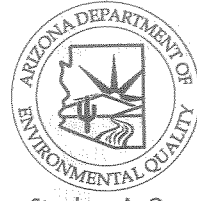


Janet Napolitano  
Governor

# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007  
(602) 771-2300 • www.azdeq.gov



Stephen A. Owens  
Director

May 14, 2007

RS307:023r2

U.S. Army Corps of Engineers  
Arizona/Nevada Area Office  
Attn: Cindy Lester  
3636 N. Central Avenue, Suite 900  
Phoenix, Arizona 85012-1939

Subject: **Revised Clean Water Act 401 Certification for Nationwide Permits - March 12, 2007** (Replaces NWP 401 Certification letters of March 15, 2007 and April 11, 2007)

Dear Ms. Lester:

The Arizona Department of Environmental Quality (ADEQ) has reviewed the U.S. Army Corps of Engineers (CoE) reissuance of Nationwide Permits (NWP).

Based upon the information provided in the Federal Register, Monday, March 12, 2007, ADEQ has certified the proposed NWP as detailed below.

## **401 General Conditions**

Except as noted, the following 401 General Conditions apply to all waters of the U.S. (WUS) and all applicable NWP:

1. Any discharge (including runoff or seepage) occurring as a result of activities certified for the subject project shall not cause a violation of surface water quality standards for any WUS. Applicability of this condition is as defined in A.A.C. R18-11-102.
2. This certification does not authorize the discharge of process water, material processing residues, wastewater or other residual material to any WUS.
3. Activities herein certified shall be performed during periods of low flow (baseflow or less) in any watercourse or other WUS, or no flow in the case of ephemeral and intermittent waterbodies.
4. If activities are likely to create an erosion or sedimentation problem, operations shall cease until the problem is resolved or until reasonable control measures have been undertaken.
5. Erosion control, sediment control and/or bank protection measures shall be installed before construction and pre-operation activities, and shall be maintained as necessary during construction and post-construction periods to minimize channel or bank erosion, soil loss and sedimentation. Control measures shall not be constructed of uncemented or unconfined soil, or other easily transportable (by flow) materials.

Northern Regional Office  
1801 W. Route 66 • Suite 117 • Flagstaff, AZ  
86001  
(928) 779-0313

Southern Regional Office  
400 West Congress Street • Suite 433 • Tucson, AZ  
85701  
(520) 628-6733

6. The applicant is responsible for ensuring construction material and/or fill including, but not limited to: rock, gabion fill or other uncemented channel-lining materials, placed within the Ordinary High Water Mark (OHWM) of any WUS, shall not include materials that can cause or contribute to an exceedence of Arizona Water Quality Standards for Surface Waters (18, A.A.C., 11, Article 1). Any fill material washing must occur outside of the floodplain of any WUS prior to placement and the rinseate from such washing shall be contained and settled or otherwise prevented from contributing sediment or causing erosion to any WUS. Fill placed in locations subject to scour shall contain not more than ten percent (10%) on a dry weight basis of particles finer than 0.25 mm diameter (passing a No. 60 sieve).
7. Any dredged material is to be placed and retained in areas outside the OHWM of any WUS. Runoff from materials deposited outside the OHWM is to be settled, filtered or otherwise treated to prevent escape of pollutants (including sediment) to any WUS.
8. Except as otherwise allowed herein, upon completion of construction the applicant shall ensure no adverse change due to the subject project has occurred in the stability (with respect to stream geometry, erosion and sedimentation) of any WUS, including upstream and downstream from the project. If such change has occurred, the applicant shall take steps to restore the pre-project stability of any impacted segments.
9. Except where the activities certified herein are intended to permanently alter any WUS, all disturbed areas between the OHWM shall be restored to preconstruction conditions. Denuded areas shall be revegetated as soon as possible with native and/or salvaged plants and seed. Vegetation should be maintained on unarmored banks and slopes to stabilize soil and prevent erosion.
10. Where needed to prevent erosion/sedimentation, flows unimpacted by the subject project shall be diverted around work operations, and material and equipment storage areas. Permanent and temporary access roadways, staging areas and material stockpiles shall be designed or located to allow storm flows to pass unimpeded. Except as otherwise allowed herein, when flow is present in any wash or other WUS within the project area, the applicant and any contractor will not impede, restrict, or stop the flow by any means.
11. Permanent and temporary pipes and culverted crossings and pads shall be adequately sized to handle expected flow and properly set with end section, splash pads, or headwalls that dissipate water energy to control erosion. Culverted and unculverted crossings and pads shall be constructed so as to accommodate the overtopping of the fill by streamflow and armored to prevent erosion of the fill.
12. Acceptable construction materials that will or may contact water in any WUS are: crushed stone, native fill (meeting the requirements in 401 General Condition 6) concrete, steel, plastic, or aluminum and other materials specifically approved in writing by ADEQ.
13. Silt laden or turbid water resulting from project activity shall be settled, filtered or otherwise treated prior to discharge to ensure no violation of Arizona Surface Water Quality Standards in any WUS.
14. When flow greater than described in 401 General Condition 3 above is present within the project area, all activities certified herein shall cease and construction equipment and materials easily transported by flow will be moved outside the flow area and the OHWM of any WUS. If such movement cannot be accomplished rapidly enough to prevent pollution of a WUS, measures shall be taken to prevent transport of sediment or other pollutants out of the construction area or into any WUS.

