

TWG: JURISDICTION DETERMINATION

Meeting: #2 **Date:** September 12, 2018 **Time:** 1:00-2:30 p.m.

Attendees:

- | | |
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| <input checked="" type="checkbox"/> Michael Bryce, Graham County, AZ | <input checked="" type="checkbox"/> Sheila Logan, Hilgart Wilson |
| <input checked="" type="checkbox"/> Mike Cabrera, Pima County Flood Control | <input checked="" type="checkbox"/> Robert Lynch, Robert S. Lynch & Associates (by proxy, Todd Dillard) |
| <input type="checkbox"/> Linda Cheney, El Dorado Holdings, Inc. | <input checked="" type="checkbox"/> Roger McManus, |
| <input checked="" type="checkbox"/> Tricia Gerrodette, Friends of the Sonoran Desert | <input checked="" type="checkbox"/> Jack Moody, Slater Hanifan Group |
| <input checked="" type="checkbox"/> Ned Hall, Freeport-McMoRan Inc. | <input checked="" type="checkbox"/> Mark Murphy, NV5, Inc. |
| <input type="checkbox"/> Adam Hawkins, Global External Relations | <input checked="" type="checkbox"/> Leigh Padgitt, City of Phoenix |
| <input checked="" type="checkbox"/> Jill Himes, Himes Consulting, LLC | <input type="checkbox"/> Marinela Papa-Konomi, MCDOT |
| <input type="checkbox"/> Spencer Kamps, Home Builders Association of Central Arizona | <input checked="" type="checkbox"/> Betsi Phoebus, Jacobs |
| <input type="checkbox"/> Theresa Knoblock, Tierra Right of Way Services | <input type="checkbox"/> Jessica Rybczynski, Aztec |
| <input checked="" type="checkbox"/> Dennis Krahn, Eldorado Holdings | <input checked="" type="checkbox"/> Jennifer Simpkins, Kimley-Horn |
| <input checked="" type="checkbox"/> Brian Lindenlaub, Westland Resources, Inc. | <input checked="" type="checkbox"/> Scott Thomas, Fennemore Craig |

Staff Support:

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| <input checked="" type="checkbox"/> David Lelsz, ADEQ | <input type="checkbox"/> Theresa Gunn, GCI |
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- Chair Moody presented a presentation entitled U.S. ARMY CORPS of ENGINEERS 404 JURISDICTIONAL DELINEATION (Do I Need a 404 Permit for My Project?)

Discussion Items:

- If this group could help clarify Ordinary High Water Mark (OHWM), that would have benefit.
- Work group agreed that Chairman Moody's presentation presents a consensus view on what an OHWM is.
- Time frames to for getting a Jurisdictional Determination are a problem.

Future Discussion Needed:

- Does the EPA have the authority to veto Jurisdictional Determinations?
- Does the Army Corps have a definition of ephemeral?
- How do we make the process more objective?
- Is an objective of the JD TWG to identify the limits of jurisdiction?

Action Items:

- Support team will send a copy of the presentation and link to Clean Water Act Approved Jurisdictional Determinations Page (<https://watersgeo.epa.gov/cwa/CWA-JDs/?pageNum=1>) to all work group members.

Next Meeting Agenda

- Review Work group member response to current state problems
- Begin ideal future state discussion
- The group will need a projector, screen and laptop for the next meeting