

## REGULATORY DIVISION MEMORANDUM

SUBJECT: Traditional Navigable Waters, Navigable In-Fact Determination for the Gila River

1. To provide documentation to determine the status of navigability of the Gila River in Arizona from Coolidge Dam to Winkelman in accordance with Appendix D of the *Rapanos* Guidance for purposes of Section 404 of the Clean Water Act. See Appendix A for topographic map of the proposed reach.
2. The Gila drainage basin includes 56,570 square miles in Arizona and New Mexico. The Gila River originates in New Mexico and is joined by several major tributaries including the San Pedro River near Winkelman and the Santa Cruz River, the Salt River and the Hassayampa River near Phoenix on its way to join the Colorado River at Yuma, Arizona. The Upper Gila River watershed (USGS subregion 1504) comprises about 12,850 square miles in southwestern New Mexico and southeastern Arizona above Coolidge Dam. The USGS Surface Water statistics (Appendix B) illustrate flows within the 30 mile reach from Coolidge Dam to Winkelman, Arizona. Coolidge Dam was completed in November 1928. Filling of the San Carlos Reservoir began in 1929 with the first release of water for irrigation in 1930.

The Gila River from Coolidge Dam to Winkelman flows perennially due to releases from the dam. There is a USGS gauge (09469500) below Coolidge Dam and a USGS gauge (09470000) at Winkelman. According to the USGS gauges at Coolidge Dam and Winkelman daily average flows were predominately greater than 100 cfs any day or month of the year since 1898 (Appendix B). Due to these flows this reach supports a dense canopy of riparian vegetation to include Cottonwood, Sycamore, Alders and Tamarisk (Appendix C).

In the 1980's and early 1990's commercial river floating operations began to obtain permits from the US Bureau of Land Management (BLM) for the use of public lands in connection with the commercial guide operations. According to an article from the Arizona Daily Wildcat dated June 5, 1996, (Appendix E) the river was being used by a commercial guided raft touring company called Desert Voyagers. These day trips start at Dripping Springs Wash and continued ten miles downstream. In addition, a Clean Water Act Section 404 nationwide permit for a boat ramp was issued on November 14, 1989 to Whole Earth Adventures; one of the rafting companies that the Town of Winkelman allowed the use of Winkelman Flats Public Park as a boat take out area (Appendix F).

BLM completed an environmental assessment in 2003 for the issuance of permits for commercial recreation use related to non-motorized river floating (Appendix G). As stated above, and according to the Town of Winkelman, commercial river operations have occurred since 1996. Although water levels have dropped in recent years there is non-commercial floating and tubing that still occur. In the past year, flows have improved and there has been interest in resuming commercial floating operations. Based on the increasing population in the state of Arizona and the proximity of this site to the metropolitan Phoenix area, it would be expected that there would be increased recreation in this reach to include commercial river floating operations.

3. Based on the documentation presented herein, I have made the following determinations:

The Gila River from Coolidge Dam to Winkelman is a traditional navigable water (TNW).

A handwritten signature in black ink, reading "David Castanon", written over a horizontal line.

David Castanon  
Chief, Regulatory Division  
Los Angeles District

## **Appendix A**

a. Map of proposed Reach. National Geographic Maps. Seamless USGS Topographic Maps on CD-ROM. 2000.

111°10'00" W 111°01'00" W 110°52'00" W 110°43'00" W 110°34'00" W 110°25'00" W 110°16'00" W WGS84 109°59'00" W



TN MN  
111°

0 5 10 15 20 25 30 35 40 km  
0 5 10 15 20 25 miles

Printed from TOPOI ©2001 National Geographic Holdings (www.topo.com)

## Appendix B

- a. USGS Surface Water Data for Arizona. Daily and Monthly Statistics for USGS 09469500, Gila River Below Coolidge Dam, AZ. Retrieved on November 8, 2007 from <http://nwis.waterdata.usgs.gov/az/nwis/monthly/> and <http://nwis.waterdata.usgs.gov/az/nwis/dvstat>
- b. USGS Surface Water Data for Arizona. Daily and Monthly Statistics for USGS 09470000, Gila River at Winkelman, AZ. Retrieved on November 8, 2007 from <http://nwis.waterdata.usgs.gov/az/nwis/monthly/> and <http://nwis.waterdata.usgs.gov/az/nwis/dvstat>
- c. Gila Water Commissioner. Retrieved on October 4, 2007 from <http://www.gilawater.org/events.html>

Water Resources National Water Information System: Web Interface

Data Category:  Geographic Area:

News: [Available Now in NWISWeb](#)

## USGS Surface-Water Daily Statistics for Arizona

The statistics generated from this site are based on approved daily-mean data and may not match those published by the USGS in official publications. The user is responsible for assessment and use of statistics from this site. For more details on why the statistics may not match, [click here](#).

USGS 09469500 GILA RIVER BELOW COOLIDGE DAM, AZ.

Available data for this site

Pinal County, Arizona Hydrologic Unit Code 15050100 Latitude 33°10'10", Longitude 110°31'50" NAD27 Drainage area 12,886.00 square miles Gage datum 2,309.33 feet above sea level NGVD29	<b>Output formats</b> <input type="button" value="HTML table of all data"/> <input type="button" value="Tab-separated data"/> <input type="button" value="Reselect output format"/>
---	--

00060, Discharge, cubic feet per second,												
Day of month	Mean of daily mean values for each day for 94 - 100 years of record in, cfs (Calculation Period 1898-10-01 -> 2006-09-30)											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	196	536	419	517	391	380	471	613	488	163	89	131
2	180	401	430	508	392	387	481	635	505	156	91	138
3	176	365	420	487	387	394	491	632	534	151	89	152
4	172	336	428	480	386	395	491	549	548	191	90	161
5	168	314	427	486	388	399	498	509	471	236	90	232
6	170	296	436	498	389	402	514	518	473	252	91	229
7	174	280	446	523	391	408	496	532	439	235	90	217
8	170	265	486	501	394	412	499	533	549	259	94	202
9	177	289	502	510	390	416	504	557	456	252	109	195
10	264	325	511	484	387	426	514	555	422	245	103	189
11	257	361	517	473	388	434	532	553	392	193	120	188
12	234	341	521	474	391	437	510	536	389	197	153	183
13	321	320	506	462	394	436	512	558	369	190	142	183
14	319	319	501	466	395	439	512	538	342	279	119	207
15	311	355	503	471	393	444	556	533	313	494	108	193
16	326	324	506	472	391	451	538	584	296	290	102	192
17	430	335	517	466	384	449	541	565	290	227	104	191
18	551	320	513	462	386	452	532	528	286	180	99	189
19	835	325	504	461	385	456	641	525	279	157	97	311
20	1,480	366	501	458	385	460	569	532	261	146	116	539
21	1,120	515	502	453	383	460	516	551	255	146	91	501
22	799	499	507	454	382	461	560	593	252	143	97	443
23	503	511	523	438	381	466	531	593	248	133	121	494
24	411	496	524	407	381	464	504	548	231	126	134	486
25	351	475	533	398	380	468	499	534	217	117	132	416
26	330	461	525	398	381	472	534	529	214	104	125	358
27	365	441	525	394	381	471	564	491	222	96	165	318

