



Assumable Waters and Arizona

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*Any opinions or thoughts expressed during this presentation are those of Trevor only, and do not represent the opinion or thoughts of the Assumable Waters Subcommittee





The U.S. Environmental Protection Agency (EPA) established the **National Advisory Council for Environmental Policy and Technology (NACEPT or Council)** in 1988 to provide independent advice to the EPA Administrator on a broad range of environmental policy, technology and management issues.

- National association of home builders
- US fish and Wildlife Service
- Association of state wetland managers
- Midwest alliance of Sovereign tribes
- National Farmers Union
- EPA
- National Wildlife Federation
- U.S. Army Corps of Engineers
- University of Michigan
- 10 states
- 1 Tribe

Charge

Provide advice and recommendations on how the US EPA can best clarify for which waters the state/tribe has CWA section 404 permit responsibilities and for which water the US Army Corp of Engineers retains CWA section 404 permit responsibility, under an approved state/tribal program.



Waters of the US

Assumable waters



Permitting Authority Graphic (working draft)

created for Assumable Waters Subcommittee*

All Waters within S/T

[S/T can regulate all or any subset]

CWA waters

All Waters of the US: including Phase 1-3 waters, all R&H Act Section 10 waters, and all wetlands adjacent to these waters

Non-
CWA
waters

S/T CWA 404 permits

USACE CWA 404 permits

Non-
CWA
waters

* Graphic is a subcommittee draft working document for the use of this subcommittee; it does not represent official EPA policy.

- The Governor of any State desiring to administer its own individual and general permit program for the discharge of dredged or fill material into the navigable waters (**other than those waters which are presently used, or are susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce shoreward to their ordinary high water mark**, including all waters which are subject to the ebb and flow of the tide shoreward to their mean high water mark, or mean higher high water mark on the west coast, **including wetlands adjacent thereto**), within its jurisdiction may submit...

- Waters
 - Definitions are important!
 - Presently used
 - Susceptible to use
 - Reasonable improvement
 - Transport interstate or foreign commerce
- What does “wetlands adjacent thereto” mean?

“presently used, or are susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce shoreward to their ordinary high water mark”

- Do not have complete alignment

- “Section 10” waters
- Traditionally navigable waters
- wetlands adjacent thereto



- Final report expected spring of next year

- Will recommend various options
- Minority report

- Assumption scoping meeting in November 2012.
 - Not seriously considered previously
- Concerns:
 - Cost
 - Concerns about unequal footing with EPA
 - Unclear what waters AZ could regulate

