

C. Brooks comments on *Integrating Land Use Planning with Water Resources and Infrastructure Technical Paper*

- 1) CAGR D criticisms; hydrologic disconnect between pumping and recharge
  - a) While concerns about the hydrologic disconnect between recharge and pumping under CAGR D operations
  - b) . are valid, hydrologic reality dictates that it will be difficult in practice to effectively mitigate pumping by locating recharge closer to where the drawdown is occurring. Due to constraints on land availability, complexity of hydrogeology, and cost considerations in implementing recharge that directly mitigates effects of pumping it will prove to be very difficult in practice.
  - c) It is my opinion that seeking to routinely and effectively mitigate pumping effects by suitable location of recharge will result in many situations where it would simply make more sense to utilize the renewable supplies for the new development, rather than enroll in the CAGR D, because the renewable supply will be brought close enough to make its use economical vs. the cost of recharge. If such policies were strongly pursued the need for the CAGR D would be virtually eliminated, but at considerable cost.
  - d) There clearly are changes that need to be made to operation of the CAGR D. The suggestion made in the report that stricter limitations on permissible drawdown associated with groundwater pumping is an excellent one. Other possible changes to the CAGR D might include more frequent operating plans and strict limits on enrollment of member lands in a given time period that would be more reflective of the availability of surplus water to use for offsetting recharge.
- 2) Discussion of the “interim water service policy”
  - a) I believe it is overly optimistic to refer to this as a “policy” when in reality it is more of an acknowledgment that no policy has ever existed. The former city manager acknowledged as much in an interview published in the Daily Star last October. Until there is an actual policy to evaluate requests for extending water service to new development the City is entirely at the whim of outside forces that will determine how water is supplied to new developments outside of the obligated service area.
  - b) Because the city appears to be waiting on the results of this study to set that policy, it appears that one of the most important tasks of the committee is to establish some guidelines for that policy. The criteria listed in the technical paper are a good jumping off point for this discussion, but a more thorough analysis of the factors involved in such decisions is absolutely critical before a final policy is adopted and I would emphasize that the final policy should be in place before the economy turns around and growth pressures resume.
  - c) One criteria not specifically mentioned in the paper (although it may have been implicit) is whether or not a new development requesting water service from Tucson Water will in turn be contributing wastewater that

will be add to the City's effluent resources. I believe that should be a factor to consider in that process.

- d) Another thread of discussion that should be included under those criteria (as listed on pp. 16-17 of the report) are recent policy changes at the Arizona Corporation Commission (ACC) in how they regulate creation of new water companies to serve new developments and some of the conditions they are imposing on the grant of a certificate of convenience and necessity (CC&N). Recently they have been more aggressive in requiring full cycle water resource management (on-site utilization of effluent resources) for such developments, particularly when they involve significant turf watering areas such as golf courses or common areas. If the ACC continues on that path they can be a useful component in overall efforts to mitigate the effects of water use by new development.
- 3) Concerns with the effect of Prop. 207 and private property rights on city/county ability to regulate water use.
    - a) While there is limited ability to affect use of private property through regulation under Arizona law, especially after Prop. 207, that legislation does permit regulation that is necessary for health and safety of communities (somewhat broadly worded in the statute, to my knowledge the full extent of the exception hasn't been tested by a court) as well as providing for the possibility of waiver of rights by a landowner who would then be unable to pursue a takings claim (but this would require that the landowner be offered something in exchange for the waiver).
    - b) Rather than simply pointing to the difficulty of regulating existing land uses because of the strength of private property rights it might be useful to have a fuller discussion of what is possible with respect to existing permissible land uses.
  - 4) Discussion of wheeling and recharge agreements.
    - a) Excellent! This is the sort of regional cooperation on water supplies that we need to see more of. How long before we stop talking about it and start doing something about it?