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# Board of Supervisors Memorandum

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May 18, 2021

## **Conservation Effluent Pool: Santa Cruz River Heritage Project Application**

### Background

In recognition that riparian areas in the Southwest are severely threatened and vulnerable, Pima County and the City of Tucson reserved in a Conservation Effluent Pool (CEP) up to 10,000 acre- feet of effluent per year for use in riparian restoration projects. As the name suggests, the CEP is a pooled source of water for the environment, intended to improve condition of habitats along watercourses within the reach of the reclaimed water distribution system or in the existing effluent- dependent Santa Cruz River.

Use of effluent from the CEP is restricted to those entities identified in the 2000 Supplemental Agreement between City of Tucson and Pima County, including local water providers that have an effluent share and the Regional Flood Control District. An Implementing Intergovernmental Agreement was approved in 2011 setting terms, conditions and responsibilities for creation and maintenance of the conservation effluent pool. Until recently no applications had been received from qualified entities.

Allocations from the CEP require a decision from the Pima County Board of Supervisors, as well as the City's Mayor and Council, with the exception of ESA-related riparian projects, which are authorized upon submittal of the required evidence to the Administrators.

### Regional Flood Control District allocation for Agua Nueva

In late 2017, the endangered Gila topminnow was detected in the Santa Cruz River effluent downstream of the Agua Nueva treatment facility. Later surveys have confirmed that the river is being used by this endangered species.

In 2020, Pima County Regional Flood Control District (RFCD) requested an allocation of some of the CEP to support the habitat for the topminnow in the riverbed downstream of Agua Nueva at times when the discharge of effluent that supports the topminnow drops perilously low over a period of several days. In March 2021, the CEP Administrators found the Regional Flood Control District's application to use Pool water to assure a minimum flow of water to the river at Agua Nueva was complete. The CEP Administrators recently sent a letter notifying RFCD of their responsibilities as the first successful applicant for CEP (Attachment 1).

### City of Tucson's proposal for the Heritage Project

In June 2019, the City began releasing reclaimed water to the Santa Cruz River downtown, creating nearly perennial flow at this historic location and recharging the water for later use.

In late 2019, the City of Tucson applied for a CEP allocation for the [Santa Cruz Heritage Project](#). CEP Administrators Julia Fonseca and Tim Thomure found this initial Heritage

application to be incomplete, mainly due to some inconsistent or unclear information. A new application was submitted for the Heritage project in November 2020, and this was also found incomplete. The City of Tucson meanwhile worked with RFCD to address issues of sediment and vegetation maintenance and monitoring.

The revised application, submitted in March 2021, has now been found complete and a Resolution has been scheduled for Board of Supervisors consideration on May 18, 2021 (Attachment 2).

If approved by the Board and Mayor and Council on May 18, the CEP will be used to support the riparian vegetation and open water that is occurring as a result of the release of the reclaimed water near 29th Street. The total maximum area of potential use is 34 acres and extends to Congress Street. City of Tucson will measure the areas of vegetation and open water twice a year and use that as a basis to calculate how much water the vegetation and open water are using. The CEP allocation will not exceed 110 acre-feet per year, and will be used to ensure that the project goals are met with respect to plants and animals.

If the application is not approved, City of Tucson will have to utilize effluent they own to offset the amount of evapotranspiration from the water and riparian vegetation. As a result, the amount of recharge credits that will accrue to the City would be reduced due to the release of effluent. The CEP will help the City achieve their project goals for riparian restoration.

#### Recommendation

I and the Conservation Effluent Pool Administrators recommend approval of the City of Tucson Santa Cruz Heritage Project without retroactive allocations for 2019 and 2020.

Sincerely,



C.H. Huckelberry  
County Administrator

CHH/anc – May 6, 2021

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

# ATTACHMENT 1



## Conservation Effluent Pool for Riparian Projects



Transmitted Electronically to [Eleonora.Demaria@pima.gov](mailto:Eleonora.Demaria@pima.gov)

April 8, 2021

Dear Ms. Demaria:

Congratulations on your approved Riparian Project! Yours is the first ever granted under the terms of the 2014 Implementing Agreement. We appreciate your willingness to improve riparian conditions using the Conservation Effluent Pool (CEP).

As an approved Riparian Project, please keep us informed of your progress. Per the Implementing Agreement (attached for reference), we request that you provide us a report on the project status by April 30 of each year. For the 2021 report, this deadline is hereby extended to June 30. Failure to submit the report can be terms for reducing or terminating your allocation.

The annual report must address each of the items listed in Sections 3.4 and 6.5 of the Agreement and be sent to both CEP Administrators simultaneously. The requirement for filing hard copies is waived in favor of electronic documents. You are welcome to contact us in advance of the deadline to discuss the annual reporting in detail prior to submitting the report. We would like to work with you to develop a format that can be used by all successive projects.

Your allocation will be available from the Agua Nueva wastewater treatment facility after completion of the Management Plan you described in Question 3 of your application. Because your project is an ESA Riparian Project, you must also provide us evidence of the relevant permit from U. S. Fish and Wildlife Service before you can receive an allocation from the CEP.

Your project's use of CEP is the difference between the actual and desired 5 million gallons per day on a weekly average basis (as described in your application), and in no circumstance may exceed 5600 acre-feet taken annually. In addition, the allocation is subject to potential future apportionments as described in the Agreement.

Please do not hesitate to contact with any questions you may have.

Julia Fonseca

[Julia.Fonseca@pima.gov](mailto:Julia.Fonseca@pima.gov)

Timothy Thomure, P.E., ENV SP

[Timothy.Thomure@tucsonaz.gov](mailto:Timothy.Thomure@tucsonaz.gov)

Attachment: Implementing Agreement

# ATTACHMENT 2

**RESOLUTION NO. 2021-\_\_\_\_\_**

**PIMA COUNTY RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS  
FOR CITY OF TUCSON HERITAGE PROJECT**

The Board of Supervisors of Pima County, Arizona finds:

1. The Sonoran Desert Conservation Plan calls for restoration of the Santa Cruz River.
2. Paseo de las Iglesias Phase 1 provided the first step and is located just upstream of the Heritage Project.
3. The City of Tucson has applied for an allocation from the Conservation Effluent Pool (CEP) to support the flowing water and riparian vegetation the Santa Cruz River from the outfall near 29th Street to Congress.
4. The CEP was established in the 2001 Supplemental Agreement between City and County to support riparian restoration projects.
5. Per the terms of the 2014 Implementing Agreement between City and Council, the Board and Mayor and Council must review and either approve or disapprove the City's proposal.

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the allocation of up to 110 acre-feet of Conservation Effluent Pool annually for the Santa Cruz River Heritage Project beginning calendar year 2021 so long as the City complies with the terms of the Implementing Agreement.

**PASSED AND ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.**

\_\_\_\_\_  
Chair, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM

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Clerk of the Board

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Deputy County Attorney