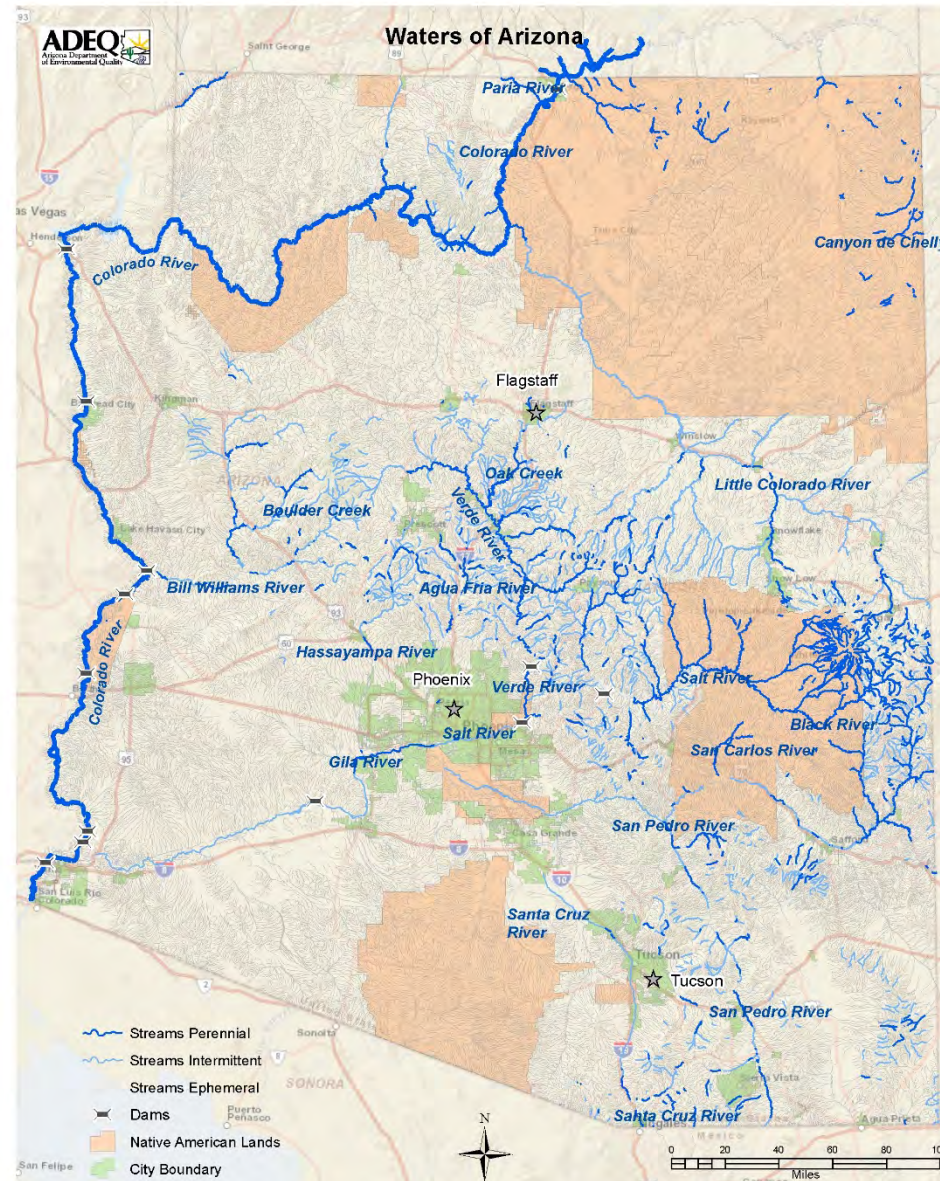
Streams (miles)

- State Totals Rivers & Streams – 90,375 miles
 - Perennial – 3,530
 - Intermittent – 9,365
 - Ephemeral – 77,480

Lakes (acres)

