however, other provisions would still apply. If a project is authorized and funded by the District, design and construction will be reviewed by the District, and further oversight through this type of permit is not necessary.
	21.02.050 – Application Submittal Requirement – Type of use			
8	There are no timeframes included regarding submittal and responses to requests. A. Tier 1 – Temporary impact with minimal disturbance of District Lands Would there be one annual or permanent permit for recurring work at the same	4/4/17 4/4/17	Timothy Thomure Tucson Water	Timeframes and other permitting process details will be established with the fee schedule. TW land management activities are not

Pima County Regional Flood Control District
 Comment/Response Summary
 Draft Facility Impact Permit
 November, 2018

	<p>Location?</p> <p>TW has concerns about the possible impact to TWs land management Activities in Avra Valley</p> <p>B. Tier 2 – Long-term or permanent impact with minimal disturbance of District Lands TW has concerns about references to “large-scale ecosystem restoration” and possible impact to our Habitat Conservation Plan</p> <p>C. Tier 3 – Limited disturbance of District Lands 5. Posting of Bond</p> <p>County projects already require insurance and bonds as part of the County award process, and it would be good if the District agrees to use those Insurances and Bonds rather than the contractor having to secure additional insurance and bonds.</p> <p>The second suggestion for County projects is that the District use the individual County CIP Project Task Order to charge their actual costs rather than having each internal department pay a permit fee. It would be easier to track and easier to authorize through an email with the task order. Either charging labor to a Task Order or executing an internal cost transfer would be easier than trying to get a check cut for the permit.</p> <p>Tier 3 looks like a modified 404 permit, but why would we spend all the money on a design (“complete set of construction drawings”) if RFCD could say no? How does the Permit relate to an actual 404 process if one is required (which comes first?).</p>	<p>4/4/17</p> <p>2/15/17</p> <p>2/6/17</p>	<p>Eric Weiduwilt RWRD</p>	<p>District Facilities and would not require this permit. Since they are in a regulatory floodplain, activities other than routine maintenance would require a Floodplain Use Permit</p> <p>Activities within COT lands do not need to comply with these requirements, but may need a Floodplain Use Permit.</p> <p>Per 21.02.020, the responsible party shall be considered the applicant even if a contractor is hired to perform the actual work. Will clarify that the County is considered the applicant for County projects.</p> <p>As long as the bond and insurance covers the cost of repair of the District Facilities that will be acceptable.</p> <p>Cost transfers for the permit would be acceptable.</p> <p>The intent is not to deny activity but to review plans for compliance and to cover costs of inspection during construction. Will clarify that initial stage plans can be reviewed. This could be reviewed concurrent with 404 reviews.</p>
9	<p>D. Tier 4 – Disturbance of a District Facility 4. Permit Fees</p> <p>The second suggestion for County projects is that the District use the individual County CIP Project Task Order to charge their actual costs rather than having each internal department pay a permit fee. It would be easier to track and easier to authorize through an email with the task order. Either charging labor to a Task</p>	<p>2/15/17</p>	<p>Eric Weiduwilt RWRD</p>	<p>Cost transfers for the permit would be acceptable.</p>

Pima County Regional Flood Control District
 Comment/Response Summary
 Draft Facility Impact Permit
 November, 2018

	Order or executing an internal cost transfer would be easier than trying to get a check cut for the permit.			
	21.02.060 – General Permit Conditions – Type of Impact			
10	This seems to increase current requirements for maintenance, such as at-grade water crossings	4/4/17	Timothy Thomure Tucson Water	These general conditions apply during the term of the permit and are not intended to increase long-term requirements.
	21.02.070 – Special Conditions			
11	TW has concerns about application of these conditions for Tier 1	4/4/17	Timothy Thomure Tucson Water	The District prefers not to revise this language. It is implicit that Items A – E cannot apply to Tier 1 since Tier 1 does not include permanent impacts or construction. It is possible that inspection milestones could apply to Tier 1 if the term of the activity is extensive.
	21.02.100 - Posting of Bond			
12	Is a bond required when projects are subject to assurance agreement?	5/18/18	Shawn Cote SAHBA	This language has been revised to state that project subject to assurance agreements are not required to post a bond
	21.02.110 – Liability and Project Site Requirements			
13	<p>The language in 21.02.110 is problematic for RWRD in that in most cases we may not be able to move or remove existing sewer lines in RFCD property without a large CIP expense.</p> <p>E. Qualified personnel may be required to work on certain projects, recommend adding "or otherwise allowed by law" to cover this issue.</p> <p>H. Particularly in Tier 1, there may be no construction site to post a permit</p> <p>K. TW has concerns with permits being issued to anyone other than the property owner, or without the property owner's consent.</p>	<p>2/6/2017</p> <p>5/18/18</p> <p>4/4/17</p>	<p>Eric Weiduwilt RWRD</p> <p>Wesley Crane Trico Electric</p> <p>Timothy Thomure Tucson Water</p>	<p>Will clarify that reference to defective improvements in paragraph D is intended to include improvements to a District Facility. Because RWRD has ongoing inspections, it is not anticipated that a project facility would be defective at the end of the project. Please review the proposed change and respond if further clarification is needed.</p> <p>Revised the language</p> <p>Revised the language.</p> <p>Permits will be issued only to parties with an authorized real property interest.</p>