

NOTICE OF FINAL RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY – WATER QUALITY STANDARDS

PREAMBLE

1. Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039 by the governor on:

September 29, 2025, January 5, 2026, and July 17, 2026.

2. Article, Part, or Section Affected (as applicable)

R18-11-112

Rulemaking Action

Amend

3. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. § 49-104(B)(4)

Implementing statute: A.R.S. §§ 49-203(A)(1), 49-221, 49-222

4. The effective date of the rule:

This rule shall become effective 60 days after a certified original and preamble are filed in the Office of the Secretary of State pursuant to A.R.S. § 41-1032(A). **The effective date is (TO BE ENTERED BEFORE FILING WITH S.O.S.).**

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable.

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable.

5. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the current record of the final rule:

Notice of Rulemaking Docket Opening: 31 A.A.R. 4051, Issue Date: October 17, 2025, Issue Number: 42, File number: R25-238

Notice of Proposed Rulemaking: 32 A.A.R. 391, Issue Date: February 13, 2026, Issue Number: 7, File number: R26-05

6. The agency's contact person who can answer questions about the rulemaking:

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Division: Water Quality

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7. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

A. Background and Justification of Rulemaking

In this Notice of Final Rulemaking (NFRM), the Arizona Department of Environmental Quality (ADEQ) is finalizing changes to Arizona Administrative Code (A.A.C.) R18-11-112(G) that will designate specified portions of the upper Verde River and Sycamore Creek (referred to as “the nominated reaches” throughout this NFRM) as Outstanding Arizona Waters (OAWs). Designating these surface waters as OAWs is the highest level of protection that ADEQ assigns to surface waters. The OAW designation ensures the long-term preservation of the existing high water quality within the upper Verde River and Sycamore Creek, safeguarding the extraordinary ecological, recreational, and cultural values these surface waters provide to local communities, recreational users, and threatened and endangered species

ADEQ's authority to establish and enforce water quality standards is established in Arizona law and tied to federal requirements under the Clean Water Act (CWA). Arizona Revised Statutes (A.R.S.) § 49-221(A) authorizes the ADEQ Director to adopt water quality standards by rule, while A.R.S. § 49-222(A) requires those standards to assure protection of navigable waters consistent with the CWA. ADEQ implements the antidegradation policy required by the CWA through its surface water quality standards in A.A.C. R18-11-107 and R18-11-112. These rules establish procedures to maintain existing water quality, protect high-quality waters, and designate OAWs for Tier 3 protection, ensuring consistency with 40 C.F.R. § 131.12.

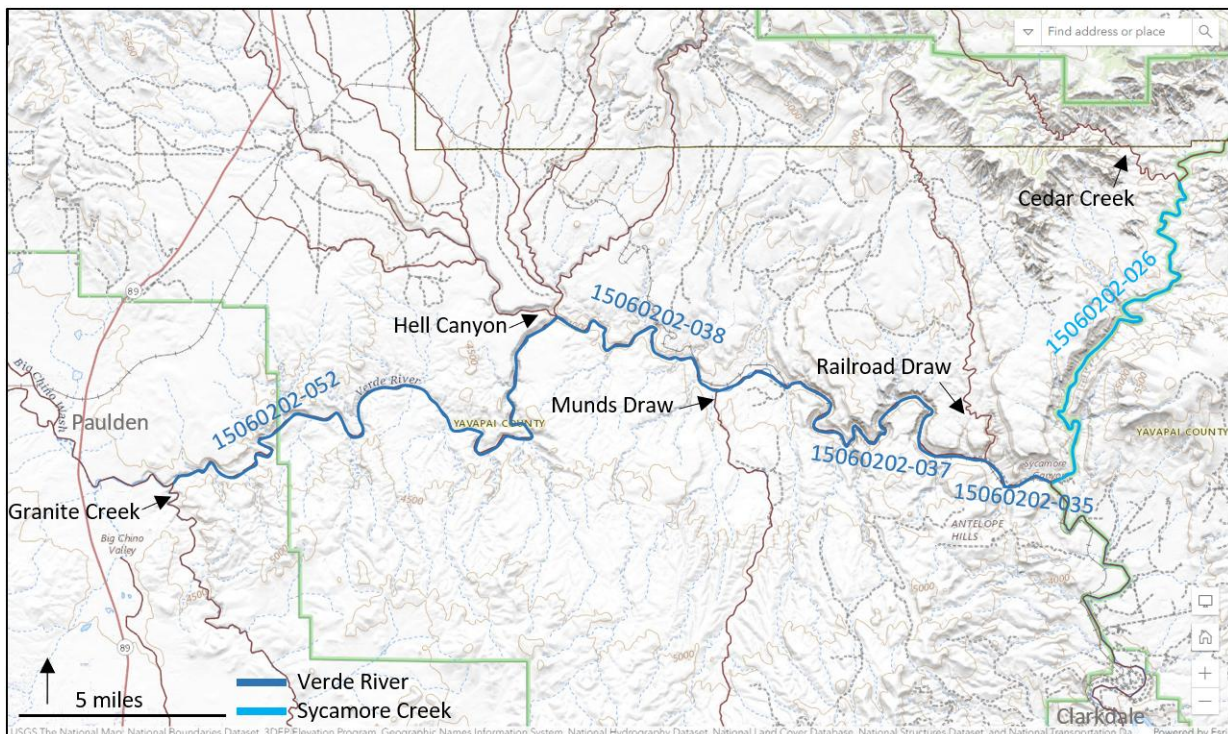
The CWA antidegradation regulation in 40 C.F.R. § 131.12 establishes three tiers of water quality protection. Tier 1 provides fundamental protection of existing uses by requiring that water quality be maintained and protected. Tier 2 safeguards “high-quality” waters whose conditions are better than the minimum standard. In these waters, any lowering of water quality is tightly restricted and may only be allowed if it is shown to be necessary for important economic or social development. Tier 3 is the most stringent protection, reserved for waters of exceptional ecological or recreational significance.

Under federal law, Tier 3 waters are called Outstanding Natural Resource Waters (ONRWs), whereas Arizona designates them as OAWs pursuant to R18-11-112. An OAW receives the highest level of antidegradation protection - Tier 3. The water quality of an OAW must be preserved at existing levels and cannot be lowered, except for short-term, temporary impacts. The OAW designation ensures that the existing excellent water quality of designated surface waters is preserved at its current high baseline and protected against future degradation.

A.A.C. R18-11-112(C) allows any person to nominate a surface water for OAW status by submitting a nomination packet to the ADEQ Director. On November 22, 2023, the Sierra Club Grand Canyon Chapter submitted the nomination for the upper Verde River and Sycamore Creek. The nomination packet included all required components: (1) a map and description of the river segment proposed for designation; (2) a written statement supporting the nomination with specific references to the OAW criteria in the rule; (3) evidence demonstrating that the nominated reaches meet those criteria; and (4) available water quality data estab-

lishing the river's baseline water quality.

For the purpose of evaluating Arizona surface waters, ADEQ segments surface waters into reaches and assigns each segment a unique Waterbody Identification (WBID). On the Verde River, the nominated WBIDs include 15060202-052, 15060202-038, 15060202-037, and 15060202-035 from the Granite Creek confluence to the Sycamore Creek confluence. The nominated WBID on Sycamore Creek is 15060202-026 from the Cedar Creek confluence to the terminus at the Verde River. The nomination covers 35.93 miles of the upper Verde River and 11.71 miles of Sycamore Creek. The map below shows the nominated reaches and WBIDs:



ADEQ initiated a thorough review process upon receiving the nomination. The Department first verified that the nomination was complete and that the nominated reaches fell within the scope of waters eligible for OAW consideration. ADEQ's evaluation of the nominated reaches eligibility for OAW designation was conducted pursuant to the criteria and procedures established in A.A.C. R18-11-112. Under R18-11-112(D), the Director may classify a surface water as an OAW only if specific criteria are met. Those criteria require that the nominated surface water:

1. Be a perennial or intermittent water;
2. Be in a free-flowing condition;
3. Have "good water quality;" and
4. Meet at least one of the following special significance tests:

- a. The surface water is of exceptional recreational or ecological significance due to unique attributes such as its geology, flora, fauna, water quality, aesthetic value, or wilderness character; or
- b. The surface water supports an endangered or threatened species, where the existing high water quality is essential to that species' survival, or the water provides critical habitat for a threatened/endangered species.