28	389	435	522	392	378	470	583	515	203	92	111	384
29	585	515	539	389	375	477	574	510	199	90	120	365
30	690		546	393	376	477	610	516	174	88	119	287
31	702		533		377		584	487		90		209

[Questions about sites/data?](#)

[Feedback on this web site](#)

Surface Water data for Arizona: USGS Surface-Water Daily Statistics  
<http://waterdata.usgs.gov/az/nwis/dvstat?>

Retrieved on 2007-11-08 14:45:34 EST

Department of the Interior, U.S. Geological Survey

[USGS Water Resources of Arizona](#)

[Privacy Statement](#) || [Disclaimer](#) || [Accessibility](#) || [FOIA](#) || [News](#) || [Automated Retrievals](#)

1.54 1.51 nadww01

[Top](#)

[Explanation of terms](#)



Water Resources National Water Information System: Web Interface

Data Category:  Geographic Area:

News: [Available Now in NWISWeb](#)

# USGS Surface-Water Monthly Statistics for Arizona

The statistics generated from this site are based on approved daily-mean data and may not match those published by the USGS in official publications. The user is responsible for assessment and use of statistics from this site. For more details on why the statistics may not match, [click here](#).

## USGS 09469500 GILA RIVER BELOW COOLIDGE DAM, AZ.

Available data for this site

Pinal County, Arizona Hydrologic Unit Code 15050100 Latitude 33°10'10", Longitude 110°31'50" NAD27 Drainage area 12,886.00 square miles Gage datum 2,309.33 feet above sea level NGVD29	<b>Output formats</b> <input type="button" value="HTML table of all data"/> <input type="button" value="Tab-separated data"/> <input type="button" value="Reselect output format"/>
---	--

00060, Discharge, cubic feet per second,												
YEAR	Monthly mean in cfs (Calculation Period: 1899-08-01 -> 2006-09-30)											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1899								408.2	416.2			
1900					2.32	0.537	0.352	200.6		60.0	176.5	101.9
1901	140.7	1,106	426.0	59.3	5.45	2.62	376.8	482.3	212.2	67.5	222.8	110.2
1902	79.1	45.9	13.5					407.3	113.9			
1903	168.8	53.3	35.7	50.6	2.22	107.2	53.3	962.5	223.1	106.2	55.4	35.5
1904	31.7	32.7	11.0	5.27	8.68	0.000	143.3	952.6	231.6	824.5	112.0	306.5
1905						255.2	99.6	440.9	544.0	149.3		
1912												98.4
1914					8.23	72.5	967.5	1,079	605.8	1,173	841.2	8,421
1915	3,381	5,136							267.4	66.7	71.5	222.0
1916	12,630	3,288	2,865	1,077	403.4	57.3	87.6	788.5	719.9	3,240	442.1	347.3
1917	1,849	963.7	773.5	482.4	151.7	34.8	186.6	220.7	48.2	27.8	46.2	97.9
1918	196.4	224.0	272.5	38.1	15.0	31.8	75.3	330.2	25.0	35.1	87.4	350.0



1995	2.02	123.7	1,421	528.6	731.6	977.4	1,215	1,106	569.6	164.7	3.60	233.6
1996	203.9	279.8	847.9	767.3	967.5	1,175	1,163	1,145	315.7	180.8	19.9	310.2
1997	133.0	228.0	652.5	512.3	536.8	661.3	829.2	507.1	68.4	139.7	1.10	160.3
1998	96.6	28.1	439.3	383.9	614.8	691.0	823.5	884.3	436.5	141.7	41.6	308.1
1999	72.5	160.4	355.1	156.0	250.8	0.918	47.1	321.8	125.4	84.5	1.88	168.8
2000	72.4	131.4	277.7	357.1	121.0	3.42	4.87	21.6	18.7	0.345	3.54	229.1
2001	41.3	122.6	403.8	462.8	543.7	627.8	704.9	462.3	269.6	204.1	0.810	258.4
2002	96.5	142.7	235.9	22.9	21.8	1.09	1.32	56.7	58.1	112.9	12.6	117.9
2003	72.9	152.3	326.5	218.2	95.5	7.53	32.8	1.05	1.25	0.781	0.590	70.5
2004	98.1	146.3	284.9	405.5	238.3	1.38	1.00	115.1	79.2	38.0	20.1	125.0
2005	106.6	69.0	379.9	641.2	564.0	721.3	817.5	519.2	471.3	223.2	1.12	304.0
2006	176.1	228.0	218.3	399.3	491.6	500.9	383.8	336.5	293.0			
Mean of monthly Discharge	420	379	496	464	382	439	523	547	338	185	101	270
** No Incomplete Data is used for Statistical Calculation												

[Questions about sites/data?](#)

[Feedback on this web site](#)

Surface Water data for Arizona: USGS Surface-Water Monthly Statistics  
<http://waterdata.usgs.gov/az/nwis/monthly/>

Retrieved on 2007-11-08 14:49:16 EST

Department of the Interior, U.S. Geological Survey

USGS Water Resources of Arizona

[Privacy Statement](#) || [Disclaimer](#) || [Accessibility](#) || [FOIA](#) || [News](#) || [Automated Retrievals](#)

8.46 6.95 nadww01

[Top](#)

[Explanation of terms](#)



Water Resources

National Water Information System: Web Interface

Data Category:  Geographic Area:

News: [Available Now in NWISWeb](#)

## USGS Surface-Water Daily Statistics for the Nation

The statistics generated from this site are based on approved daily-mean data and may not match those published by the USGS in official publications. The user is responsible for assessment and use of statistics from this site. For more details on why the statistics may not match, [click here](#).

USGS 09470000 GILA RIVER AT WINKELMAN, ARIZ.