- Perennial - 168, 583
- Non-Perennial -127,007

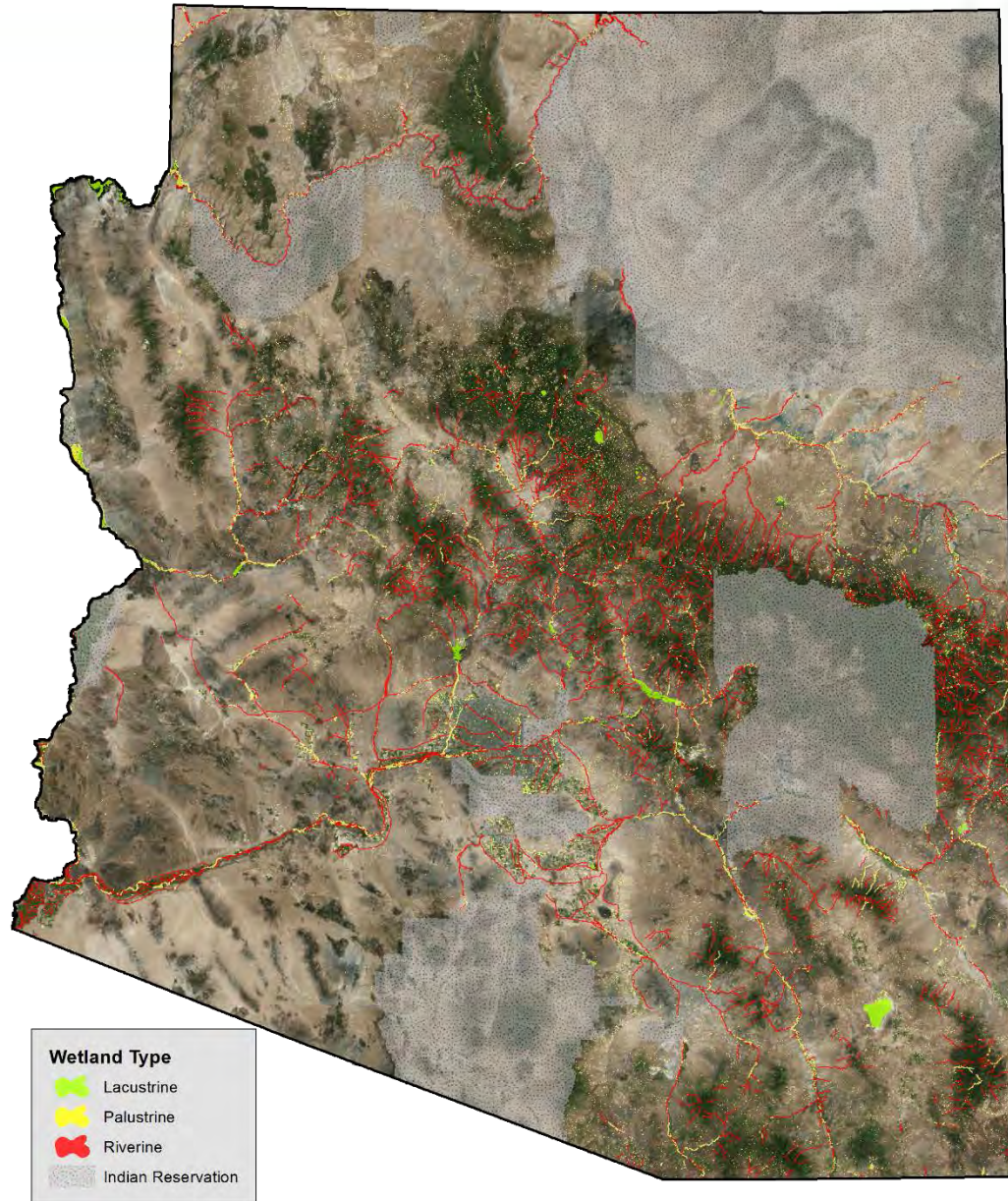
Arizona Waters



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Stream information from NHD - USGS and ADEQ

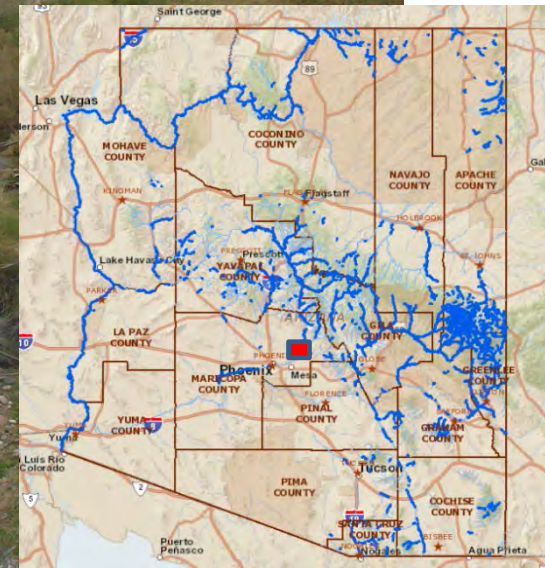
The Arizona Department of Environmental Quality has compiled this map as a service to our customers using information from various sources. ADEQ cannot ensure that the information is accurate, current or complete. Neither the information presented nor the maps themselves are official documents.