15. Work shall be conducted and monitored to ensure that pollution from the activities certified herein including, but not limited to: earthwork, concrete mixing and placement, detention ponds, and equipment maintenance and washing does not drain into any WUS.
16. If water is used for dust suppression, it shall not contain contaminants that could violate Arizona Surface Water Quality Standards of any WUS.
17. The applicant will erect any barriers, covers, shields and other protective devices as necessary to prevent any construction materials, equipment or contaminants/pollutants from falling, being thrown or otherwise entering any flowing WUS.
18. Upon completion of the activities certified herein, areas within the OHWM of all WUS at the project site shall be promptly cleared of all false work, piling, construction residues, equipment, debris or other obstructions. Any debris including, but not limited to: soil, silt, sand, rubbish, cement, bituminous material, oil or petroleum products, organic materials, tires or batteries, derived from the activities certified herein shall not be stored at any site where it may be washed into a WUS and shall be properly disposed of after completion of the work.
19. The applicant must designate area(s) for equipment staging and storage located where runoff from these activities cannot enter any WUS. Any equipment maintenance, washing or fueling that cannot be done offsite will be done here. Material specifically manufactured and sold as spill adsorbent/absorbent will be on hand to control small spills. All equipment and workboats shall be inspected for leaks daily and prior to use. All leaks shall be repaired immediately. All equipment and workboats will be steam cleaned prior to use in any WUS with flow.
20. The applicant shall have a spill containment plan onsite to ensure that pollutants are contained, removed and properly disposed of. In addition, the applicant must designate areas, located where runoff from these activities cannot enter any WUS, for chemical and petroleum storage, and solid waste containment. All materials stored onsite will be stored in appropriate containers or packaging. Any pollutant produced by activities certified herein shall be properly disposed of in accordance with applicable regulations. A spill response kit will be maintained in this (these) area(s) to mitigate a potential spill. The kit will include material specifically manufactured and sold as spill adsorbent/absorbent including booms. The applicant will ensure that whenever there is activity on the site, that there are personnel on site trained in the proper response to spills and the use of spill response equipment.
21. If fully, partially or occasionally submerged structures are constructed of cast-in-place concrete instead of pre-cast concrete planks or slabs, applicant will take steps; e.g., sheet piling or temporary dams (except for NWP 33 & 15, filled cofferdams are not allowed), to prevent contact between water (instream and runoff) and the concrete until it cures and until any curing agents have evaporated or otherwise cease to be available; i.e., are no longer a pollutant threat. Where possible, construction work will be during extreme low water conditions or at a time and season that ensures all work is done in the dry.
22. For portions of the project utilizing potable water or groundwater for irrigation, direct runoff of irrigation water and overflows from runoff detention and/or retention areas into washes shall be limited to the extent practicable and shall not cause downstream erosion or flooding.