Available data for this site

Gila County, Arizona Hydrologic Unit Code 15050100 Latitude 33°00'06", Longitude 110°45'55" NAD27 Drainage area 13,268.00 square miles Contributing drainage area 382.00 square miles Gage datum 1,921.76 feet above sea level NGVD29	<b>Output formats</b> <input type="button" value="HTML table of all data"/> <input type="button" value="Tab-separated data"/> <input type="button" value="Reselect output format"/>
--	--

00060, Discharge, cubic feet per second,												
Mean of daily mean values for each day for 49 - 50 years of record in, cfs (Calculation Period 1941-10-01 -> 1995-09-30)												
Day of month	Calculation period restricted by USGS staff due to special conditions at/near site											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	129	365	565	601	427	462	607	595	512	202	73	97
2	116	352	621	579	433	465	603	667	512	153	71	104
3	113	339	608	558	438	480	612	621	516	145	68	111
4	113	334	589	552	427	487	622	601	505	147	66	115
5	113	333	613	544	439	493	620	723	503	155	67	127
6	126	327	604	551	442	501	622	578	488	166	67	119
7	207	337	600	546	433	508	618	557	466	150	66	121
8	271	347	628	539	438	515	617	606	470	138	65	123
9	220	329	646	531	434	522	614	680	467	132	69	128
10	210	331	659	536	433	529	620	559	454	127	72	133
11	353	386	736	539	432	537	629	583	430	123	70	150
12	224	362	741	529	435	540	631	584	420	125	76	142
13	571	352	672	535	454	541	634	580	419	121	76	147
14	665	393	708	539	457	544	636	587	365	125	69	142
15	640	392	701	532	447	550	642	586	338	118	68	149
16	548	387	666	531	450	558	656	579	322	115	73	156
17	504	376	705	527	443	567	647	559	303	114	83	164
18	609	371	707	520	442	576	647	537	296	113	73	262
19	710	380	709	512	445	580	632	533	311	125	74	256
20	825	377	692	511	438	586	623	561	271	126	70	257
21	824	398	689	504	437	586	620	560	250	97	70	182
22	697	453	694	507	433	582	609	583	231	90	74	194
23	580	538	737	489	436	581	608	553	217	90	75	189
24	496	548	700	443	434	584	581	561	219	88	137	169
25	443	544	644	428	437	587	609	547	201	83	87	184
26	389	549	631	426	439	592	570	548	204	78	87	184
27	358	546	639	429	448	594	568	576	178	77	86	176
28	337	542	648	414	449	596	581	539	165	76	87	190
29	346	433	646	420	448	598	606	531	168	80	92	228
30	368		642	416	457	604	603	545	166	93	95	219
31	366		619		457		591	527		81		161

[Questions about sites/data?](#)

[Feedback on this web site](#)

Surface Water data for USA: USGS Surface-Water Daily Statistics  
<http://waterdata.usgs.gov/nwis/dvstat?>

[Top](#)  
[Explanation of terms](#)

Retrieved on 2007-12-17 19:40:39 EST  
 Department of the Interior, U.S. Geological Survey  
[Privacy Statement](#) | [Disclaimer](#) | [Accessibility](#) | [FOIA](#) | [News](#) | [Automated Retrievals](#)  
 1.18 1.18 sd03



Water Resources

National Water Information System: Web Interface

Data Category:  Geographic Area:

News: [Available Now in NWISWeb](#)

## USGS Surface-Water Monthly Statistics for the Nation

The statistics generated from this site are based on approved daily-mean data and may not match those published by the USGS in official publications. The user is responsible for assessment and use of statistics from this site. For more details on why the statistics may not match, [click here](#).

USGS 09470000 GILA RIVER AT WINKELMAN, ARIZ.

Available data for this site

Gila County, Arizona Hydrologic Unit Code 15050100 Latitude 33°00'06", Longitude 110°45'55" NAD27 Drainage area 13,268.00 square miles Contributing drainage area 382.00 square miles Gage datum 1,921.76 feet above sea level NGVD29	<b>Output formats</b> <input type="button" value="HTML table of all data"/> <input type="button" value="Tab-separated data"/> <input type="button" value="Reselect output format"/>
--	--

00060, Discharge, cubic feet per second,												
Monthly mean in cfs (Calculation Period: 1941-10-01 -> 1994-09-30)												
YEAR	Calculation period restricted by USGS staff due to special conditions at/near site											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1941										315.1	296.9	136.4
1942	101.8	287.6	349.6	590.8	602.2	736.9	902.4	869.5	706.7	446.6	334.5	256.2
1943	222.8	331.3	435.5	642.9	700.6	839.7	798.0	493.5	615.7	362.8	321.4	199.1
1944	151.8	138.6	201.7	516.4	523.0	585.1	692.6	783.4	572.7	369.8	198.9	259.2
1945	109.8	181.7	213.7	342.6	362.5	405.6	471.9	288.5	413.1	198.3	128.4	123.4
1946	40.3	128.1	186.3	169.7	157.2	24.4	3.06	81.4	165.8	65.9	68.1	85.1
1947	105.4	99.3	133.6	174.0	8.90	0.187	0.174	147.1	166.7	79.9	30.4	35.4
1948	68.2	89.1	146.7	231.1	99.6	117.6	55.8	109.7	22.7	1.21	33.5	34.1
1949	29.4	33.3	522.9	567.3	404.4	577.3	703.3	798.8	463.3	167.5	98.6	168.5
1950	94.7	118.5	332.5	460.4	172.0	280.8	244.8	275.5	27.2	12.6	1.87	8.50
1951	58.8	84.6	94.0	84.4	28.6	0.313	2.50	256.8	130.4	5.95	75.3	51.1
1952	102.9	60.1	211.7	469.3	313.0	622.1	826.5	781.6	432.8	27.9	12.5	50.1
1953	46.3	56.8	134.3	137.9	90.2	52.0	40.8	151.1	5.80	0.358	1.33	2.49
1954	6.20	28.3	114.5	255.8	156.1	244.9	72.5	378.9	284.0	186.9	161.7	206.3
1955	24.6	105.7	273.8	296.2	8.43	7.77	150.4	69.5	329.5	174.1	165.3	174.3
1956	15.7	76.2	365.6	329.1	257.5	235.1	8.88	24.3	0.213	0.000	0.403	2.42
1957	19.2	8.99	145.3	6.40	2.01	11.5	55.2	334.5	335.3	99.1	35.8	278.0
1958	85.5	150.7	358.2	466.9	527.3	681.3	817.0	421.3	269.8	87.7	88.1	201.7
1959	41.3	148.4	426.7	377.3	249.6	400.5	177.8	69.8	284.8	134.0	12.9	143.6
1960	109.8	156.2	502.1	471.4	460.5	650.5	795.8	708.2	328.7	11.9	19.0	60.6
1961	9.85	95.9	74.6	28.6	5.63	2.54	13.5	163.4	160.8	138.9	110.6	156.2
1962	147.9	345.6	526.5	356.9	414.7	487.7	648.0	664.3	303.6	12.0	11.7	12.9
1963	79.2	316.9	350.4	258.4	277.4	346.0	488.5	256.7	133.1	137.1	110.6	207.2
1964	79.2	89.1	215.6	195.6	143.7	173.9	219.9	153.8	135.0	52.3	11.5	128.1
1965	21.5	96.9	210.7	172.5	186.8	256.2	327.1	342.8	227.2	56.7	8.73	300.7
1966	84.6	118.1	402.4	546.0	546.1	688.5	857.5	551.2	326.1	117.0	114.9	309.1
1967	94.3	322.9	554.1	322.9	439.6	528.3	584.3	569.7	421.5	166.7	136.4	374.2
1968	65.5	283.9	437.2	430.7	496.0	784.2	846.5	602.9	467.9	109.3	86.4	235.1
1969	54.9	309.0	580.6	579.8	628.6	732.0	768.9	666.2	415.1	167.8	86.8	175.5
1970	23.5	375.6	430.7	453.4	444.7	463.6	568.1	377.7	256.1	109.9	115.6	215.3
1971	49.1	215.0	211.1	39.4	20.6	4.19	0.000	1.29	35.7	117.8	17.2	167.7
1972	154.5	253.7	466.9	320.4	326.7	316.3	452.9	289.6	124.9	140.3	15.5	93.4
1973	75.1	223.5	358.2	504.0	574.2	638.0	807.7	830.5	616.6	222.6	44.9	262.0
1974	153.6	361.5	689.1	623.0	621.6	851.1	828.9	712.2	514.4	104.6	120.9	271.6
1975	270.2	413.0	715.5	478.8	735.2	772.3	665.5	773.7	582.0	236.9	25.4	298.2
1976	274.5	375.2	513.9	467.9	343.2	340.3	318.9	337.4	72.6	5.85	4.82	101.8
1977	14.4	20.9	174.4	87.5	82.6	3.03	55.0	110.5	203.6	59.5	16.1	116.0
1978	68.1	201.9	280.6	418.3	375.9	535.0	801.3	814.4	588.7	143.2	130.3	467.8
1979	693.9	339.5	769.4	1,000	966.8	918.1	1,179	1,022	774.0	248.5	66.5	324.9