Arizona Wetlands



Rivers and Streams – Arizona Style

Salt River – North of Mesa AZ - Sonoran Desert



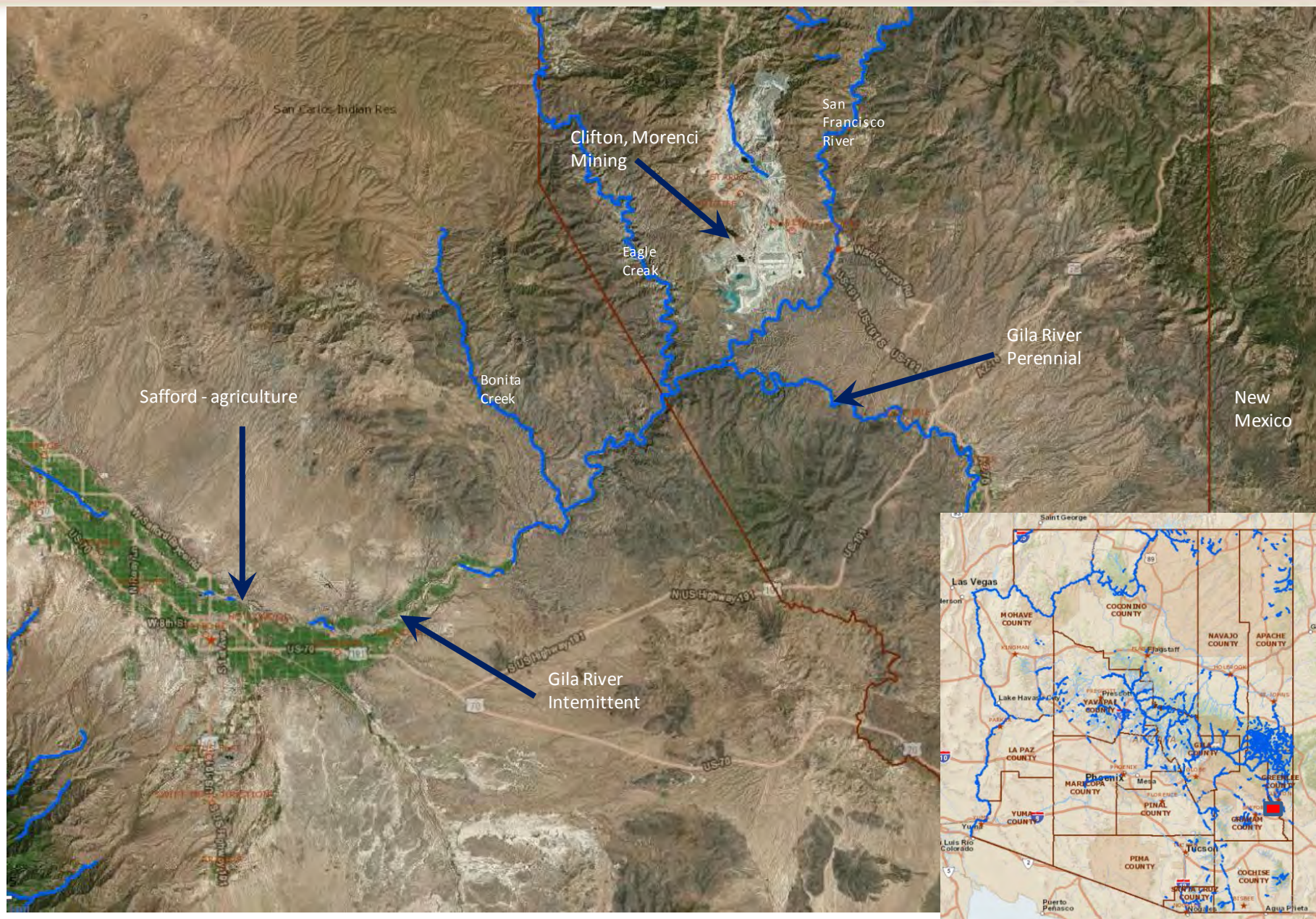
Rivers and Streams – Arizona Style

Desert Foothills “Arroyo” / “Wash” – Sonoran Desert



Rivers and Streams – Arizona Style

East Central Arizona – Gila River





Rivers and Streams – Arizona Style

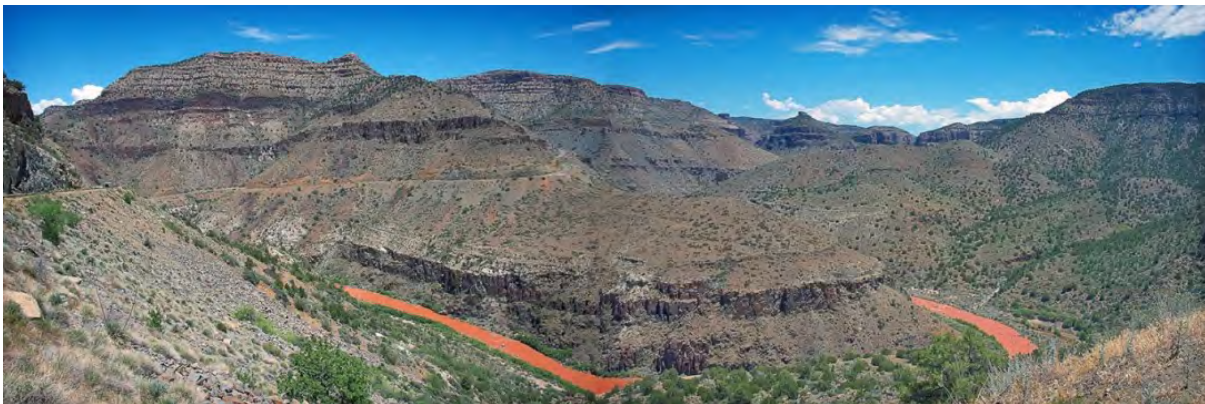
Salt River – East of Mesa AZ - Sonoran Desert