ADEQ's technical review confirmed that the nominated reaches satisfy all the above criteria for OAW designation:

1. The segments of the upper Verde River and Sycamore Creek nominated by the Sierra Club are perennial or intermittent reaches fed by spring discharge near the river's headwaters. The nominated reaches are largely spring-fed and flow year-round, providing continuous aquatic habitat.
2. The nominated reaches are in a free-flowing state and there are currently no dams or major impoundments on the reaches, nor have the channel or banks in this area been subject to significant structural modifications. The surface water flows through natural, undeveloped canyons and valleys, thereby meeting the rule's definition of "free-flowing condition."
3. ADEQ's water quality assessment shows that the nominated reaches currently attain all applicable surface water quality standards. The surface waters are not identified as impaired or "not attaining" on Arizona's 2024 and 2026 CWA § 303(d) report, which lists impaired waters. Available water quality data indicate that the nominated reaches' water quality is quantifiably "good." Parameters such as dissolved oxygen, pH, temperature, and nutrient levels meet standards for supporting aquatic life and recreational uses. In designating an OAW, ADEQ establishes the baseline water quality conditions to ensure that no degradation is allowed from those levels. The nominated reaches' good water quality must be maintained under the Tier 3 antidegradation protections that accompany OAW status.
4. ADEQ found that the nominated reaches possess ecological and recreational significance. The nominated reaches support multiple threatened or endangered species, thereby meeting the requirements of R18-11-112(D)(4). The nominated reaches support significant biodiversity, scenic beauty, and outdoor recreation opportunities. The water and its riparian corridor harbor diverse plant and animal life, representing a rare intact river ecosystem in an otherwise arid region. The upper Verde River provides critical habitat for at least six native fish species of great conservation concern, including several protected under the Endangered Species Act (ESA). Notably, the river is home to or designated critical habitat for the spikedeace, loach minnow, and razorback sucker, all of which are federally listed endangered or threatened fish. The nominated reaches are also prime habitat for other native fishes such as the roundtail chub and two native sucker species, the desert sucker and the sonoran sucker, that are important to the river's ecology. In addition, the riparian environment in both nominated reaches supports threatened and endangered bird species like the southwestern willow flycatcher and the yellow-billed cuckoo, as well as the threatened northern mexican gartersnake, among others. The presence of these species and the requirement to maintain high water quality for their survival underscore the nominated reaches' eligibility under the "endangered or threatened species associated" criterion of the OAW rules.

Beyond its ecological attributes, the nominated reaches offer exceptional recreational values that are unique in Arizona. The surface water's clear, perennial flows and scenic canyon vistas provide opportunities for fishing, wildlife watching, hiking, kayaking, and backcountry camping. Sycamore Creek is commonly accessed for swimming in spring-fed pools by

hiking Parsons Trail. Communities and outdoor enthusiasts in the region have long recognized the nominated reaches' value. To illustrate, stretches of the upper Verde River have been found eligible and suitable for federal Wild and Scenic River designation by the U.S. Forest Service due to their remarkable character and wilderness values. Approximately 37 miles of the upper Verde River were deemed eligible for Wild and Scenic status, a national-level recognition of the river's high quality.

Eligibility for Wild and Scenic River designation underscores that the nominated reaches' recreational, scenic, geological, and ecological features are significant, not just locally but nationally. Designating these surface water segments as OAWs is consistent with these ongoing conservation efforts. It is also noteworthy that other tributaries of the Verde River have already been classified as OAWs, such as Oak Creek and Fossil Creek. Adding the nominated reaches to the OAW list will extend similar protections to a connected, high-value reach of the watershed.

In making the decision to proceed with rulemaking, ADEQ also complied with R18-11-112(F), which requires the Director to consider several additional factors beyond the basic eligibility criteria. These factors include:

1. Whether the surface water and its watershed can be managed to maintain and protect the existing water quality;
2. The social and economic impact of applying Tier 3 antidegradation protection;
3. The public comments received in support or opposition;
4. The timing of the nomination relative to the triennial review;
5. Consistency of the OAW designation with any applicable water quality management plans; and
6. Whether the surface water is located within any special protected area (such as a national or state park, wilderness area, etc.) or has another special designation.

ADEQ recommended the OAW designation after evaluating the nominated reaches against these criteria, as noted below:

1. The ability to manage and protect the nominated reaches' water quality is very feasible. Most of the lands along the nominated reaches are publicly owned and already managed for conservation purposes, including areas within the Prescott National Forest and state lands, and there are currently no major point-source dischargers (i.e. Arizona Pollution Discharge Elimination System (AZPDES) permittees) in this reach. With OAW status, new or expanded point-source discharges to the nominated reaches would be prohibited unless they meet stringent exceptions, which is not expected to pose an economic burden because such discharges are not presently occurring and are unlikely in this largely rural, undeveloped area. Nonpoint source pollution controls will continue to be pursued through voluntary and collaborative means.
2. In terms of social and economic impacts, ADEQ has determined that Tier 3 protection for the nominated reaches will help safeguard drinking water supplies and sustain the recreational economy in the region, with minimal negative impact since few, if any, current industrial or municipal activities will be restricted.
3. Public and stakeholder comments received as part of this OAW nomination have largely been in favor of designation.
4. ADEQ recently completed a triennial review in 2023 and will complete review of water quality standards again in 2026.

5. ADEQ reviewed water quality management plans in the area during the evaluation of the proposed OAW segments and concluded that the OAW segment is consistent with any existing plans.
6. The proposed OAW segments are not within any specially protected area such as a national or state park and this potential OAW designation does not interfere with any potential Wild and Scenic River designation.

In summary, ADEQ has concluded that all the R18-11-112(F) factors either support or present no barrier to the OAW designation. ADEQ determined that the environmental and public benefits associated with the designation are significant while anticipated regulatory costs are limited. Stakeholder feedback was predominantly supportive, and the action is timely and in harmony with other conservation designations.

In accordance with A.A.C. R18-11-112(E), ADEQ held a community meeting on November 19, 2025, in the local area of the nominated reaches to present the nomination and gauge public opinion. Additionally, ADEQ granted an extended comment period for this rulemaking capped by a public hearing on April 10, 2026. These public meetings, the extended comment period, and additional outreach performed by ADEQ has provided significant opportunities for local stakeholders to ask questions and voice their support or concerns. Stakeholder input from these venues has been carefully considered in the development of this rule ensuring alignment with the federal and state public hearing mandates.

B. Explanation of the Specific Rule Change

The specific change in this NFRM is an amendment to A.A.C. R18-11-112(G), which is the subsection that lists all surface waters in Arizona currently classified as OAWs. Paragraph (G) of the rule presently enumerates 22 OAW designated stream segments across the state. This NFRM adds a new entry to this list for both the upper Verde River and Sycamore Creek. The new listings clearly delineate the upstream and downstream boundaries of the designated OAW segment of the nominated surface waters.

The exact boundaries in the rule correspond to the portion of the river evaluated by ADEQ and nominated by the Sierra Club. Based on the nomination packet and ADEQ's analysis, the Verde River OAW reach is approximately the upper 35.93 mile stretch in Yavapai County, beginning at the Granite Creek confluence and extending downstream to its confluence with Sycamore Creek. The stretch of Sycamore Creek covers 11.71 miles from its confluence with Cedar Creek to the terminus at the Verde River. ADEQ has defined these stretches using the agency's publicly available WBID system that uses the confluence with nearby surface waters as the marker for delineating the OAW segments versus using survey coordinates or river mile markers which do not match strictly with the WBID system. The adopted OAW for the Verde River is WBIDs 15060202-052, 15060202-038, 15060202-037, and 15060202-035 from the Granite Creek confluence to the Sycamore Creek confluence. The OAW segment on Sycamore Creek is WBID 15060202-026 from the Cedar Creek confluence to the terminus at the Verde River.

C. Effectiveness of this Rule

After this rulemaking to update Article 1 is complete, ADEQ must submit all changes to EPA within 30 days of the date of the filing of the final rules with the Office of the Secretary of State and publication in the Arizona Administrative Register. At that time, EPA will review the rules to determine whether they are consistent with the requirements of the CWA. EPA must either approve or disapprove ADEQ's modifications within a set amount of time established in the CWA and implementing rules. See CWA § 303(c)(3) and 40 C.F.R. § 131.21(a) for more information. If EPA approves this update to Article 1, EPA must do so by notifying ADEQ within 60 days of receiving an administratively complete submission. If EPA disapproves of the updates in this rulemaking, it must do so within 90 days of receiving the administratively complete submission. If EPA disapproves, it must notify ADEQ specifying:

1. Why the state standards are not in compliance with the CWA, and
2. The revisions ADEQ must make to its standards to assure compliance with the CWA before EPA could fully approve the standards. *See* 40 C.F.R. § 131.21.