1980	170.0	689.4	2,267	1,052	746.7	1,033	1,163	1,152	697.4			
1984							913.7	672.9	498.6	59.9	78.5	147.8
1985	1,722	2,656	3,234	1,113	848.0	972.1	1,099	1,075	527.8	35.6	53.3	95.2
1986	117.4	94.8	888.0	626.0	785.3	1,131	1,293	1,244	522.0	64.3	93.5	93.1
1987	87.2	323.0	867.9	680.0	888.7	1,182	1,295	1,264	584.1	55.7	21.5	119.5
1988	56.5	231.6	1,019	418.8	799.6	1,233	1,347	1,221	595.3	62.1	56.5	207.9
1989	91.4	264.6	910.4	509.0	855.9	1,117	1,250	1,086	476.3	13.4	14.0	79.2
1990	11.8	46.4	309.2	137.6	208.1	8.87	5.58	89.8	6.55	4.05	4.88	24.2
1991	42.9	21.0	516.7	299.4	482.9	821.9	1,049	1,124	471.8	77.5	11.1	83.1
1992	62.9	248.4	1,856	1,656	1,379	1,624	1,358	1,285	326.2	104.1	69.6	255.4
1993	13,270	7,961	6,039	3,876	980.4	1,262	1,409	1,267	250.9	188.5	43.8	224.3
1994	224.7	264.5	963.1	623.3	802.1	1,158	1,340	1,183	411.0			
Mean of monthly Discharge	402	405	653	507	439	548	615	579	346	118	77	164
** No Incomplete Data is used for Statistical Calculation												

[Questions about sites/data?](#)

[Top](#)

[Feedback on this web site](#)

[Explanation of terms](#)

Surface Water data for USA: USGS Surface-Water Monthly Statistics

<http://waterdata.usgs.gov/nwis/monthly/>

Retrieved on 2007-12-17 19:42:38 EST

Department of the Interior, U.S. Geological Survey

[Privacy Statement](#) || [Disclaimer](#) || [Accessibility](#) || [FOIA](#) || [News](#) || [Automated Retrievals](#)

3.31 3.31 s003

# Important Events on the Gila River

Date	Item	Event
1833	Flood in Gila River	Earliest known
July 1, 1852	Treaty of Santa Fe (rights of Apache Indians)	Signed
February 28, 1859	Gila River Pima/Maricopa Indian Community (GRIC)	Created by US Congress
1867	Rainfall in Gila Valley	Earliest records made
1868	Lower Gila River above GRIC	First non-Indian agricultural use of water
1870	Safford Valley	Irrigation by non-Indian settlers (approximate)
1874	Duncan-Virden Valley	Irrigation by non-Indian settlers
1895	Measurements of Gila River Flow	Started by USGS
June 7, 1897	San Carlos Apache Indian Reservation	Established (division of White Mountain Indian Reservation)
March 3, 1905	10,000 acres along San Tan Canal (GRIC)	Funds allocated for irrigation
April 28, 1905	Doan Decree	Enacted
July 18, 1912	Shute Decree (Ash Creek)	Enacted
April 6, 1916	Lockwood Decree	Enacted
May 18, 1916	Florence-Casa Grande Irrigation Project	Authorized and funded
1922	Franklin Irrigation District (FID)	Incorporated
June 30, 1922	Ashurst-Hayden (formerly Florence) Dam	Completed
1923	Gila Valley Irrigation District (GVID)	Incorporated
June 7, 1924	San Carlos Irrigation Project (includes Coolidge Dam)	Authorized and funded
June 1925	Sacaton Dam	Completed
October 2, 1925	Lawsuit to adjudicate the waters of the Gila River	Filed by US Government
November 19, 1925	Post-Doan (Jenckes) Decree	Enacted

November 28, 1927	Ling Decree	Entered
July 16, 1928	San Carlos Irrigation and Drainage District (SCIDD)	Organized
November 1928	Coolidge Dam	Completed
1929	Storage behind Coolidge Dam (San Carlos Reservoir)	Began
1930	Coolidge Dam (San Carlos Reservoir)	First release for irrigation
June 29, 1935	Globe Equity 59 Consent Decree	Signed
April 27, 1936	Ling Decree	Amended

## **Appendix C**

- a. Photographs of the Gila River. October 5, 2006. Jurisdictional Delineation submittal for SR 77 Christmas Segment, MP 1145.2 to MP 147.2. Arizona Department of Transportation.

**Photographs of riparian vegetation along the Gila River taken October 5, 2006**



View facing east from east side of SR 77 at approximately milepost 146.



View upstream facing northeast from the east side of SR 77 at approximately milepost 146.





View downstream facing southeast from east side of SR 77 at approximately milepost 146.