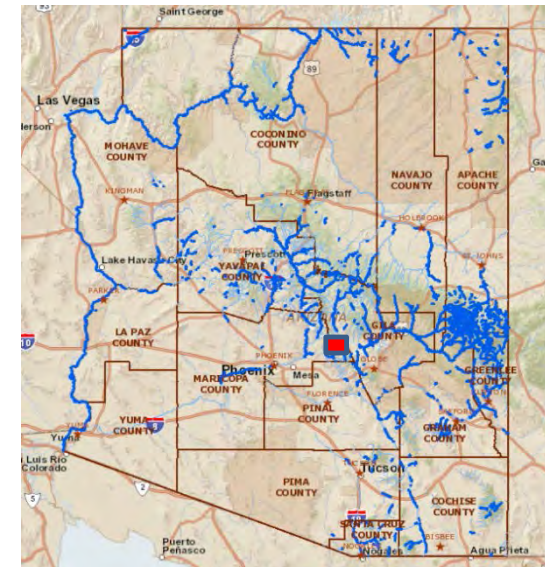
The Wild West, Salt River, November 9, 2012

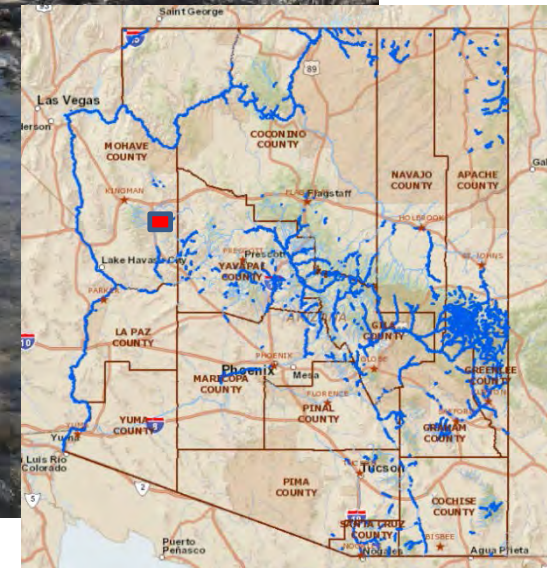


Salt River Canyon, January 13, 2010



July 2012 - image taken after recent rains, which caused the river to be very red from the run-off.