23. For portions of the project utilizing reclaimed wastewater for irrigation, direct runoff of irrigation water and overflow from retention/detention structures or storage impoundments into WUS is prohibited without the proper permits including, but not limited to, Arizona's Reclaimed Wastewater Permit and, if within the wetted area of a 25-year flood event (or within the floodplain in some cases), a AZPDES permit.
24. Fertilizer, herbicide and insecticide chemicals used for development of vegetated areas shall be selected based on minimum environmental impacts and approved for the intended use. Application rates printed on the product labels shall be strictly followed. Excess chemicals shall not be applied on recently treated areas and must either be stored, used elsewhere or disposed of (in any case, in accordance with all applicable regulations).

### **NWP-Specific Conditions**

The following list of NWP specifies whether the NWP applies to Arizona, the situations under which Individual 401 Certifications are required and, when applicable, the 401 conditions specific to the NWP.

It is incumbent upon the applicant/permittee to check current rules and ADEQ publications to determine if any waterbody on their project site is named an "Outstanding Arizona Water" (a.k.a. Unique Water) or is a 303[d]-listed impaired water. An Individual 401 Certification is required in every instance when a project has a potential to impact any of these waters.

**1. Aids to Navigation.** 401 certification: not applicable

**2. Structures in Artificial Canals.** 401 certification: not applicable

### **3. Maintenance**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. "unique Waters") (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Conditionally certified (all applicable general 401 conditions).

#### **4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Conditionally certified (all applicable general 401 conditions).

#### **5. Scientific Measurement Devices.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Other waters:** Conditionally certified (all applicable general 401 conditions) except for those devices that include dredging or filling (individual certification required).

## **6. Survey Activities.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Conditionally certified (all applicable general 401 conditions).

## **7. Outfall Structures and Associated Intake Structures.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Conditionally certified (all applicable general 401 conditions).

**8. Oil and Gas Structures on the Outer Continental Shelf.** 401 certification: not applicable

**9. Structures in Fleeting and Anchorage Areas.** 401 certification: not applicable

**10. Mooring Buoys.** 401 certification: not applicable

**11. Temporary Recreational Structures.** 401 certification: not applicable

## 12. Utility Line Activities.

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Conditionally certified (all applicable general 401 conditions).

## 13. Bank Stabilization.

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Individual certification required if bank stabilization activity is greater than 500 linear feet or the activity discharge exceeds an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark; otherwise, conditionally certified (all applicable general 401 conditions).

#### **14. Linear Transportation Projects.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Conditionally certified (all applicable general 401 conditions).

#### **15. U.S. Coast Guard Approved Bridges.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Conditionally certified (all applicable general 401 conditions).



## **16. Return Water From Upland Contained Disposal Areas.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Conditionally certified (all applicable general 401 conditions).

## **17. Hydropower Projects.**

**All state waters:** Individual 401 Certification

## **18. Minor Discharges.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Conditionally certified (all applicable general 401 conditions).

### **19. Minor Dredging.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Conditionally certified (all applicable general 401 conditions).

### **20. Oil Spill Cleanup.**

**All state waters:** Conditionally certified (all applicable general 401 conditions except 3, 4 and 14) if on site response activity started within 14 calendar days of discovery of spill/release; otherwise individual certification required.

### **21. Surface Coal Mining Operations.**

**All state waters:** Individual 401 Certification

### **22. Removal of Vessels.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Conditionally certified (all applicable general 401 conditions).

### 23. Approved Categorical Exclusions.

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Conditionally certified (all applicable general 401 conditions).

**24. Indian Tribe or State Administered Section 404 Programs.** 401 certification: not applicable

### 25. Structural Discharges.

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Conditionally certified (all applicable general 401 conditions).