## **Appendix D**

Rapanos

Appendix D (including all legal citations), *Rapanos* Guidance issued June 5, 2007

## **APPENDIX D**

### **Legal Definition of “Traditional Navigable Waters”**

## **Waters that Qualify as Waters of the United States Under Section (a)(1) of the Agencies' Regulations**

The Environmental Protection Agency (EPA) and United States Army Corps of Engineers (Corps) "Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in Rapanos v. United States and Carabell v. United States" guidance (Rapanos guidance) affirms that EPA and the Corps will continue to assert jurisdiction over "[a]ll waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide." 33 C.F.R. § 328.3(a)(1); 40 C.F.R. § 230.3(s)(1). The guidance also states that, for purposes of the guidance, these "(a)(1) waters" are the "traditional navigable waters." These (a)(1) waters include all of the "navigable waters of the United States," defined in 33 C.F.R. Part 329 and by numerous decisions of the federal courts, plus all other waters that are navigable-in-fact (e.g., the Great Salt Lake, UT and Lake Minnetonka, MN).

EPA and the Corps are providing this guidance on determining whether a water is a "traditional navigable water" for purposes of the Rapanos guidance, the Clean Water Act (CWA), and the agencies' CWA implementing regulations. This guidance is not intended to be used for any other purpose. To determine whether a water body constitutes an (a)(1) water under the regulations, relevant considerations include Corps regulations, prior determinations by the Corps and by the federal courts, and case law. Corps districts and EPA regions should determine whether a particular waterbody is a traditional navigable water based on application of those considerations to the specific facts in each case.

As noted above, the (a)(1) waters include, but are not limited to, the "navigable waters of the United States." A water body qualifies as a "navigable water of the United States" if it meets any of the tests set forth in 33 C.F.R. Part 329 (e.g., the water body is (a) subject to the ebb and flow of the tide, and/or (b) the water body is presently used, or has been used in the past, or may be susceptible for use (with or without reasonable improvements) to transport interstate or foreign commerce). The Corps districts have made determinations in the past regarding whether particular water bodies qualify as "navigable waters of the United States" for purposes of asserting jurisdiction under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 USC Sections 401 and 403). Pursuant to 33 C.F.R. § 329.16, the Corps should maintain lists of final determinations of navigability for purposes of Corps jurisdiction under the Rivers and Harbors Act of 1899. While absence from the list should not be taken as an indication that the water is not navigable (329.16(b)), Corps districts and EPA regions should rely on any final Corps determination that a water body is a navigable water of the United States.

If the federal courts have determined that a water body is navigable-in-fact under federal law for any purpose, that water body qualifies as a "traditional navigable water" subject to CWA jurisdiction under 33 C.F.R. § 328.3(a)(1) and 40 C.F.R. § 230.3(s)(1).

Corps districts and EPA regions should be guided by the relevant opinions of the federal courts in determining whether waterbodies are “currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce” (33 C.F.R. § 328.3(a)(1); 40 C.F.R. § 230.3(s)(1)) or “navigable-in-fact.”

This definition of “navigable-in-fact” comes from a long line of cases originating with The Daniel Ball, 77 U.S. 557 (1870). The Supreme Court stated:

Those rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used, or are susceptible of being used, in their ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water.

The Daniel Ball, 77 U.S. at 563.

In The Montello, the Supreme Court clarified that “customary modes of trade and travel on water” encompasses more than just navigation by larger vessels:

The capability of use by the public for purposes of transportation and commerce affords the true criterion of the navigability of a river, rather than the extent and manner of that use. If it be capable in its natural state of being used for purposes of commerce, no matter in what mode the commerce may be conducted, it is navigable in fact, and becomes in law a public river or highway.

The Montello, 87 U.S. 430, 441-42 (1874). In that case, the Court held that early fur trading using canoes sufficiently showed that the Fox River was a navigable water of the United States. The Court was careful to note that the bare fact of a water’s capacity for navigation alone is not sufficient; that capacity must be indicative of the water’s being “generally and commonly useful to some purpose of trade or agriculture.” Id. at 442.

In Economy Light & Power, the Supreme Court held that a waterway need not be continuously navigable; it is navigable even if it has “occasional natural obstructions or portages” and even if it is not navigable “at all seasons . . . or at all stages of the water.” Economy Light & Power Co. v. U.S., 256 U.S. 113, 122 (1921).

In United States v. Holt State Bank, 270 U.S. 49 (1926), the Supreme Court summarized the law on navigability as of 1926 as follows:

The rule long since approved by this court in applying the Constitution and laws of the United States is that streams or lakes which are navigable in fact must be regarded as navigable in law; that they are navigable in fact when they are used, or are susceptible of being used, in their natural and ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water; and further that navigability

does not depend on the particular mode in which such use is or may be had - whether by steamboats, sailing vessels or flatboats- nor on an absence of occasional difficulties in navigation, but on the fact, if it be a fact, that the stream in its natural and ordinary condition affords a channel for useful commerce.

Holt State Bank, 270 U.S. at 56.

In U. S. v. Utah, 283 U.S. 64, (1931) and U.S. v. Appalachian Elec. Power Co., 311 U.S. 377 (1940), the Supreme Court held that so long as a water is susceptible to use as a highway of commerce, it is navigable-in-fact, even if the water has never been used for any commercial purpose. U.S. v. Utah, at 81-83 (“The question of that susceptibility in the ordinary condition of the rivers, rather than of the mere manner or extent of actual use, is the crucial question.”); U.S. v. Appalachian Elec. Power Co., 311 U.S. 377, 416 (1940) (“Nor is lack of commercial traffic a bar to a conclusion of navigability where personal or private use by boats demonstrates the availability of the stream for the simpler types of commercial navigation.”).

In 1971, in Utah v. United States, 403 U.S. 9 (1971), the Supreme Court held that the Great Salt Lake, an intrastate water body, was navigable under federal law even though it “is not part of a navigable interstate or international commercial highway.” Id. at 10. In doing so, the Supreme Court stated that the fact that the Lake was used for hauling of animals by ranchers rather than for the transportation of “water-borne freight” was an “irrelevant detail.” Id. at 11. “The lake was used as a highway and that is the gist of the federal test.” Ibid.<sup>1</sup>

---

<sup>1</sup>Also of note are two decisions from the courts of appeals. In FPL Energy Marine Hydro, a case involving the Federal Power Act, the D.C. Circuit reiterated the fact that “*actual use* is not necessary for a navigability determination” and repeated earlier Supreme Court holdings that navigability and capacity of a water to carry commerce could be shown through “physical characteristics and experimentation.” FPL Energy Marine Hydro LLC v. FERC, 287 F.3d 1151, 1157 (D.C. Cir. 2002). In that case, the D.C. Circuit upheld a FERC navigability determination that was based upon three experimental canoe trips taken specifically to demonstrate the river’s navigability. Id. at 1158-59.