Rivers and Streams – Arizona Style

Colorado Plateau – Little Colorado River



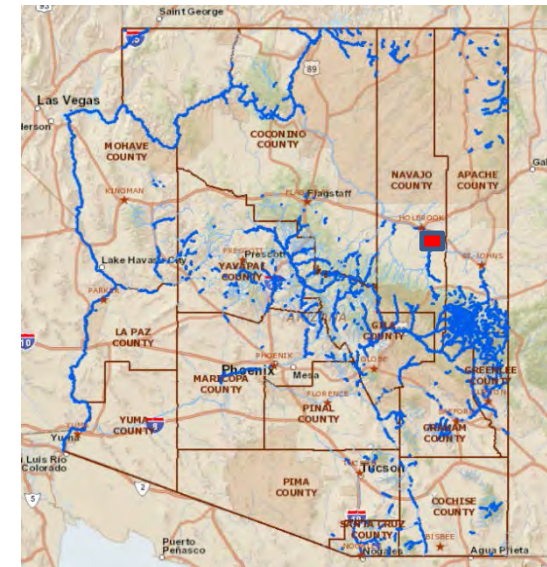
Little Colorado River, October 9, 2013



Little Colorado River below Springerville WWTP, April 18, 2007



Grand Falls (or Chocolate Falls) of the Little Colorado River, March 27, 2011



Rivers and Streams – Arizona Style

Verde River – Perennial – Mid-elevations



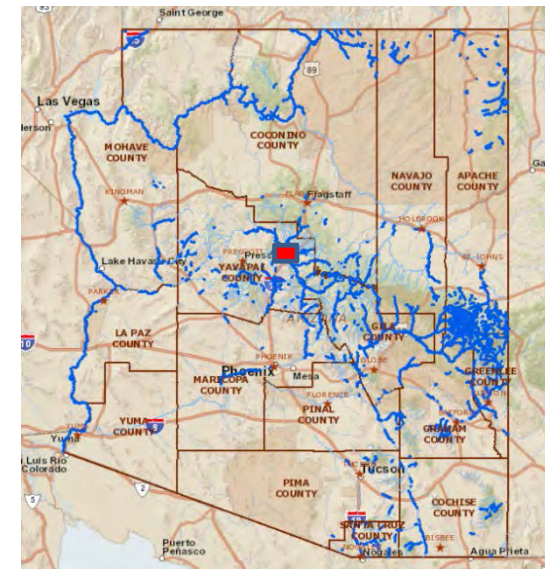
Verde Above West Clear Creek, USGS, November 15, 2007



Below Dead Horse State Park, USGS, February 28, 2013



Verde River above West Clear Creek,
USGS, January 9, 2008





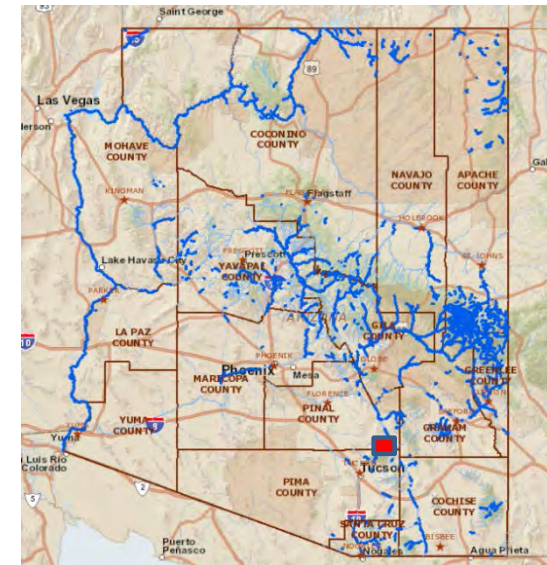
San Pedro River, January 5, 2009



San Pedro River at Highway 77 near Mammoth, July 27, 2010



SPR above confluence with Romero Wash, August 27, 2010





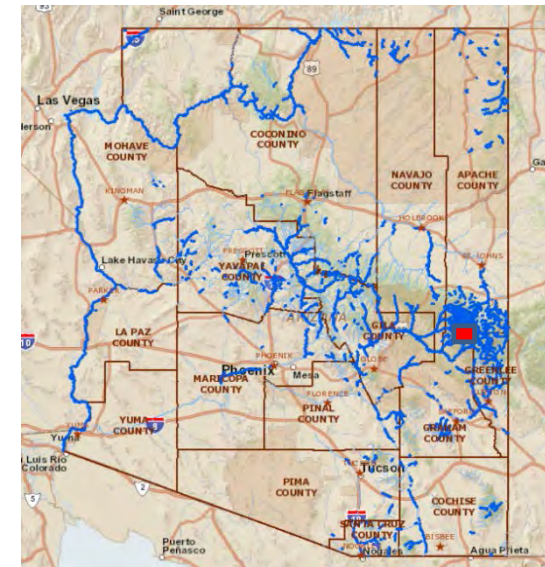
Blue River, January 1, 2003



Black River, May 28, 2013



San Francisco River above Luna Lake, February 18, 2015



Rivers and Streams – Arizona Style
Colorado River – North of Lake Havasu





Colorado River flowing into the Grand Canyon and Lake Mead.

The Colorado River at Horseshoe Bend