### 26. [Reserved]

### 27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities.

**All state waters:** Individual 401 Certification

**28. Modifications of Existing Marinas.** 401 certification: not applicable

**29. Residential Developments.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Individual certification required if loss is greater than 300 lineal feet of any stream bed or greater than 0.1 acre aggregate loss; otherwise, conditionally certified (all applicable general 401 conditions).

**30. Moist Soil Management for Wildlife.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Conditionally certified (all applicable general 401 conditions).

### **31. Maintenance of Existing Flood Control Facilities.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Conditionally certified (all applicable general 401 conditions).

### **32. Completed Enforcement Actions.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Conditionally certified (all applicable general 401 conditions).

### **33. Temporary Construction, Access, and Dewatering.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Conditionally certified (all applicable general 401 conditions).

### **34. Cranberry Production Activities.**

**All state waters:** Individual 401 Certification

### **35. Maintenance Dredging of Existing Basins. 401 certification: not applicable**

### **36. Boat Ramps.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Conditionally certified (all applicable general 401 conditions).

### **37. Emergency Watershed Protection and Rehabilitation.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. "unique Waters") (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Other waters:** Conditionally certified (all applicable general 401 conditions except 3, 4 and 14) only if site activity (under paragraphs (a), (b), (c) or (e) of this NWP) started within 30 days of event causing damage; otherwise, individual certification required.

### **38. Cleanup of Hazardous and Toxic Waste.**

**All state waters:** Conditionally certified (all general 401 conditions) if site activity started within 14 calendar days of discovery of spill/release; otherwise individual certification required.

### **39. Commercial and Institutional Developments.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. "unique Waters") (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Individual certification required if loss is greater than 300 lineal feet of any stream bed or greater than 0.1 acre aggregate loss; otherwise, conditionally certified (all applicable general 401 conditions).

#### **40. Agricultural Activities.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Conditionally certified (all applicable general 401 conditions).

#### **41. Reshaping Existing Drainage Ditches.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Other waters:** Individual certification required if greater than 300 lineal feet of drainage ditches relocated to or otherwise constructed in any stream; otherwise, conditionally certified (all applicable general 401 conditions).



#### **42. Recreational Facilities.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Individual certification required if activity causes the loss of greater than 300 lineal feet of any streambed; otherwise, conditionally certified (all applicable general 401 conditions).

#### **43. Stormwater Management Facilities.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Individual certification required if activity causes the loss of greater than 300 lineal feet of any streambed or greater than 0.1 acre aggregate loss; otherwise, conditionally certified (all applicable general 401 conditions).

#### 44. Mining Activities.

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. "unique Waters") (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Other waters:** Individual 401 Certification except as detailed in specific 401 conditions below.

Specific 401 Conditions:

1. Certification under section 401 of the Clean Water Act is automatically granted for quarrying, crushing and screening of nonmetallic minerals in ephemeral waters if all of the following conditions are satisfied within the ordinary high watermark of jurisdictional waters:
  - a. There is no disposal of construction and demolition wastes and contaminated wastewater.
  - b. Water for dust suppression, if used, does not contain contaminants that could violate water quality standards.
  - c. Pollution from the operation of equipment in the mining area is removed and properly disposed.
  - d. Stockpiles of processed materials containing ten percent or more of particles of silt are placed or stabilized to minimize loss or erosion during flow events. As used in this paragraph, "silt" means particles finer than 0.0625 millimeter diameter on a dry weight basis.
  - e. Measures are implemented to minimize upstream and downstream scour during flood events to protect the integrity of buried pipelines.
  - f. On completion of quarrying operations in an area, areas denuded of shrubs and woody vegetation are revegetated to the maximum extent practicable.

#### **45. Repair of Uplands Damaged by Discrete Events.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Other waters:** Individual certification required if site activity not started within 30 days of event causing damage; otherwise conditionally certified (all applicable general 401 conditions).