The 9th Circuit has also implemented the Supreme Court’s holding that a water need only be susceptible to being used for waterborne commerce to be navigable-in-fact. Alaska v. Ahtna, Inc., 891 F.2d 1404 (9th Cir. 1989). In Ahtna, the 9th Circuit held that current use of an Alaskan river for commercial recreational boating is sufficient evidence of the water’s capacity to carry waterborne commerce at the time that Alaska became a state. Id. at 1405. It was found to be irrelevant whether or not the river was actually being navigated or being used for commerce at the time, because current navigation showed that the river always had the capacity to support such navigation. Id. at 1404.

In summary, when determining whether a water body qualifies as a "traditional navigable water" (i.e., an (a)(1) water), relevant considerations include whether a Corps District has determined that the water body is a navigable water of the United States pursuant to 33 C.F.R § 329.14, or the water body qualifies as a navigable water of the United States under any of the tests set forth in 33 C.F.R. § 329, or a federal court has determined that the water body is navigable-in-fact under federal law for any purpose, or the water body is "navigable-in-fact" under the standards that have been used by the federal courts.

## Appendix E

- a. Arizona Daily Wildcat article, *Rafting: Paddling is a Peaceful escape*. June 5, 1996. Retrieved on October 10, 2007 from [http://wc.arizona.edu/~wildcat/papers/89/151/20\\_1\\_m.html](http://wc.arizona.edu/~wildcat/papers/89/151/20_1_m.html).
- b. Southwest Paddler; Outdoor Recreation Guide for Texas, Oklahoma, Arkansas, Missouri, New Mexico, Arizona, Colorado, and Utah. Retrieved on October 4, 2007 from <http://southwestpaddler.com/docs/gila4.html>.



## Rafting: Paddling is a peaceful escape

*By Edina A.T. Strum  
Arizona Daily Wildcat  
June 5, 1996*



Arizona Daily Wildcat

**Summer Wildcat reporter A.T. Strum rests for a moment on one of the calmer parts of her journey down the Gila River.**

### Arizona Summer Wildcat

WINKELMAN - Life vests on, paddle in hand, a quick lesson in rafting techniques and off you go down the Gila River, the water rushing under you at 1,000 cubic feet per second.

Last week, I had the opportunity to experience white water rafting for the first time, taking part in a half-day trip down the Gila River. I was guided by Desert Voyagers River Rafting, which is operated out of Tempe. The firm, owned by Patrick Blumm, has been floating people down Arizona's rivers since 1978. The company was granted permits to raft the Gila in 1991, but this is the first year they have offered trips on the river.

While the Salt River is the only choice for serious thrill seekers, a lack of water has made rafting impossible this year. Instead, Blumm moved camp to Winkelman and began running the Gila.

Blumm calls the Gila "Arizona's summertime river," because irrigation releases from the Coolidge Dam keep the river flowing into September. On a scale of one to six, with six the most dangerous, The Gila is a class two. The Upper Salt is a class three to four. Niagara

Falls is a six. According to Blumm, the rating makes the Gila "the perfect place to start your rafting career. There are no bone-crunching rapids or death-defying curves, but you won't fall asleep."

I arrived at base camp half an hour before the trip started, which allowed everyone to meet (there are eight people per raft), sign an acknowledgment of risk form, and pile into a van to ride to Dripping Springs Wash, the "put-in" spot about 10 miles upriver. Here, we were issued life vests and taught the finer points of rafting, most importantly, how to paddle forward and reverse. We were assured these were the only commands we would need for the day. The more delicate steering would be done by our guide, Chris Jolly.

We spent three hours on the river and shot through several rapids; looked in awe at limestone mountains jutting alongside the river; and watched cattle, ducks and blue herons wading along the banks. The river is calm enough to spend most of the day admiring the breathtaking scenery and talking with fellow rafters. Jolly and the other guides know the area well and shared their stories with us as we floated. One of the many bits of history we heard during the day was that the Gila was the natural boundary between the United States and Old Mexico until 1853.

The river offers something for everyone. If you are looking for an escape from the summer heat, the river is a constant 60 degrees, and a breeze kept us cool all afternoon. Nature lovers will be captivated by the scenery and wildlife. Adventure seekers should enjoy the rapids, which are not extreme, but fun. "There is fast-moving water, but the waves splash in your lap instead of over your head," Blumm said.

The trip was 10 miles of winding river, and I spent about half of it paddling in the front position of the raft. The waves were doing plenty of splashing all over me. The water felt great, and it was a thrill to feel the rapids under my feet and then the raft lifting and crashing down into the waves. The rest of the trip I spent relaxing, paddling enough to get a good, upper-arm workout, but when the white water approached, the only thing I was focused on was the water surging up to meet the boat and Jolly calling out commands.

On a couple of the rapids, the river sent us hurling into the banks, and one rapid had all of us ducking for cover as we went headfirst into a low-hanging tree. I got the up-close view of the branches as it skimmed over the raft, inches from my head.

Those few encounters with the white water got me excited about

rafting and eager to try more challenging rivers.

For more experienced rafters, Blumm has created "self-captained" boats, and these are becoming the biggest attraction at Desert Voyagers. Blumm interviews prospective captains to make sure each is qualified to take charge of a boat, then gives that person control of the raft and its eight person crew. Desert Voyagers guides run a caravan of rafts along with a self-captained crew to provide the narration on the scenery and make sure the captain is, in fact, competent. If a problem arises, a Desert Voyagers staff member will take over. So far, Blumm has reported no problems.

Desert Voyagers' base camp is in Winkelman, a small mining town about 70 miles northeast of Tucson. As you pass by, keep your eyes open for their sign. It is set back off the right side of state Route 77, a half mile past the Highway 177 junction. It's easy to miss - I had to double back after passing the sign at 60 miles per hour. All you need for your trip is drinking water and a lot of waterproof sunscreen. Leave alcohol at home; it is strictly prohibited on the river. Swimsuits or shorts and a T-shirt are the perfect attire. Footwear is required. Sneakers will work, but Tevas, or similar sandals, are suggested. There is a tepee set up as a changing room and an extra set of clothes for the ride home is recommended.

Trips on the Gila are all half-day adventures, and a picnic lunch is included for the \$49-per-person fee. Reservations are required, and can be arranged by calling (602) 966-7878.

I worked hard paddling all day, got a little sunburned, a little wet, and would do it all again in a heartbeat.



# Gila River

Report by Marc W. McCord

## Coolidge Dam to Kelvin ~ 40 Miles

### GENERAL DESCRIPTION

The Gila River is a major waterway for Arizona, though flows (and especially navigable flows) are rare. It usually runs in the early to late spring, when snows melt in the San Francisco Mountains of Apache National Forest in far western New Mexico. The river begins as three forks (North Fork, Middle Fork and South Fork) north of Silver City and west of Truth of Consequences. From its headwaters the Gila River flows west through Safford, Florence, Glendale and Yuma, then into California along the Mexico border to the Colorado River. The Gila River has three major tributaries in the San Carlos, San Francisco and San Simon Rivers in southeastern Arizona.