Pursuant to CWA § 303(c)(3) and its implementing regulations at 40 C.F.R. § 131.21, these newly adopted state water quality standards do not take effect until approved by the EPA. ADEQ will submit this NFRM and supporting materials to the EPA for approval upon publication in the Arizona Administrative Register.

8. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

Relevant water quality data and ADEQ's internal evaluation report and economic impact statement used in preparation for publishing this NFRM are available for public review at <https://azdeq.gov/rulemaking/upper-verde-oaw>. Additionally, ADEQ used an Audubon study regarding the economic impact of water-related outdoor recreation in order to generate the economic impact statement (EIS) for this rulemaking. That study is cited as - Audubon Arizona. (2026). *Economic Impact of Water-Related Outdoor Recreation in Yavapai County*. Copies of the Audubon study have been included with the EIS.

9. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

10. A summary of the economic, small business, and consumer impact:

ADEQ has produced a full economic, small business, and consumer impact statement (EIS) that addresses each of the elements required for an EIS under A.R.S. § 41-1055, which is available on the website for this rulemaking at <https://azdeq.gov/rulemaking/upper-verde-oaw>. The following section summarizes the findings in that document.

A. Identification of the Proposed Rulemaking

The rulemaking adds regulatory measures to prevent the degradation of existing water quality from point source discharges. Notably, the rule does not establish new regulatory measures for nonpoint source pollution, which ADEQ continues to address through voluntary cooperation and existing best management practices.

B. Cost-Benefit Analysis

The rule change is expected to result in minimal economic costs for state agencies, political subdivisions, businesses, and private persons. It does not create new fees or regulatory compliance costs for existing landowners or permittees.

1. Impact on Public Entities

ADEQ: Costs are considered negligible as the agency will implement the designation using existing staff, infrastructure, and budget. Benefits include an enhanced regulatory framework for protecting high-value waters and reduced long-term risks associated with water quality remediation.

Other State Agencies and Political Subdivisions: No additional costs, mandates, or reporting requirements are imposed on other agencies or local governments. These entities benefit from the protection of watershed integrity, which supports regional tourism and reduces the risk of future remediation costs.

2. Impact on Private Landowners and Businesses

Costs: There are no new regulatory obligations or fees for existing businesses or landowners because the rule governs point source discharges rather than land use. The primary economic impact is a potential opportunity cost for future facilities that might seek a new direct discharge to these segments.

Benefits: Private entities benefit from the preservation of water quality for irrigation and recreation, as well as the improved quality of life and business attractiveness associated with scenic and ecological preservation.

3. Impact on Tourism and Consumers

Costs: The rule is not expected to affect consumer prices, product availability, or access to recreational services.

Benefits: A 2026 study led by Audubon Arizona found that water-related outdoor recreation in Yavapai County generates approximately \$720.4 million in annual economic output and supports roughly 4,500 jobs. The OAW designation helps sustain this demand by protecting the ecological integrity of the region.

4. Impact on Small Businesses

Small businesses are defined under A.R.S. §41-1001 as independently owned firms with fewer than 100 full-time employees or less than \$4 million in gross annual receipts.

Existing Small Businesses: No additional administrative or compliance costs are incurred. In Yavapai County, where 92.2% of businesses meet the small business definition, many tourism and hospitality firms may benefit indirectly from enhanced water quality protection.

Small Business Relief: Relief methods under A.R.S. §41-1035 are not necessary because the rule does not impose new requirements on existing small businesses.

Future Applicants: Any prospective small business seeking a new AZPDES permit would be subject to the same exemption criteria as any other applicant, which are based on environmental standards rather than business size.

5. Impact on Public and Private Employment

The rulemaking is not expected to have a measurable impact on public or private employment.

Public Sector: ADEQ will manage the new designations within its current staffing framework.

Private Sector: Since no existing businesses currently hold AZPDES permits for direct discharge to these segments, no current positions are at risk. While the tourism sector may see sustained or modestly increased employment over the long term, such changes are likely to be small relative to broader economic trends.

6. Impact on State Revenues

The proposed rulemaking is not expected to have a direct impact on state revenues. It does not create new fees, licenses, or penalties, and existing fee structures for AZPDES permits remain unchanged. Indirect benefits to state revenues may occur through sustained tourism and recreation-related economic activity.

C. Analysis of Alternative Methods

ADEQ evaluated three options and determined the proposed OAW designation to be the least costly and least intrusive method to achieve its statutory objectives.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

Not applicable

12. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

A. Individual Letters of Support

The Department received a high volume of formal comments during this rulemaking, nearly all of which expressed strong support for the OAW designations. A vast majority of these comments were submitted through a program called “KnowWho” on behalf of individuals associated with Sierra Club. Some of the comments submitted through this program contained formatting errors or unclear senders which may have affected ADEQ’s ability to categorize the individual supporting the designation or the reasoning behind their support. Some commenters submitted multiple letters of support either on their own or through the automated commenting program. ADEQ has aggregated a repository of the public comments submitted during this rulemaking and will make them available upon request. Additionally, the public hearing regarding this rulemaking was recorded and filed alongside any written comments. ADEQ has aggregated a list of commenters who provided written support and included them in the table below:

Name	Location	Name	Location
Linda Brady	Prescott, AZ	Janet Grossman	Prescott, AZ
Jhane Marelo	Prescott, AZ	Elaine Chambers	Prescott, AZ
Barb Wood	Prescott, AZ	Mary Kennedy Ice	Oro Valley, AZ
Seth Hendershot	Prescott, AZ	Jessica Locicero-Walsh	Flagstaff, AZ
Elizabeth Wilkening	Tucson, AZ	Eric Spragett	Cottonwood, AZ
Rivko Knox	Phoenix, AZ	Lynn DeMuth	Chandler, AZ
John Benschoter	Phoenix, AZ	Anita Mcnamara	Tucson, AZ
Maureen Sullivan	Sun City, AZ	Holly Jaleski	Camp Verde, AZ
Barbara Mathes	Rio Rico, AZ	Stuart Schupack	Cottonwood, AZ
Kristen Law	Prescott, AZ	Jeanne Weir	Scottsdale, AZ
Jay Ross	Paradise Valley, AZ	Vania Black	Phoenix, AZ
Jeffrey Blackman	Tucson, AZ	Nancy Santori	New River, AZ
Fred Leonard	Tucson, AZ	Brit Rosso	Vail, AZ
Joseph Gonzalez	Mesa, AZ	Bettina Bickel	Glendale, AZ
Kathleen O'Connor-Masse	Chino Valley, AZ	Judy Whitehouse	Phoenix, AZ
Kathryn Streer Seidler	Tucson, AZ	Linda Paul	Tucson, AZ
James & Patricia Jayson	Phoenix, AZ	Tim Storer	Tucson, AZ
Brian Billings	Mesa, AZ	Jennifer Becker	Tucson, AZ
Elisa Rios	Cottonwood, AZ	Candace Hughes	Apache Junction, AZ
Sierra Thomas	Fort McDowell, AZ	Rebekah Wilce	Flagstaff, AZ
Holly Ross	Phoenix, AZ	Jim Sumler	Dolan Springs, AZ
Lena Stiffarm	Fort McDowell, AZ	Susan Brandes	Tucson, AZ
Shapre Honyumptewa	Fort McDowell, AZ	Sherry Massie	Tucson, AZ
Emmalee Shenah	Fort McDowell, AZ	Heather Babb	Peoria, AZ
Alicia Beckman	Fort McDowell, AZ	Roseann Santangelo	Chino Valley, AZ
Laura Medina	Fort McDowell, AZ	Michael Fiflis	Scottsdale, AZ
Amy Lou Metiva	Dewey Humboldt, AZ	Margaret Verellen	Flagstaff, AZ
Beth Ballmann	Cave Creek, AZ	Robert Racine	Mesa, AZ
Kim Cruickshank	Prescott, AZ	Tom Cantlon	Paulden, AZ
Char Hoffman	Prescott, AZ	Jovita Fine	Prescott, AZ