#### **46. Discharges in Ditches and Canals.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Other waters:** Conditionally certified (all applicable general 401 conditions).

#### **47. Pipeline Safety Program Designated Time Sensitive Inspections and Repairs.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Conditionally certified (all applicable general 401 conditions).

#### **48. Existing Commercial Shellfish Aquaculture Activities.**

**303[d]-impaired waters (see definitions):** For projects on a waterbody with an impaired reach, if the project impacts the listed waterbody within 800 meters (or ½ mile) downstream of an impaired reach to within 1600 meters (or 1 mile) upstream of an impaired reach: Individual 401 Certification.

**Tributaries to 303[d]-impaired waters:** For projects on a tributary to a waterbody listed as impaired, if the tributary mouth is on an impaired reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Outstanding Arizona Waters (a.k.a. “unique Waters”) (see definitions):** For projects on a designated Outstanding Arizona Water, if the project impacts the designated waterbody within 800 meters (or ½ mile) downstream of a designated reach to within 1600 meters (or 1 mile) upstream of a designated reach: Individual 401 Certification.

**Tributaries to Outstanding Arizona Waters:** For projects on a tributary to a designated Outstanding Arizona Water, if the tributary mouth is on a designated reach and the project impacts the tributary within 1600 meters (or 1 mile) of its mouth: Individual 401 Certification.

**Lake (see definitions):** Individual 401 Certification required.

**Other waters:** Conditionally certified (all applicable general 401 conditions).

#### **49. Coal Remining Activities.**

**All state waters:** Individual 401 Certification

#### **50. Underground Coal Mining Activities.**

**All state waters:** Individual 401 Certification

## Water Quality Definitions

### “303[d]-listed Impaired Waters”

These are waterbodies that as a result of the CWA 305[b] process are listed under CWA 303[d] as impaired; i.e., consistently not meeting water quality standards, and as a result merit special attention.

The complete current 303[d] list of Impaired Waters is available on ADEQ’s website:

<http://www.azdeq.gov/environ/water/assessment/assess.html>

(401 conditions herein are meant to apply to waterbodies on the current, not draft, list)

“**Lake**” The following are lakes which require an individual 401 certification for activities undertaken via a NWP:

#### Apache County

- Becker Lake Lat.: 34° 9’ 14.4” Long.: 109° 18’ 18.0”
- Carnero Lake Lat.: 34° 6’ 57.6” Long.: 109° 31’ 40.8”
- Lyman Lake Lat.: 34° 21’ 28.8” Long.: 109° 21’ 28.8”

#### Cochise County

- Parker Canyon Lake Lat.: 31° 25’ 33.6” Long.: 110° 27’ 14.4”

#### Coconino County

- Ashurst Lake Lat.: 35° 1’ 08.4” Long.: 111° 24’ 10.8”
- Bear Canyon Lake Lat.: 34° 24’ 10.8” Long.: 111° 0’ 10.8”
- Blue Ridge Reservoir Lat.: 34° 33’ 14.4” Long.: 111° 11’ 02.4”
- Boot Lake Lat.: 34° 58’ 51.6” Long.: 111° 19’ 58.8”
- Chevelon Canyon Lake Lat.: 34° 30’ 39.6” Long.: 110° 49’ 26.4”
- Kinnikinick Lake Lat.: 34° 53’ 52.8” Long.: 111° 18’ 21.6”
- Lake Mary, Lower Lat.: 35° 6’ 21.6” Long.: 111° 34’ 19.2”
- Lake Mary, Upper Lat.: 35° 4’ 44.4” Long.: 111° 31’ 55.2”
- Long Lake Lat.: 34° 46’ 44.4” Long.: 111° 12’ 0.0”
- Long Lake Lat.: 35° 0’ 0.0” Long.: 111° 20’ 60.0”
- Mormon Lake Lat.: 34° 56’ 38.4” Long.: 111° 27’ 10.8”
- Odell Lake Lat.: 34° 56’ 02.4” Long.: 111° 37’ 51.6”
- Soldier Annex Lake Lat.: 34° 47’ 13.2” Long.: 111° 13’ 48.0”
- Soldier Lake Lat.: 34° 47’ 13.96” Long.: 111° 13’ 48.0”
- Steel Dam Lake Lat.: 35° 13’ 37.2” Long.: 112° 24’ 50.4”
- Stone Dam Lake Lat.: 35° 13’ 37.2” Long.: 112° 24’ 14.4”
- Stoneman Lake Lat.: 34° 46’ 44.4” Long.: 111° 31’ 04.8”
- Whitehorse Lake Lat.: 35° 7’ 01.2” Long.: 112° 0’ 46.8”
- Woods Canyon Lake Lat.: 34° 20’ 06.0” Long.: 110° 56’ 34.8”

