



DEPARTMENT OF THE ARMY
SOUTH PACIFIC DIVISION, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1399

REPLY TO
ATTENTION OF

17 OCT 2008

CESPD-DE

MEMORANDUM FOR Commander, Los Angeles District (ATTN: CESPL-RG)

SUBJECT: Final Determination of "Traditional Navigable Water" Status for the Lower Gila River, Arizona.

1. References:

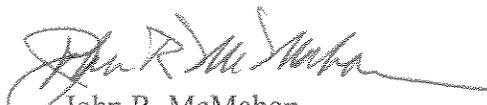
a. Memorandum, ASA(CW), 24 Sep 08, subject: Traditional Navigable Water Determinations Under the Clean Water Act.

b. Report of Findings on the Traditional Navigable Water Status Under the Clean Water Act for 6.9-Mile Reach of the Lower Gila River, Arizona, 30 Sep 08.

c. Memorandum for Record, CESPD-PDS-O, 16 Oct 08, subject: Traditional Navigable Water Determination for a 6.9-mile Reach of the Lower Gila River in Maricopa County, Arizona.

2. In accordance with Ref. 1.a., I have determined the 6.9-mile reach of the lower Gila River to be a "traditional navigable water" from Powers Butte to Gillespie Dam in Maricopa County, Arizona. This determination is based upon my review of the factual evidence and findings provided in Ref. 1.b. and evaluated in Ref. 1.c. Accordingly, the Gila River within the 6.9-mile study reach is subject to Clean Water Act jurisdiction under 33 CFR § 328.3(a)(1). This "traditional navigable water" determination is supported by the Clean Water Act, the Corps of Engineers' implementing regulations at 33 CFR Parts 320-330, and existing guidance, including the *Rapanos Guidance* issued 5 Jun 2007. This "traditional navigable water" determination applies only to the 6.9-mile study reach of the lower Gila River, from Powers Butte to Gillespie Dam, in Maricopa County, Arizona.

3. If you have any questions concerning my "traditional navigable water" determination for the subject reach of the lower Gila River, please contact Mr. Wade Eakle, Regulatory Program Manager, at (415) 503-6577.


John R. McMahon
Brigadier General, U.S. Army
Commanding