At the bottom of San Carlos Lake, about 30 miles below Bylas, is Coolidge Dam, which regulates Gila River flows with its releases, supplemented by very occasional thunderstorms that give the river a temporary bump. Access is via the county road that veers left off US Highway 70 at Bylas, then driving about 30 miles to the river just below the dam. (NOTE: Access near the base of the dam MAY be restricted, or banned completely, by order of the Department of Homeland Security amid concerns that terrorists may attempt to damage or destroy dams, causing floods that kill many and cost billions of dollars to repair. Check with the US Army Corps of Engineers at Coolidge Dam for information regarding river access below the dam.) Take a visual cue off the water level, current and dam outflow to get a feel for downriver conditions. Water will almost always flow in this section, though not always at navigable levels. Expect the best flows about 1-2 days after a major rainstorm event in the drainage basin above San Carlos Lake that prompts a dam release, though this reach of the river is usually navigable from May through September.

The upper part of this run begins on a winding river canopied by shade trees of the sycamore, cottonwood and alder species before opening into the typical Arizona desert topography that we all know and love. Many birds, including the Great Blue Heron, call this place "home". Jerusalem Mountain (5,294') is on river left, and the Mescal Mountains are on the right side, about 5-6 miles below the put-in. Runs descend on a very shallow gradient with a normally slow current as the river flows to the desert floor between Phoenix and

Technical Data	
Class Rating	I to I+
Length	40 miles
Minimum Flow	cfs
Optimum Flow	cfs
Maximum Flow	cfs
First Put-in	Coolidge Dam Access
Lat/Long	
Last Take-out	Kelvin
Lat/Long	
Elevation	msl
Gradient	fpm
USGS Gauge	Web: 09469500 (Coolidge Dam)
Boats	Canoes, Kayaks, Rafts, Duckies
Season	May through September Local rainfall dependent
Permits	No



AUSTIN • SAN MARCOS • LULING  
Rentals & Sales  
Repairs & Outfitting  
Canoes, Kayaks & Tubes  
Gear & Accessories Sales  
512-353-3946  
<http://tgcanoe.com/>



Central Arizona Paddlers Club  
Click HERE to visit us on the web  
<http://www.azpaddlers.com/>

Casa Grande about halfway between its headwaters and its rendezvous with the Colorado River. With a good current a strong paddler could run this reach in a day, though most will take 2-3 days for the entire run. Take along plenty of drinking water! Hayden, a small town about midway through the run, has access, food, supplies, and accommodations for those not wanting to camp in a tent. Trips can end or start here depending upon downriver conditions. Kelvin is about 15 more miles downriver.

### LOCATION

Pinal County in southcentral Arizona near the Mexico border. Tucson is the nearest sizeable Arizona city, Nogales, Mexico is just a few miles south of Tucson and Las Cruces is the closest major city in New Mexico. It flows near the Mescal Mountains in southeastern Tonto National Forest on river right (north) and Sonoran desert floor on river left (south).

### DISTANCE FROM MAJOR CITIES

Tucson 120 miles; Phoenix 125 miles; Flagstaff 263 miles; Albuquerque 448 miles; Durango 579 miles; Grand Junction 749 miles; Denver 918 miles; Salt Lake City 1,034 miles; Oklahoma City 990 miles; Dallas 970 miles; Austin 989 miles; San Antonio 970 miles; Houston 1,175 miles; Little Rock 1,295 miles; Kansas City 1,471 miles (all distances are approximate, depending upon starting point, destination point at the river and route taken.)

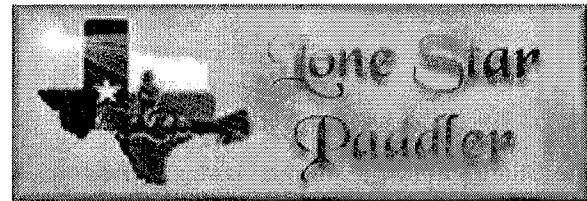
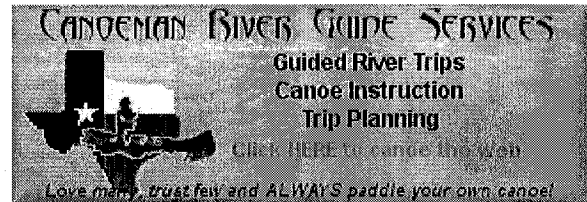
### WATER QUALITY and FLOW

When it flows the Gila is usually clean and sandy brown, turning slightly clear if flows are sustained for several days after a significant rainfall. Flows are controlled by releases at Coolidge Dam several miles upriver, and are usually low and slow except right after a flash flood, in which case the river may flow fast and furious, occasionally running out of its banks.

### BEST TIMES TO GO

May through September is usually the best time to catch navigable waters in this section of the Gila River, but it can become a boatable stream anytime a significant dam release occurs at San Carlos Lake or right after a major local rainstorm in the drainage basin. Do NOT drive to Arizona specifically to paddle this river!

### HAZARDS TO NAVIGATION



Other than desert heat during the day, cool to cold nighttime temperatures and the aforementioned snakes and scorpions, there are few hazards in this reach of the Gila River. Flash flooding can produce strong currents and Class II to II+ rapids, but the river is primarily free of obstacles and hazards that pose injury problems for boaters and equipment.

### RIVER ACCESS POINTS

Pinal County Road to the left off US Highway 70 at Bylas about 30 miles to the river at 0.0 miles; Christmas Access, off SH 77, at about 17.0 miles; Winkleman Access, off SH 77, at about 25.0 miles; SH 77 at Hayden Access at about 28.0 miles; Kearney Access at about 34.0 miles; SH 177 Access at Kelvin at about 40.0 miles. There are no other known convenient access points for this reach of the Gila River.

### CAMPGROUNDS and ACCOMMODATIONS

There are no public or private campgrounds located along this section of the Gila River. It is possible to camp alongside the river, but remember that you are in the desert, and take care to avoid desert critters that can harm you, especially at night. If camping on private land or in a public park always leave only footprints and take only photographs. You should always leave the area cleaner than how you found it! Always obtain permission from the rightful owners before camping on private land.

### LIVERIES, OUTFITTERS & SHUTTLES

There are at least two commercial outfitters providing rentals, shuttles, guided trips and river information on this reach of the Gila River. Unless contracting with one of them for services bring everything you need and run your own shuttles.