Miché Lozano	Tucson, AZ	Mark Coryell	Phoenix, AZ
Beverly Janowitz-Price	Phoenix, AZ	Shea Richland	Prescott, AZ
Renee Neumann	Green Valley, AZ	Michelle Grubert	Prescott, AZ
Laura Smith	Phoenix, AZ	Denny Mishler	Prescott Valley, AZ
Carol Khazai	Phoenix, AZ	Jean Motta	Camp Verde, AZ
Camille Cutler	Hockley, TX	Donna Larson	Prescott, AZ
dc katten	Cave Creek, AZ	Laura Henry	Prescott, AZ
Frank Insana	Phoenix, AZ	Claudia Garoutte	Dewey, AZ
Margaret Stein	Cottonwood, AZ	Bridget Clark-Cooper	Phoenix, AZ
Mike Snodgrass	Tempe, AZ	Robert Collis	Flagstaff, AZ
Fred Oswald	Prescott, AZ	John Peterkin	Cottonwood, AZ
Charles Ables	Prescott Valley, AZ	Jayne Knoche	Sierra Vista, AZ
Nan Saunders	Gilbert, AZ	Alisa McMahon	Scottsdale, AZ
Melinda Weisser-Lee	Thatcher, AZ	Gary Stuart	Prescott, AZ
Richard Sigler	Phoenix, AZ	Greg Ullrich	Mesa, AZ
Diana Clark	Cottonwood, AZ	Marty Swartz	Tucson, AZ
Jennifer Florence	Mesa, AZ	SARAH WORKINGER	Gilbert, AZ
Carl Englander	Tucson, AZ	Chris Fields	Camp Verde, AZ
Patrick Facht	Phoenix, AZ	Karis Petersen	Phoenix, AZ
Sabrina Peters Robinson	Peoria, AZ	Mark Precup	Chandler, AZ
Estella Percarpio	Flagstaff, AZ	Kenn Bradley	Scottsdale, AZ
Annie McMahon	Clarkdale, AZ	Dennis Nagel	Tucson, AZ
Katarina Lang	Phoenix, AZ	Paul Beier	Prescott, AZ
Thomas Catlaw	[No Location Given]		

The comments ADEQ received and categorized expressed support on a wide variety of issues and included detailed analysis on the specific regulatory points established in A.A.C. R18-11-112 that the Department utilized to evaluate the OAW designation for the upper Verde River and Sycamore Creek. Some of these submissions provided vital qualitative and scientific evidence regarding the perennial nature of the reaches, their free-flowing condition, and their exceptional ecological, recreational, and cultural significance. ADEQ has categorized the individual comments received through this program under 4 general themes for agency response:

1. Ecological Integrity and Wildlife Protection
2. Recreational and Economic Value
3. Watershed Management and Local Stewardship
4. Cultural Significance

1. ECOLOGICAL INTEGRITY AND WILDLIFE PROTECTION. In these comments, commenters emphasized the necessity of protecting the unique biodiversity and riparian habitats found within the nominated reaches. The following submissions are representative of the comments associated with this theme:

- **FRED OSWALD** (Prescott, AZ), submitted on 3/4/2026: "The Verde is a beautiful river, vital to wildlife. It deserves protection."
- **MICHELLE GRUBERT** (Prescott, AZ), submitted on 3/8/2026: "The Upper Verde River and Sycamore Creek have extraor-

dinary ecological, recreational, and cultural significance and need long-term protection of the value these surface waters provide to local communities, recreational users, and threatened and endangered species.”

- **FRED LEONARD** (Tucson, AZ), submitted on 3/11/2026: "Both the Upper Verde River and Sycamore Creek include significant wildlife, riparian habitat, and biodiversity."

- **BARBARA MATHES** (Rio Rico, AZ), submitted on 3/31/2026: "We must protect our animals, land and country!"

- **PROFESSOR JOEL BARNES** (*Prescott, AZ*), submitted on 3/9/2026: "As a college professor with over 40 years of experience in the ecology, conservation, and restoration of Central Arizona rivers and watersheds, I strongly urge the designation of specific reaches of the Upper Verde River and Sycamore Creek (upstream of Clarkdale, AZ) as an OAW."

The OAW designation is essential to safeguarding the river's exceptional ecological, recreational, and cultural values. Both the Upper Verde River and Sycamore Creek support significant wildlife, riparian habitats, and biodiversity. Furthermore, these waters are economically and culturally vital to numerous regional stakeholders, including Native communities."

ADEQ Response: ADEQ appreciates the comments regarding the ecological significance of the nominated reaches. The Department considered information related to biodiversity, riparian habitat, and the presence of threatened and endangered species as part of its evaluation of the nomination under A.A.C. R18-11-112.

2. RECREATIONAL AND ECONOMIC VALUE Individual commenters frequently highlighted the importance of outdoor activities along the Upper Verde and their contribution to the regional economy. The following submissions are representative of the comments associated with this theme:

- **HOLLY JALESKI** (Camp Verde, AZ), submitted on 3/5/2026: "Please protect the Upper Verde River- It is life for so many. It brings recreation dollars to the local communities. It provides water for people and so many animals."

- **CANDACE HUGHES** (Apache Junction, AZ), submitted on 3/5/2026: "Our family has enjoyed hiking along this important waterway and believe it needs further protection."

- **ELIZABETH WILKENING** (Tucson, AZ), submitted on 4/6/2026: "I had the opportunity to kayak on the Verde River and its value to the community and the environment are priceless."

- **BRIAN BILLINGS** (Mesa, AZ), submitted on 4/7/2026: "The upper verde is a wonderful recreational location for Arizonans to enjoy the natural environment. Not to mention that business has been built around these opportunities!"

ADEQ Response: ADEQ appreciates the comments regarding the recreational and economic importance of the upper Verde River and Sycamore Creek. Recreational opportunities and the associated benefits to local communities were among the factors considered by the Department during its evaluation of the nomination.

3. WATERSHED MANAGEMENT AND LOCAL STEWARDSHIP Individual commenters provided evidence of local engagement and concerns regarding future degradation. The following submissions are representative of the comments associated with this theme:

- **MARK CORYELL** (Phoenix, AZ), submitted on 3/7/2026: "I have been involved with water testing on the Verde River with the Sierra Club since 2010. I understand why we must protect this valuable riparian habitat."

- **DENNY MISHLER** (Prescott Valley, AZ), submitted on 3/8/2026: “The Upper Verde River must be protected. It is a rare life-line for plants and animals that are under increasing pressure from surrounding growth. I participated in water measurements (water sentinel) of the Upper Verde River for four years and am very familiar with its environment and its value to our ground water supply. Please protect this area and keep the Verde green!”
- **KRISTEN LAW** (Prescott, AZ), submitted on 4/6/2026: "The Verde River is the last true perennial river remaining in our State, and as a resident of Yavapai County, I recognize its significance to our local community for walking, hiking, and recreational activities. It is essential that these resources be preserved.”
- **ELISA RIOS** (Cottonwood, AZ), submitted on 4/7/2026: “I live in Cottonwood and participate in water quality testing quarterly. The Verde is integrally important to our way and quality of life in Cottonwood, and this designation will help protect this vital resource.”
- **THOMAS CATLAW**, submitted on 4/10/2026: “The Upper Verde and Sycamore Creek are, truly, magical and enchanted places with extraordinary ecological, recreational, cultural, significant. They represent some of the last and finest riparian habitat in the American Southwest.... With minimal to zero additional regulatory burden or economic cost, designating these parts of the Upper Verde and Sycamore Creek as ‘outstanding Arizona waters’ is one important way we can ensure the remain vibrant ecological and recreational spaces for generations to come.”

ADEQ Response: ADEQ acknowledges and appreciates the stewardship and community-sourced data provided by these stakeholders. These efforts support the Department’s quantifiable assessment that the nominated reaches currently attain all surface water quality standards and are not impaired. ADEQ found management of the reaches feasible because most surrounding lands are publicly owned. OAW designation provides a critical regulatory buffer by prohibiting new or expanded point-source discharges.

4. CULTURAL SIGNIFICANCE. Individual commenters expressed that these surface waters are foundational to regional identity and tribal heritage. The following submissions are representative of the comments associated with this theme:

- **LINDA PAUL** (Tucson, AZ), submitted on 3/5/2026: "Please protect our sacred rivers and the peace and calm we find there."
- **JUDY WHITEHOUSE** (Phoenix, AZ), submitted on 3/5/2026: "Generations of my family have enjoyed the cool shade and water of these treasured waterways."
- **VANIA BLACK** (Phoenix, AZ), submitted on 3/5/2026: "We need to protect all the natural beauty in Arizona!"
- **SIERRA THOMAS** (Fort McDowell, AZ), submitted on 4/10/2026: “It matters to me, because it’s part of home to us Kwev-kapaya people, the bald eagles, and the wild animals that roam around us day to day.”

ADEQ Response: ADEQ appreciates the comments regarding the cultural significance of the upper Verde River and Sycamore Creek. Information related to the historical, cultural, and community value of these waters was considered as part of the Department’s review of the nomination.

B. Letters of Support from Organizations

1. **AMERICAN RIVERS**, submitted by Rachel Ellis on 04/10/2026

Summary of comment letter: American Rivers submitted a comment to ADEQ that emphasized the organization's support for the

OAW designation.

