



# Inter Tribal Council of Arizona

21 TRIBAL NATIONS

## ITCA TRIBAL LEADERS WATER POLICY MEETING

Friday, April 24th, 2020

10:00 AM – 12:00 PM MST (Phoenix)

Via Webinar

Dial-In Information: 1(800) 832-0736

Conference Room Number: 265 2807

Meeting link: <https://itcaonlinemeetings.adobeconnect.com/tlwpc/>

**\*\*Participants can join either by computer or over the phone\*\***

### MEETING AGENDA

PLEASE REGISTER TO ATTEND HERE: [https://bit.ly/TLWPC\\_April2020](https://bit.ly/TLWPC_April2020)

**10:00 – 10:15 AM Greeting and Introductory Remarks**

*Presentation by Maria Dadgar, Executive Director, ITCA*

**10:15 – 10:45 AM Clean Water Act – New Navigable Waters Protection Rule & Introduction to ADEQ's Efforts to Fill the Gap in Protection for Arizona's Waters**

*Presentation by Susan B. Montgomery, Montgomery & Interpreter, PLC*

On January 23, 2020, the Trump administration finalized the Navigable Waters Protection Rule under the Clean Water Act, which revises the definition of "Waters of the United States." Once implemented, this new rule could leave **up to 93% of Arizona waters without protection under the Clean Water Act** because it excludes ephemeral waters from jurisdiction.

The Arizona Department of Environmental Quality (ADEQ) is developing the Waters of Arizona Program to replace the regulating authority of the Clean Water Act under state law. Montgomery & Interpreter, PLC, will provide background and context on this program, including discussing ITCA's role in ADEQ's Stakeholder Advisory Group (SAG) and the gap between implementation of the New Navigable Waters Protection Rule and the implementation of the Waters of Arizona rule.





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### 1. Stakeholder Advisory Group (SAG)

ADEQ invited ITAA to serve on the SAG in addition to 17 other stakeholders. The purpose of the SAG is to provide advice to ADEQ in the development of the Waters of Arizona program.

### 2. The Regulatory Gap

ADEQ does not currently have the legal authority to operate a state-based permitting program to replace the jurisdiction of the Clean Water Act. As a result, the state is facing a gap of up to **three years** between when the Navigable Waters Protection Rule is implemented and when the state is planning on implementing its replacement "Waters of Arizona" program **in 2023**. During this gap, there will be limited protections under federal law and very limited protections under state law for up to 93% of Arizona waters.

#### **10:45 – 11:15**      **ADEQ Presentation on the Waters of Arizona Program** *Presentation by Arizona Department of Environmental Quality*

ADEQ will provide an update on the new Waters of Arizona Program.

#### **11:15 – 11:40**      **Colorado River – 2007 Interim Guidelines Scoping Comments** *Presentation by the Bureau of Reclamation*

The Colorado River is currently managed under a set of rules known as the 2007 Interim Guidelines, which have been modified by the Lower Basin Drought Contingency Plan (LBDCP). The 2007 Interim Guidelines, and the LBDCP, expire in 2026. The first step in determining the management of the Colorado River following 2026 is the publication of a technical report by the Bureau of Reclamation regarding the effectiveness of the 2007 Interim Guidelines. Reclamation is seeking comments on the scope of its report on the effectiveness of the 2007 Interim Guidelines. **Tribes that wish to submit written comments may submit them by May 1<sup>st</sup> to [7DReview@usbr.gov](mailto:7DReview@usbr.gov).** Since individual Tribal comments will be most meaningful, ITAA will not be submitting comments at this time. Reclamation intends to complete its final report by the end of 2020.