#### Gila County

- Roosevelt Lake Lat.: 33° 40’ 44.4” Long.: 111° 9’ 14.4”

La Paz County

- Alamo Lake Lat.: 34° 14' 45.6" Long.: 113° 34' 58.8"

Maricopa County

- Apache Lake Lat.: 33° 35' 31.2" Long.: 111° 20' 31.2"
- Bartlett Lake Lat.: 33° 49' 01.2" Long.: 111° 37' 44.4"
- Canyon Lake Lat.: 33° 32' 38.2" Long.: 111° 26' 06.1"
- Lake Pleasant Lat.: 33° 51' 14.4" Long.: 112° 16' 15.6"
- Painted Rock Borrow Pit Lat.: 33° 4' 58.8" Long.: 113° 1' 19.2"
- Painted Rock Reservoir Lat.: 33° 4' 15.6" Long.: 113° 0' 28.8"
- Roosevelt Lake Lat.: 33° 40' 44.4" Long.: 111° 9' 14.4"
- Saguaro Lake Lat.: 33° 34' 01.2" Long.: 111° 32' 06.0"

Mojave County

- Alamo Lake Lat.: 34° 14' 45.6" Long.: 113° 34' 58.8"

Navajo County

- Rainbow Lake Lat.: 34° 9' 03.6" Long.: 109° 59' 02.4"
- Show Low Lake Lat.: 34° 11' 24.0" Long.: 109° 59' 56.4"

Pima County

- Arivaca Lake Lat.: 31° 31' 51.6" Long.: 111° 15' 03.6"

Santa Cruz County

- Arivaca Lake Lat.: 31° 31' 51.6" Long.: 111° 15' 03.6"
- Patagonia Lake Lat.: 31° 29' 31.2" Long.: 110° 52' 01.2"
- Peña Blanca Lake Lat.: 31° 24' 10.8" Long.: 111° 5' 02.4"

Yavapai County

- Granite Basin Lake Lat.: 34° 37' 02.1" Long.: 112° 32' 56.5"
- Horseshoe Reservoir Lat.: 33° 58' 58.8" Long.: 111° 42' 28.8"
- Horsethief Lake Lat.: 34° 9' 43.2" Long.: 112° 17' 56.4"
- Lake Pleasant Lat.: 33° 51' 14.4" Long.: 112° 16' 15.6"
- Lynx Lake Lat.: 34° 31' 08.4" Long.: 112° 23' 06.0"
- Peck's Lake Lat.: 34° 47' 06.0" Long.: 112° 2' 31.2"
- Watson Lake Lat.: 34° 35' 16.8" Long.: 112° 25' 04.8"

**“Outstanding Arizona Waters”**

ADEQ is in the process of the triennial review of surface water quality standards (18 Arizona Administrative Code 11, Art 1) and among other things, this entails an updating of the Unique Waters of the state. A definite change is the name: instead of “Unique Waters”, these bodies of water shall be referred to as “Outstanding Arizona Waters”.

Current Water Quality Standards For Surface Waters are available on the Arizona Secretary of State website ([http://azsos.gov/public\\_services/Title\\_18/18-11.pdf](http://azsos.gov/public_services/Title_18/18-11.pdf)).