Comment #1: "The proposed designation of the Upper Verde River and Sycamore Creek as OAWs would be complementary to this Wild and Scenic River designation. The Upper Verde River... is an exemplar candidate for Wild and Scenic River designation with 'Outstandingly Remarkable Values' for scenery, botany, wildlife, native fish, recreation, and cultural/historic sites. These values are intrinsically connected to the river's water quality"

ADEQ Response #1: ADEQ acknowledges the support and wishes to provide further clarification. ADEQ agrees that the state OAW designation does not interfere with federal conservation programs. ADEQ wants to emphasize that while an OAW designation and a Wild and Scenic Rivers designation are similar, they are separate legal designations. An OAW designation neither supports nor precludes a Wild and Scenic Rivers designation.

Comment #2: "While Wild and Scenic River designation does require water quality to be maintained or enhanced, OAW designation offers a higher degree of water quality protection."

ADEQ Response #2: ADEQ agrees. OAW status provides Tier 3 antidegradation protection, prohibiting the lowering of existing water quality except for short-term, temporary impacts. This designation is legally distinct from any federal action under a Wild and Scenic Rivers designation and solely protects water quality.

Comment #3: State agencies play an essential role in protecting valuable waters, as federal Wild and Scenic designation requires an act of Congress.

ADEQ Response #3: ADEQ agrees. ADEQ utilizes its regulatory authority to establish and enforce water quality standards to protect Arizona's most significant surface waters separate from any federal regulatory actions.

2. GREAT OLD BROADS FOR WILDERNESS, submitted by Jenny Cobb on 04/07/2026

Summary of comment letter: The Great Old Broads for Wilderness emphasizes their two-decade history of citizen science and monitoring on the upper Verde River, asserting that OAW status is critical for the river's long-term sustainability and resilience.

Comment #1: "Further we have participated as citizen scientists in identifying the criteria outlined in the Arizona Administrative Code... including: Flow conditions; Water quality (at least meets current water quality standards); Ecological or recreational significance; Supports endangered or threatened species. These criteria also reflect the continuing work of our conservation organizations where we gather data on Flow conditions monthly since December 2006 at Perkinsville, Bear Siding, and Verde Springs"

ADEQ Response #1: ADEQ acknowledges the support and emphasizes the value of citizen science. Community-sourced data gathered by stewardship groups helped verify that the nominated reaches meet the perennial flow and "good water quality" criteria required for designation.

Comment #2: The Upper Verde River Outstanding Arizona Water Nomination is extremely important for long-term sustainability in protecting the Upper Verde Rivers ecosystem, natural resources, cultural values, recreational opportunities, and the surrounding communities for the present and future..."

ADEQ Response #1: ADEQ agrees that this rulemaking will protect the water quality in the upper Verde River.

3. NATURAL HISTORY INSTITUTE, submitted by Jennie Tutone on 04/13/2026

Summary of comment letter: The Natural History Institute supports the designation on the basis that the upper Verde River is one of Arizona's last free-flowing systems, representing an irreplaceable resource in the Mogollon Highlands.

Comment #1: "As one of Arizona's last free-flowing river systems, the Upper Verde River is a vital resource in the Mogollon Highlands Ecoregion, supporting both human and natural communities. Protecting its water quality is essential to preserving this rare and irreplaceable ecosystem."

ADEQ Response #1: ADEQ acknowledges the support. ADEQ's technical review confirmed that the nominated reaches are in a free-flowing condition, characterized by the absence of major impoundments or significant structural modifications.

Comment #2: "Designating these waters as Outstanding Arizona Waters will help preserve their ecological, recreational, and cultural values for future generations. This action is an important investment in the resilience of Arizona's landscapes and communities."

ADEQ Response #2: ADEQ agrees. OAW status ensures that the water quality of the upper Verde River and Sycamore Creek are protected so the extraordinary characteristics of these waters are preserved as a long-term investment in regional environmental and economic resilience.

4. **SIERRA CLUB GRAND CANYON CHAPTER**, joined by **CITIZENS WATER ADVOCACY GROUP**, **CENTER FOR BIOLOGICAL DIVERSITY**, **FRIENDS OF THE VERDE RIVER**, **FRIENDS OF ARIZONA'S RIVERS**, **ARIZONA RIPARIAN COUNCIL**, **AMERICAN WHITEWATER**, **THE WILDERNESS SOCIETY**, **SUSTAINABLE WATER NETWORK**, and **MARICOPA BIRD ALLIANCE**, submitted by Jennifer Martin-Mcleod on 04/14/2026

Summary of comment letter: Representing a coalition of ten organizations, the Sierra Club Grand Canyon Chapter highlighted the river as a top-priority conservation area that provides essential habitat for multiple ESA-listed species and holds deep cultural value for the Yavapai-Apache people.

Comment #1: "The watershed provides habitat for a host of native species, including numerous species listed under the Endangered Species Act such as the spinedace, loach minnow, razorback sucker, and Southwestern willow flycatcher. Many of these species depend directly on high water quality and intact hydrologic conditions for survival and recovery."

ADEQ Response #1: ADEQ agrees. The Department confirms that maintaining high water quality in these reaches is essential to the maintenance and propagation of these protected aquatic species.

Comment #2: "For the Yavapai-Apache people, the river and its springs remain culturally and spiritually significant. Maintaining water quality is essential to safeguarding the exceptional ecological, recreational, and cultural values of these waters."

ADEQ Response #2: ADEQ acknowledges the support. The cultural significance of the upper Verde River was a factor considered by ADEQ during the evaluation of the OAW nomination.

Comment #3: "OAW designation would reinforce these conservation commitments by ensuring that existing water quality is maintained and not lowered; the core purpose of Tier 3 antidegradation protection."

ADEQ Response #3: ADEQ agrees. Tier 3 protection is reserved for waters of exceptional significance and requires that existing water quality be preserved at its current level, except for short-term, temporary impacts.

5. **SIERRA CLUB YAVAPAI GROUP**, submitted by Gary Beverly, PhD on 04/15/2026

Summary of comment letter: The Sierra Club Yavapai Group's letter focuses on the river's status as a vital economic resource for downstream users while currently meeting all Clean Water Act standards.

Comment #1: "At this time, the water quality is very good, meeting Clean Water Act standards for full-body contact, irrigation,

and stock. Designating portions of the upper Verde and Sycamore Creek as an Outstanding Arizona Water will prevent degradation of water quality.”

ADEQ Response #1: ADEQ agrees. ADEQ's water quality assessment verified that the reaches attain all applicable standards and are not listed as impaired.

Comment #2: "The upper Verde, - extending from east of Paulden to the town of Clarkdale - is one of the most clean, healthy, economically important, and culturally significant living rivers remaining in Arizona. It supplies clean water for downstream users: farms, ranches, cities, and indigenous communities.”

ADEQ Response #2: ADEQ agrees. OAW status ensures that the baseline "good" water quality is maintained through Tier 3 anti-degradation protections.

6. **AMERICAN WHITEWATER**, submitted by Kestral Kunz on 04/14/2026

Summary of comment letter: American Whitewater argues that the "priceless" non-motorized recreational opportunities, such as paddling, are directly dependent on maintaining the river's high water quality.

Comment #1: "The proposed reaches of the Upper Verde River and Sycamore Creek... provide priceless opportunities for non-motorized recreation, such as paddling and packrafting. The river corridor supports hiking, fishing, boating, wildlife viewing, and educational opportunities that contribute meaningfully to the regional economy.”

ADEQ Response #1: ADEQ acknowledges the support. The unique recreational value and wilderness character of these waters are components of the "exceptional recreational significance" finding.

7. **UPPER AGUA FRIA WATERSHED PARTNERSHIP**, submitted by Mary Hoadley on 04/14/2026

Summary of comment letter: The Partnership supports the designation as an inspiration and mentoring example for future watershed protection efforts.

Comment #1: “Our group supports the designation of 35.93 miles of the Upper Verde River and 11.71 miles of Sycamore Creek as an inspiration for future watershed protection efforts.”

ADEQ Response #1: ADEQ acknowledges the support. ADEQ agrees that protecting the water quality of the designated reaches serves the broader goal of sustaining regional environmental health.

C. **Letters Asking for Clarification of Rulemaking Impact**

1. **THE NATURE CONSERVANCY**, submitted by Kim Schonek on 4/9/2026

Summary of comment letter: The Nature Conservancy (TNC) submitted a letter expressing that it is generally supportive of ADEQ's efforts to protect water quality in the Verde River. However, TNC maintains reservations regarding the potential for the OAW designation to unintentionally limit future collaborative projects intended to improve river base flows through effluent and stormwater infrastructure.

