

### **R18-11-112. Unique Waters**

- A. The Director shall classify a surface water as a unique water by rule. The Director shall consider nominations to classify a surface water as a unique water during the triennial review of water quality standards for surface waters.
- B. The Director may adopt, by rule, site-specific water quality standards to maintain and protect existing water quality in a unique water.
- C. Any person may nominate a surface water for classification as a unique water by filing a nomination with the Department. The nomination to classify a surface water as a unique water 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 unique water classification prescribed in subsection (D);
  - 3. Supporting evidence demonstrating that the applicable unique water criteria prescribed in subsection (D) are met; and
  - 4. Available water quality data relevant to establishing the baseline water quality of the proposed unique water.
- D. The Director may classify a surface water as a unique water upon finding that the surface water is an outstanding state resource water based upon the following criteria:
  - 1. The surface water is a perennial 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 unique water 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 exceeds applicable surface water quality standards. A surface water that is listed as impaired under § 303(d) of the Clean Water Act (33 U.S.C. § 1313) is ineligible for unique waters 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, including but not limited to, attributes related to the geology, flora, fauna, water quality, aesthetic values, or the wilderness characteristics of the surface water.
    - b. Threatened or endangered species are known to be associated with the surface water and the existing water quality is essential to the maintenance and propagation of a threatened or endangered species or the surface water provides critical habitat for a threatened or endangered species. Endangered or threatened species are identified in Endangered and Threatened Wildlife and Plants, 50 CFR § 17.11 and § 17.12 (revised as of October 1, 2000) which is incorporated by reference and on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments.
- E. The following surface waters are classified as unique waters:
  - 1. The West Fork of the Little Colorado River, above Government Springs;
  - 2. Oak Creek, including the West Fork of Oak Creek;
  - 3. Peoples Canyon Creek, tributary to the Santa Maria River;
  - 4. Burro Creek, above its confluence with Boulder Creek;
  - 5. Francis Creek, in Mohave and Yavapai counties;
  - 6. Bonita Creek, tributary to the upper Gila River;
  - 7. Cienega Creek, from confluence with Gardner Canyon and Spring Water Canyon at R18E T17S to USGS gaging station at 32°02'09" / 110°40'34", in Pima County;

8. Aravaipa Creek, from its confluence with Stowe Gulch to the downstream boundary of Aravaipa Canyon Wilderness Area;
  9. Cave Creek and the South Fork of Cave Creek (Chiricahua Mountains), from the headwaters to the Coronado National Forest boundary;
  10. Buehman Canyon Creek, from its headwaters (Lat. 32°24'55.5" N, Long. 110°39'43.5"W) to approximately 9.8 miles downstream (Lat. 32°24'31.5" N, Long. 10°32'08" W);
  11. Lee Valley Creek, from its headwaters to Lee Valley Reservoir;
  12. Bear Wallow Creek, from its headwaters to the boundary of the San Carlos Indian Reservation;
  13. North Fork of Bear Wallow Creek, from its headwaters to Bear Wallow Creek;
  14. South Fork of Bear Wallow Creek, from its headwaters to Bear Wallow Creek;
  15. Snake Creek, from its headwaters to its confluence with Black River;
  16. Hay Creek, from its headwaters to its confluence with the West Fork of the Black River;
  17. Stinky Creek, from the Fort Apache Indian Reservation boundary to its confluence with the West Fork of the Black River; and
  18. KP Creek, from its headwaters to its confluence with the Blue River.
- F. The Department shall hold at least one public meeting in the local area of a nominated unique water to solicit public comment on the nomination.
- G. The Director may consider the following factors when making a decision whether to classify a nominated surface water as a unique water:
1. Whether there is the ability to manage the unique 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 or opposition to a unique waters classification;
  4. The support or opposition of federal and state land management and natural resources agencies to a nomination;
  5. Agency resource constraints;
  6. The timing of the unique water nomination relative to the triennial review of surface water quality standards;
  7. The consistency of a unique water classification with applicable water quality management plans (for example, § 208 water quality management plans); and
  8. 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 designation).
- H. The following water quality standards apply to the listed unique waters. Water quality standards prescribed in this subsection supplement the water quality standards prescribed by this Article.
1. The West Fork of the Little Colorado River, above Government Springs:

Parameter	Standard
pH (standard units)	No change due to discharge
Temperature	No increase due to discharge
Dissolved oxygen	No decrease due to discharge
Total dissolved solids	No increase due to discharge
Chromium (as Cr)(D)	10 µg/L

2. Oak Creek, including the West Fork of Oak Creek:

Parameter	Standard
pH (standard units)	No change due to discharge
Nitrogen (T)	1.00 mg / L (annual mean) 1.50 mg / L (90th percentile) 2.50 mg / L (single sample max.)
Phosphorus (T)	0.10 mg/L (annual mean) 0.25 mg/L (90th percentile) 0.30 mg / L (single sample max.)
Chromium (as Cr) (D)	5 µg/L
Turbidity change due to discharge	3 NTUs

3. Peoples Canyon Creek, tributary to the Santa Maria River:

Parameter	Standard
Temperature	No increase due to discharge
Dissolved oxygen	No decrease due to discharge
Turbidity change due to discharge	5 NTUs
Arsenic (T)	20 µg/L
Manganese (T)	500 µg/L

4. Burro Creek, above its confluence with Boulder Creek:

Parameter	Standard
Manganese (T)	500 µg/L

5. Francis Creek, in Mohave and Yavapai counties:

Parameter	Standard
Manganese (T)	500 µg/L

6. Cienega Creek, from its confluence with Gardner Canyon and Spring Water Canyon at R18E T17S to Del Lago Dam, in Pima County:

Parameter	Standard
pH	No change due to discharge
Temperature	No increase due to discharge
Dissolved oxygen	No decrease due to discharge
Total dissolved solids	No increase due to discharge
Turbidity	10 NTUs

7. Bonita Creek, tributary to the Upper Gila River:

Parameter	Standard
pH	No change due to discharge
Temperature	No increase due to discharge
Dissolved oxygen	No decrease due to discharge
Total dissolved solids	No increase due to discharge
Turbidity	15 NTUs

**Abbreviations:**

"(D)" means dissolved fraction

"mg / L" means milligrams per liter

"(T)" means total recoverable

"µg / L" means micrograms per liter

"NTUs" means nephelometric turbidity units

**Historical Note**

Adopted effective February 18, 1992 (Supp. 92-1). Amended effective April 24, 1996 (Supp. 96-2). Added "water quality standards" to R18-11-112, previously omitted in error (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 1264, effective March 8, 2002 (Supp. 02-1).