The following are currently classified as Unique Waters (from R18-11-112(E), Arizona Administrative Code):

Apache County

- The West Fork of the Little Colorado River, from its headwaters to Government Springs at Latitude 33° 59' 33" / Longitude 109° 27' 54".
- Lee Valley Creek, from its headwaters to confluence with Lee Valley Reservoir.
- Hay Creek, from its headwaters to its confluence with the West Fork of the Black River.
- Stinky Creek, from the White Mountain Apache Indian Reservation boundary to its confluence with the West Fork of the Black River.

Cochise County

- Cave Creek from the headwaters to the Coronado National Forest boundary.
- South Fork of Cave Creek from its headwaters to its confluence with Cave Creek.

Coconino County

- Oak Creek from its headwaters to confluence with the Verde River.
- West Fork of Oak Creek from its headwaters to confluence with Oak Creek.

Gila County

- (Proposed ) Fossil Creek, from its headwaters at the confluence of Sandrock and Calf Pen Canyons above Fossil Springs to its confluence with the Verde River.

Graham County

- Bonita Creek, from the boundary of the San Carlos Indian Reservation to its confluence with the Gila River.
- Aravaipa Creek, from its confluence with Stowe Gulch at Latitude 32° 52' 10" / Longitude 110° 22' 03" to the downstream boundary of Aravaipa Canyon Wilderness Area at Latitude 32° 54' 23" / Longitude 110° 33' 42".

Greenlee County

- Bear Wallow Creek, from its headwaters to the boundary of the San Carlos Indian Reservation.
- North Fork of Bear Wallow Creek, from its headwaters to confluence with Bear Wallow Creek.
- South Fork of Bear Wallow Creek, from its headwaters to confluence with Bear Wallow Creek.
- Snake Creek, from its headwaters to its confluence with the Black River.
- KP Creek, from its headwaters to its confluence with the Blue River.

Mohave County

- Francis Creek, from its headwaters to its confluence with Burro Creek.

Pima County

- Cienega Creek, from confluence with Gardner Canyon and Spring Water Canyon to USGS gaging station at Latitude 32° 02' 09" / Longitude 110° 40' 36".
- Buehman Canyon Creek, from its headwaters to confluence with unnamed tributary at Latitude 32° 24' 31.5" / Longitude 110° 32' 08".
- Aravaipa Creek, from its confluence with Stowe Gulch at Latitude 32° 52' 10" / Longitude 110° 22' 03" to the downstream boundary of Aravaipa Canyon Wilderness Area at Latitude 32° 54' 23" / Longitude 110° 33' 42".

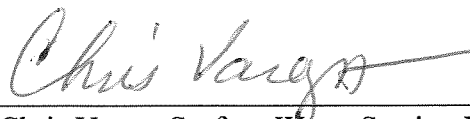
Yavapai County

- Oak Creek from its headwaters to confluence with the Verde River.
- Peoples Canyon Creek from its headwaters to confluence with the Santa Maria River.
- Burro Creek, from its headwaters to confluence with Boulder Creek.
- Francis Creek, from its headwaters to its confluence with Burro Creek.

**“Unique Waters”** see “Outstanding Arizona Waters”

ADEQ CWA 401 Water Quality Certification of these activities to operate under the terms (including the conditions herein) of the applicable CoE CWA 404 NWP does not affect or modify in any way the obligations or liability of any person for any damages, injury, or loss, resulting from these activities. This Certification is not intended to waive any other federal, state or local laws.

Authorized ADEQ Signature: \_\_\_\_\_



Chris Varga, Surface Water Section Manager  
Water Quality Division

cc: U.S. Army Corps of Engineers, Regulatory Branch – Attn.: Marjorie Blaine, Elizabeth Brooks, Robert Dummer, Daisy Eldridge, Ron Fowler, Sallie McGuire, C. Ann Palaruan, Kathleen Tucker  
USEPA, Wetlands Regulatory Office – Attn.: Dave Smith (WTR-8)