Comment #1: "Thank you for the opportunity to comment on ADEQ's proposal to... designate portions of the Upper Verde River and Sycamore Creek as Outstanding Arizona Waters ('OAW')."

ADEQ response #1: ADEQ acknowledges TNC's general support and its mission to conserve Arizona's land and water. The De-

partment agrees that protecting the water quality of these extraordinary surface waters is a shared priority.

Comment #2: "TNC also works with partners to keep Arizona's rivers flowing... [including] maintaining or increasing base flows in response to growing groundwater demand and climate change."

ADEQ response #2: ADEQ concurs that maintaining base flows is critical, particularly as trends indicate increasing hydrologic stress. The OAW designation specifically safeguards the "good water quality" of these perennial reaches, which is essential for the survival of the species and ecosystems supported by those flows.

Comment #3: "TNC has worked with many partners, including ADEQ, to evaluate projects that could use effluent to maintain and increase Verde River base flows... Section 6.1.1 of the [NACOG] plan identifies goals for increasing Verde River flows through new reclaimed water and stormwater infrastructure projects."

ADEQ Response #3: ADEQ is familiar with the Upper/Middle Verde River Watershed Effluent Generation and Stormwater Infiltration Optimization Plan (NACOG Plan). The Department notes that while the Plan identifies broad goals, such as "Enhance River Flows with Direct Discharge to the Verde River," it does not currently list any specific, permitted wastewater treatment plants (WWTPs) or stormwater projects that discharge directly into the designated OAW reaches. The Department further notes that while direct surface discharges face these strict Tier 3 limits, indirect discharges, stormwater infiltration, and upstream management remain highly viable paths forward.

Comment #4: "TNC believes ADEQ should address those effects in its analysis under A.A.C. R18-11-112(F), including 'the social and economic impact of applying Tier 3 antidegradation protection.'"

ADEQ Response #4: ADEQ has performed the analysis required by R18-11-112(F) and determined that the impact will be minimal. ADEQ considered the concerns raised regarding potential future infrastructure projects. At this time, no specific projects or permit applications have been identified within the nominated reaches that would allow for a project-specific impact analysis. Should future proposals be advanced, they would be evaluated based on the facts and circumstances of the individual project and applicable regulatory requirements. ADEQ is dedicated to working with stakeholders to maintain the water quality in the designated OAW reaches and develop projects that return flows to the watershed.

Comment #5: "Because the proposal may restrict new or expanded discharges, especially in the Upper Verde reaches, TNC believes ADEQ should address those effects... some of those projects may require AZPDES permits."

ADEQ response #5: ADEQ recognizes TNC's concern regarding future AZPDES permits. However, Tier 3 antidegradation specifically prohibits new or expanded point source discharges to the designated reaches only. ADEQ will work collaboratively with future dischargers to ensure that return flow or base flow enhancement projects are designed and permitted in a manner that maintains the existing high water quality required by the OAW status.

Comment #6: "TNC did not find specific support for those conclusions... [TNC] respectfully requests that ADEQ explain the basis for its conclusion that the social and economic impacts would be minimal."

ADEQ Response #6: The conclusion that impacts are minimal is based on the fact that most lands along the nominated reaches are publicly owned and managed for conservation. Furthermore, there are no known proposed mining operations, existing discharge permits, or pending surface water permits that would be impacted by the Tier 3 standard in these undeveloped reaches.

Comment #7: "TNC requests analysis of how the proposed designation could affect the construction and operation of near-stream effluent and stormwater recharge projects."

ADEQ Response #7: The OAW designation protects surface water quality in the designated reaches. Construction and operation

of recharge projects, such as percolation basins or injection wells, are primarily regulated through the Aquifer Protection Permit (APP) program to protect groundwater quality. OAW status does not automatically prohibit these activities unless they involve a direct point-source discharge to the protected surface water.

Comment #8: "What social and economic effects would the designation have on future near-stream effluent and stormwater recharge projects located adjacent to, or upstream of, the nominated Verde River reaches, including Granite Creek?"

ADEQ Response #8: ADEQ recognizes the importance of maintaining flexibility for future watershed management activities. The potential applicability of Tier 3 antidegradation requirements to future projects would depend on the specific nature, location, and design of the proposed activity. Any future proposal would be evaluated consistent with applicable statutes, rules, and available technical information.

Comment #9: "How does the U.S. Supreme Court's decision in *County of Maui* affect that analysis?"

ADEQ Response #9: The U.S. Supreme Court's *County of Maui* decision establishes that a discharge to groundwater requires an AZPDES permit if it is the "functional equivalent" of a direct discharge to a surface water. As a general point, a hydrogeological connection alone does not automatically trigger an AZPDES permit unless it strictly meets these "functional equivalent" criteria. Because there are currently no specific, active project proposals for these reaches, ADEQ cannot perform a site-specific *Maui* analysis at this time. Future projects would be evaluated on a case-by-case basis consistent with applicable statutes, rules, and available technical information.

Comment #10: "TNC hopes the proposed OAW designations will not unintentionally limit efforts to support and improve Verde River base flows through effluent and stormwater projects."

ADEQ Response #10: ADEQ shares the goal of protecting the Verde River's health. The OAW designation provides a highest-level safeguard for the river's existing high water quality, which is a fundamental component of a healthy riparian habitat. Rather than limiting improvements, this designation ensures that any future augmentation projects are built upon a foundation of clean, non-degraded water.

2. YAVAPAI-APACHE NATION, submitted by Buddy Rocha, Jr. on 04/14/2026

Summary of comment letter: The Yavapai-Apache Nation (Nation) submitted comments expressing general support for the OAW designation given the river's profound importance to their culture and economy. However, the Nation expressed reservations regarding potential unintended regulatory consequences that might limit future projects, specifically groundwater recharge, intended to support river baseflows.

Comment #1: "Given the profound importance of the Verde River and its tributaries to the Yavapai and Apache people, our culture, lifeways and economy, the Nation generally supports ADEQ's proposal to designate portions of the Upper Verde River and Sycamore Creek as OAWs."

ADEQ Response #1: ADEQ acknowledges and appreciates the Nation's support. The Department recognizes that the upper Verde River and its springs are foundational to the Nation's permanent homeland and ancestral heritage. This designation is intended to ensure the long-term protection of the extraordinary values these waters provide.

Comment #2: "We also have a religious and cultural relationship with the many animal and native plant species that rely on the Verde River and its tributaries for our shared existence, including Bald Eagles."

ADEQ Response #2: ADEQ's technical review confirms that these reaches support significant biodiversity and provide critical

habitat for federally listed endangered and threatened species. The Department values the Nation's perspective on the religious and cultural importance of these species and intends for the OAW status to safeguard the high water quality essential to their maintenance.

Comment #3: “The Nation's support is tempered by our concern with the potential unintended consequences of this designation that could impair future efforts to protect the Verde River from depletions caused by unregulated growth, development, and climate change... ““The Nation is concerned that OAW Tier 3 antidegradation protections may prohibit potential future recharge projects or other activities that may one day be needed to support flows in these OAW segments.”

ADEQ Response #3: ADEQ concurs that maintaining base flows is critical, particularly as the watershed faces compounding hydrologic stress. To the Nation's concern regarding future flow-protection efforts, ADEQ notes that while a direct point-source discharge of effluent or stormwater into a designated OAW segment is prohibited or heavily restricted under Tier 3 rules, the broader goals for indirect recharge, stormwater infiltration, and upstream watershed management remain highly viable paths forward. Rather than impairing protection or replenishment efforts, OAW status ensures that these vital indirect augmentation projects are integrated into a system that remains protected from new point-source pollution.

Comment #4: The County of Maui "Functional Equivalent" Standard. "discharge permits are required for water discharged from point sources that travel through groundwater and daylight into surface waters... [where there is the] 'functional equivalent of a direct discharge'".

ADEQ Response #4: The U.S. Supreme Court's *County of Maui* decision establishes that a discharge to groundwater requires an AZPDES permit if it is the "functional equivalent" of a direct discharge to a surface water. As a general point, a hydrogeological connection alone does not automatically trigger an AZPDES permit unless it strictly meets these "functional equivalent" criteria. Because there are currently no specific, active project proposals for these reaches, ADEQ cannot perform a site-specific *Maui* analysis at this time. However, the Department does not anticipate that typical, properly designed indirect recharge projects will run afoul of OAW requirements, and ADEQ remains committed to evaluating future projects on a case-by-case basis as concrete plans develop.

Comment #5: “The Nation has seen little appetite on the part of the State of Arizona to regulate groundwater pumping in the watershed (outside of the Prescott AMA), even when groundwater pumping presents an obvious threat to the Verde River.”

ADEQ Response #5: ADEQ clarifies that the OAW designation is a state-level water quality protection measure under CWA. It is distinct from groundwater pumping regulations or the establishment of Active Management Areas (AMAs), which fall under the jurisdiction of the Arizona Department of Water Resources (ADWR). This rulemaking is intended to exercise ADEQ's specific authority to protect the water quality of Arizona's most exceptional surface waters.

3. SALT RIVER PROJECT (SRP), submitted by Charles Paradzick on 4/14/2026

Summary of comment letter: SRP submitted comments regarding their hydrologic and meteorological monitoring network within the Verde River watershed. SRP's primary interest is ensuring that the OAW designation does not impede their ability to access, operate, and maintain essential water-management infrastructure, such as stream gages and flumes, located within the proposed reaches.

Comment #1: "SRP must preserve the ability to access, operate, maintain, restore and upgrade [facilities] on an ongoing basis. Routine activities such as debris removal, sediment removal, equipment calibration, structural maintenance, and periodic repair

are critical... SRP requests that ADEQ ensure the proposed OAW designation does not inadvertently restrict or impede SRP's ongoing operation, maintenance, or necessary improvements to these existing water-management facilities.”

ADEQ Response #1: ADEQ acknowledges the critical role that SRP's monitoring network plays in Arizona's water-supply reliability. The OAW designation will not restrict or impede SRP's ability to maintain or operate existing infrastructure. OAW status triggers Tier 3 antidegradation protection, which specifically prohibits new or expanded point source discharges of pollutants. Routine maintenance activities like debris removal, equipment calibration, and structural repairs are not point-source discharges and do not fall under the Tier 3 prohibition. Existing lawful uses and maintenance of infrastructure are protected, and ADEQ does not expect the designation to interfere with SRP's ongoing watershed operations.

Comment #2: "SRP respectfully requests that ADEQ consider clarifying how the proposed OAW designation may affect water management practices within the designated watershed area. This should include an evaluation of potential implications for permitted effluent recharge projects, particularly those intended to mitigate the impacts of groundwater pumping.”

ADEQ Response #2: ADEQ recognizes SRP's vital role in managing Arizona's water resources and shares the commitment to a resilient Verde River watershed. The Department emphasizes that an OAW designation provides Tier 3 antidegradation protection, which is focused strictly on preserving surface water quality. It does not alter water rights, regulate water quantity, or govern groundwater pumping. To address concerns regarding future water management flexibility, ADEQ notes a critical regulatory distinction: while a direct point-source discharge of effluent or stormwater into a designated OAW segment is prohibited or heavily restricted under Tier 3 rules, the broader goals for indirect discharge, stormwater infiltration, and upstream watershed management remain highly viable paths forward. OAW status ensures that these vital indirect augmentation projects are integrated into a system that remains protected from new point-source pollution.

D. Letters Opposing this Rulemaking

1. **ARIZONA FARM BUREAU**, submitted by Ana M. Kennedy Otto on 4/14/2026

Summary of comment letter: The Arizona Farm Bureau (AZFB) submitted comments opposing the OAW designation for the upper Verde River and Sycamore Creek. The Bureau expresses concerns regarding the impact on local landowners, potential regulatory overlap with federal designations, and the economic implications for the agricultural community.

Comment #1: "ADEQ failed to adequately notify and engage with the local landowners whose property and livelihood will be directly impacted by this designation."

ADEQ Response #1: ADEQ disagrees with the assertion that outreach was insufficient. Prior to publishing the Notice of Proposed Rulemaking (NPRM), the Department conducted extensive outreach to the local community. This included direct mailings to specific individual landowners and entities whose property borders or is adjacent to the nominated reaches, including Tracy & Ramona Warner, James Byrd & Jeanne Cosby, Dixieland Property, L.L.C., Khan Cattle Co, L.L.C., and several members of the Perkins family (Perkins Ranch Inc and Perkins Memi Calvert/Duley Moore). Additionally, ADEQ held a community meeting at the Paulden Community Center on November 19, 2025, specifically to discuss the nomination with local stakeholders. ADEQ followed all statutory and regulatory procedures for soliciting public comment during this rulemaking process.

Comment #2: "The OAW designation appears redundant as it overlaps with the proposed Federal Wild and Scenic Rivers designation, creating unnecessary layers of regulation for the same stretch of water."

ADEQ Response #2: ADEQ emphasizes that the state-level OAW designation is separate and distinct from the Federal Wild and Scenic Rivers designation. The proposed OAW designation is a separate state action undertaken pursuant to Arizona law. While both programs recognize "outstanding" values, they operate under different legal authorities. The OAW is a state water quality protection measure under the CWA, whereas a Wild and Scenic designation is a federal land and river management status. This state action ensures protection of water quality regardless of the status or timeline of federal legislation.

Comment #3: "Applying Tier 3 protection to these reaches will impose a 'no degradation' standard that could effectively halt all future development or changes in land use in the area."

ADEQ Response #3: The core purpose of Tier 3 antidegradation protection is to ensure that existing high water quality is maintained and not lowered. This protection specifically eliminates new or expanded point-source discharges in the nominated segments. It is not a broad prohibition on all development or land use. Tier 3 antidegradation protection sets a clear standard for water quality that must be maintained by any new activities requiring a point-source permit. Additionally, ADEQ notes that indirect discharges (i.e. a tributary of the OAW) are allowed in the watershed.

Comment #4: "The Bureau is concerned that this designation will be used to control or restrict traditional grazing and agricultural activities in the uplands surrounding the river corridor."

ADEQ Response #4: ADEQ understands this concern; however, regulation of grazing activities falls outside the scope of this rulemaking. The OAW designation does not control grazing in the uplands or establish new regulatory oversight for nonpoint source activities. Traditional ranching and farming operations are typically classified as nonpoint sources and are managed through voluntary best management practices rather than the point-source discharge restrictions associated with Tier 3 antidegradation.

Comment #5: "The proposed rule fails to account for the negative economic impact on farming and ranching families who depend on the flexibility of their land use to remain viable."

ADEQ Response #5: ADEQ does not expect this designation to have a measurable economic impact on farming or ranching in the region. There is a general lack of point-source industrial or municipal activity in the upper Verde River and Sycamore Creek that would be restricted by this rule. The designation protects existing water quality without threatening current lawful uses, it safeguards the clean water supply that downstream agricultural and municipal users rely upon.

Comment #6: "Designating these waters as OAWs without the consent of the underlying private property owners is an infringement on property rights and local control."

ADEQ Response #6: ADEQ clarifies that OAW designation does not change land ownership or infringe upon private property rights. The designation applies strictly to the water quality within the stream reach by implementing Tier 3 antidegradation protection. This protection is limited to preventing new or expanded point-source discharges into the OAW segments. It does not regulate land-use decisions or activities on private property that do not involve a point-source discharge to the river.

Comment #7: "The stringent requirements of an OAW designation will prevent farmers and ranchers from expanding their operations if such expansion requires any changes to their water usage or discharge."

ADEQ Response #7: As previously stated, Tier 3 protection only restricts new or expanded point-source discharges. It does not prevent the expansion of typical agricultural or ranching activities that do not involve point-source pollution. Traditional ranching and farming operations are typically classified as nonpoint sources and are managed through voluntary best management practices rather than the point-source discharge restrictions associated with Tier 3 antidegradation. The designation is designed to pro-

tect the "rare and irreplaceable" nature of these systems while allowing current lawful uses to continue.

F. Verbal Comments Submitted During Public Hearing

Six individuals provided formal verbal testimony during the hearing. All speakers expressed strong support for the proposed OAW designations.

Comment #1 - Jennifer Martin-Macleod - SIERRA CLUB GRAND CANYON CHAPTER and the Arizona Water Sentinels program. *Summary of verbal comment:* Expressed strong support for the designation of the nominated reaches of the upper Verde River and Sycamore Creek. Noted that perennial, free-flowing rivers are vanishing in Arizona due to groundwater overdraft, pollution, and diversions and that the upper Verde River represents one of the state's last intact perennial systems. Stressed the river's role as critical habitat for species listed under the Endangered Species Act, including the spikedace, loach minnow, and razorback sucker. Highlighted the deep cultural and spiritual significance of these waters to the Yavapai-Apache people.

Comment #2 - Rachel Ellis - AMERICAN RIVERS (Southwest River Protection Program). *Summary of verbal comment:* Strongly supported the OAW designation as a necessary tool for protecting high-value waters. Discussed the complementarity between the state OAW designation and the proposed federal Wild and Scenic River designation. Emphasized that OAW status provides the highest tier of water quality protection (Tier 3), which is essential for safeguarding "outstanding remarkable values".

Comment #3 - Thomas Catlaw - Individual citizen and professional field and nature sound recordist. *Summary of verbal comment:* Provided "enthusiastic support" for the rule based on extensive personal experience hiking and kayaking the river segments. Shared vivid descriptions of the river's soundscape - flowing water, gurgling springs, and riparian wildlife - as evidence of its unique aesthetic and recreational value. Argued that these soundscapes are entirely dependent on the continued health and high quality of the water.

Comment #4 - Kestrel Kunz - AMERICAN WHITEWATER (Southern Rockies Protection Director). *Summary of verbal comment:* Supported the designation on behalf of a national membership of roughly 7,000 river enthusiasts, many of whom reside in Arizona. Highlighted the "priceless" value of the river for non-motorized recreation, including paddling and packrafting. Reiterated the organization's formal support for the Sierra Club's initial nomination.

Comment #5 - Joe Trudeau - THE WILDERNESS SOCIETY. *Summary of verbal comment:* Supported the designation both personally as a 24-year resident of the watershed and professionally as a conservationist. Described the river reaches as "national treasures" that exhibit the best characteristics of Southwestern rivers. Emphasized that support for this designation crosses the political spectrum and includes broad consensus from local governments, businesses, and community groups.

Comment #6 Alondra Morales Sanchez - Individual citizen. *Summary of verbal comment:* Expressed generational support for the rulemaking. As "a young person who grew up in Arizona", she emphasized the importance of protecting the state's natural

beauty and water resources for the future.

ADEQ Response to Verbal Comments: ADEQ generally agrees with the verbal comments received at the hearing and acknowledges and appreciates the support offered regarding these OAW designations. This OAW classification safeguards the chemical and physical integrity of the new OAW reaches, ensuring that their exceptional attributes remain intact as a durable contribution to the ecological and financial stability of the region.

13. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

Not applicable

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

The designation of an OAW is expressly authorized by 40 C.F.R. § 131.12(a)(3), which permits states to identify high-quality waters for Tier 3 protection. The proposed amendment is consistent with 40 C.F.R. Part 131, including federal antidegradation requirements, and does not exceed federal standards.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

Not applicable

14. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

Not applicable

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable

16. The full text of the rules follows:

Rule text begins on the next page.

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 11. DEPARTMENT OF ENVIRONMENTAL QUALITY – WATER QUALITY STANDARDS

ARTICLE 1. WATER QUALITY STANDARDS FOR SURFACE WATERS

Section

R18-11-112. Outstanding Arizona Waters

ARTICLE 1. WATER QUALITY STANDARDS FOR SURFACE WATERS

R18-11-112. Outstanding Arizona Waters

- A.** The Director shall classify a surface water as an outstanding Arizona water (OAW) by rule.
- B.** The Director may adopt, under R18-11-115, a site-specific standard to maintain and protect existing water quality in an OAW.
- C.** Any person may nominate a surface water for classification as an OAW by filing a nomination with the Director. The nomination shall include:
 - 1. A map and a description of the surface water;
 - 2. A written statement in support of the nomination, including specific reference to the applicable criteria for an OAW classification prescribed in subsection (D);
 - 3. Supporting evidence demonstrating that the criteria prescribed in subsection (D) are met; and
 - 4. Available water quality data relevant to establishing the baseline water quality of the proposed OAW.
- D.** The Director may classify a surface water as an OAW based upon the following criteria:
 - 1. The surface water is a perennial or intermittent water;
 - 2. The surface water is in a free-flowing condition. For purposes of this subsection, “in a free-flowing condition” means that a surface water does not have an impoundment, diversion, channelization, rip-rapping or other bank armor, or another hydrological modification within the reach nominated for an OAW classification;
 - 3. The surface water has good water quality. For purposes of this subsection, “good water quality” means that the surface water has water quality that meets or is better than applicable surface water quality standards. A surface water that is listed as impaired under R18-11-604(E) is ineligible for OAW classification; and
 - 4. The surface water meets one or both of the following conditions:
 - a. The surface water is of exceptional recreational or ecological significance because of its unique attributes, such as the geology, flora and fauna, water quality, aesthetic value, or the wilderness characteristic of the surface water;
 - b. An endangered or threatened species is associated with the surface water and the existing water quality is essential to the species' maintenance and propagation or the surface water provides critical habitat for the threatened or endangered species. An endangered or threatened species is identified in “Endangered and Threatened Wildlife,” 50 CFR 17.11 (revised 2005), and “Endangered and Threatened Plants,” 50 CFR 17.12 (revised 2005). This material is incorporated by reference and does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona 85007 or may be obtained from the National Archives and Records Administration at <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>.
- E.** The Director shall hold at least one public meeting in the local area of a surface water that is nominated for classification as an OAW to solicit public comment on the nomination.
- F.** The Director shall consider the following factors when deciding whether to classify a surface water as an OAW:
 - 1. Whether there is the ability to manage the surface water and its watershed to maintain and protect existing water quality;
 - 2. The social and economic impact of Tier 3 antidegradation protection;

3. The public comments in support of, or in opposition to, an OAW classification;
4. The timing of the nomination relative to the triennial review of surface water quality standards;
5. The consistency of an OAW classification with applicable water quality management plans; and
6. Whether the nominated surface water is located within a national or state park, national monument, national recreation area, wilderness area, riparian conservation area, area of critical environmental concern, or it has another special use designation (for example, Wild and Scenic River).

G. The following surface waters are classified as OAWs:

1. The West Fork of the Little Colorado River, from its headwaters to Government Springs (approximately 9.1 river miles);
2. Oak Creek, from its headwaters to its confluence with the Verde River (approximately 50.3 river miles);
3. West Fork of Oak Creek, from its headwaters to its confluence with Oak Creek (approximately 15.8 river miles);
4. Peebles Canyon Creek, from its headwaters to its confluence with the Santa Maria River (approximately 8.1 river miles);
5. Burro Creek, from its headwaters to its confluence with Boulder Creek (approximately 29.5 miles);
6. Francis Creek, from its headwaters to its confluence with Burro Creek (approximately 22.9 river miles);
7. Bonita Creek, from its boundary of the San Carlos Indian Reservation to its confluence with the Gila River (approximately 14.7 river miles);
8. Cienega Creek, from its confluence with Gardner Canyon to the USGS gaging station (#09484600) (approximately 28.3 river miles);
9. Aravaipa Creek, from its confluence with Stowe Gulch to the downstream boundary of the Aravaipa Canyon Wilderness Area (approximately 15.5 river miles);
10. Cave Creek, from its headwaters to the Coronado National Forest boundary (approximately 10.4 river miles);
11. South Fork of Cave Creek, from its headwaters to its confluence with Cave Creek (approximately 8.6 river miles);
12. Buehman Canyon Creek, from its headwaters to its confluence with unnamed tributary at 32°24'31"/110°32'08" (approximately 9.8 river miles);
13. Lee Valley Creek, from its headwaters to Lee Valley Reservoir (approximately 1.6 river miles);
14. Bear Wallow Creek, from its headwaters to the boundary of the San Carlos Indian Reservation (approximately 4.25 river miles);
15. North Fork of Bear Wallow Creek, from its headwaters to its confluence with Bear Wallow Creek (approximately 3.8 river miles);
16. South Fork of Bear Wallow Creek, from its headwaters to its confluence with Bear Wallow Creek (approximately 3.8 river miles);
17. Snake Creek, from its headwaters to its confluence with the Black River (approximately 6.2 river miles);
18. Hay Creek, from its headwaters to its confluence with the West Fork of the Black River (approximately 5.5 river miles);
19. Stinky Creek, from the White Mountain Apache Indian Reservation boundary to its confluence with the West Fork of the Black River (approximately 3.0 river miles);
20. KP Creek, from its headwaters to its confluence with the Blue River (approximately 12.7 river miles);
21. Davidson Canyon, from the unnamed spring at 31°59'00"/110°38'49" to its confluence with Cienega Creek; and
22. Fossil Creek, from its headwaters at the confluence of Sandrock and Calf Pen Canyons above Fossil Springs to its confluence with the Verde River (approximately 17.2 river miles).
23. Verde River, from its confluence with Granite Creek to its confluence with Sycamore Creek (approximately 35.9 river miles).
24. Sycamore Creek, from its confluence with Cedar Creek to its confluence with the Verde River (approximately 11.7 river miles).