### REVIEWER'S COMMENTS

This reach of the Gila River usually has a navigable flow from May through September except during extended drought periods, and almost no navigable flow at other times. Scenery is awesome in a desert sort of way, and there is much to appreciate about this stream when it flows, which is not frequently. There are some gorgeous mountains and foothills along and near this reach of the river, but few signs of civilization other than where the river flows near some highway or county road, in which case you will see vehicles carrying people and cargo, but not stopping unless there is an emergency. The trip begins in an area of tree-lined banks that are home to many species of birds, and where shade is often available. However, it

ends in a wider plain of desert scrub and lots of Arizona sunshine. With adequate water this trip can be made in one long day, but most boaters will take 2-3 days to enjoy the scenery and the leisurely current. Be prepared for desert riverside camping. The Gila is prone to flash flooding during periods of heavy rainfall, so be prepared, especially when choosing a campsite on overnight trips.

Click the links below for information regarding the section of the Gila River and its tributaries where you want to paddle.

[ [Gila River Homepage](#) ] [ [Virden \(NM\) to Solomon](#) ] [ [Solomon to Bylas](#) ] [ [Kelvin to US Hwy 89](#) ] [ [US Hwy 89 to IH 10](#) ]  
[ [IH 10 to Liberty](#) ] [ [Liberty to Gila Bend](#) ] [ [Painted Rock Dam to Yuma](#) ] [ [San Carlos River](#) ] [ [San Simon River](#) ]

[Southwest Paddler](#)



[Home Page](#)

[Southwest Paddler](#)



[Arizona Rivers Index](#)

[Canoeman River](#)




[Guide Services](#)

[Canoeman.com](#)



[Home Page](#)

**CobraGraphics**  
 Web Design  
 E-Commerce  
 Virtual Hosting  
 Internet Training



Serving Texas  
Since 1998

" Web Designs with a Bite! "

Send E-mail to:



[Marc "Canoeman" McCord](mailto:Marc@Canoeman.com)

This web page designed, created and maintained by  
[Marc W. McCord dba CobraGraphics](#)  
 © March 4, 2003. All rights reserved.

Last updated August 23, 2007

Copyright © 1997-2007, Marc W. McCord dba CobraGraphics. All rights reserved. CobraGraphics, Southwest Paddler and Canoeman River Guide Services are exclusive tradenames and trademarks of Marc W. McCord dba CobraGraphics. The textual, graphic, audio, and audio/visual material in this site is protected by United States copyright law and international treaties. You may not copy, distribute, or use these materials except for your personal, non-commercial use. Any trademarks are the property of their respective owners. All original photographs on this web site are the exclusive property of Marc W. McCord or other designated photographers and may not be copied, duplicated, reproduced, distributed or used in any manner without prior written permission under penalty of US and International laws and treaties.

## **Appendix F**

- a. Email correspondence from Francisco Mendoza, Outdoor Recreation Planner, US Bureau of Land Management, Tucson, Arizona, to Vicki Bever, ADOT Statewide Project Management, October 11, 2007.
- b. Facsimile from Sylvia Kerlock, Town of Winkelman, to Kathleen Tucker, USACE, December 11, 2007.



## Kathleen Tucker

---

**From:** Dee Phan [DPhan@azdot.gov]  
**Sent:** Thursday, October 11, 2007 11:05 AM  
**To:** Kathleen Tucker; Tucker, Kathleen A Contractor SPL  
**Subject:** FW: FW: H5111 - Christmas Segment 404 - needs boating info

-----Original Message-----

From: Peters, Phillip (Tempe, AZ) [mailto:Phillip.L.Peters@jacobs.com]  
Sent: Thursday, October 11, 2007 10:09 AM  
To: Dee Phan  
Subject: FW: FW: H5111 - Christmas Segment 404 - needs boating info

FYI

-----Original Message-----

From: Francisco\_Mendoza@blm.gov [mailto:Francisco\_Mendoza@blm.gov]  
Sent: Thursday, October 11, 2007 10:04 AM  
To: Vicki Bever  
Cc: Linda\_Marianito@blm.gov; Peters, Phillip (Tempe, AZ)  
Subject: Re: FW: H5111 - Christmas Segment 404 - needs boating info

Vicky,

The section of the Gila River from the confluence of Dripping Springs down to the Town of Winkelman has been used for river floating for a number of years. BLM designated the public lands in that section as a Special Recreation Management Area in the 1994 Safford Resource Management Plan in part due to the recreation opportunities this river segment provides, which include river floating. Craft used includes canoes, inflatable kayaks, and inflatable rafts, all non-motorized.

Several commercial river floating operations used the area in the 1990's under permits issued by the BLM for use of public lands in connection with the commercial river guide operations. Use surged following the floods in the 1980's and early 1990's which cleaned out a number of river floating hazards (strainers, snags) presented by vegetation overgrowth and debris jams. BLM prepared an environmental assessment (EA # AZ-060-2001-014) for the issuance of permits for commercial recreational use related to non-motorized river floating in 2003. A biological evaluation was prepared during the environmental assessment, and the US Fish and Wildlife Service concurred on the effects determinations, in accordance with the Endangered Species Act of 1973.

Since the EA was completed in 2003, river flows have proved unreliable for supporting commercial river floating operations, and interest declined among river guide outfitters. The river flows have been influenced negatively for floating by the ongoing drought, and operational practices of the Coolidge Dam upstream. In the past year, river flows seem to have improved for river floating, and some interest has been expressed in resuming commercial non-motorized river floating in the area.

Non-commercial floating occurs but use levels are typically low. Tubing and wading continue to occur in the area. The Town of Winkelman operates a river park immediately upstream from the SR77 bridge, which is the principal take-out for river floating upstream. The Town has charged commercial river floating companies a fee for use of the park, and may be helpful in documenting use related to that activity. Our contact with the Town is:

Town Clerk Sylvia Kerlock  
206 Giffin Ave  
PO Box 386  
Winkelman, AZ 85292  
520-356-7854

You may also wish to contact Mr. Gene Poston, operator of the Rivers and Trails Information Center, who has interest in commercial floating in the area (4817 Hwy 77, Winkelman AZ, 85292; 520-356-7522)

See a trip report from a 1996 group at:

[http://wc.arizona.edu/~wildcat/papers/89/151/20\\_1\\_m.html](http://wc.arizona.edu/~wildcat/papers/89/151/20_1_m.html)

Please let me know if i can be of further assistance.

Good luck,

Francisco J. Mendoza  
Outdoor Recreation Planner  
12661 E. Broadway Blvd.  
Tucson, AZ 85748  
PH(520) 258-7226  
FAX(520) 258-7238

"Vicki Bever"

<VBever@azdot.gov

>

To

<Linda\_Marianito@blm.gov>,

10/10/07 04:43 PM

<Francisco\_Mendoza@blm.gov>

cc

<Phillip.L.Peters@jacobs.com>

Subject

FW: H5111 - Christmas Segment 404

needs boating info

We are finally completing the improvements to the north of the Shores and Christmas Recreational Sites on SR 77, north of Winkelman. We must complete a JD for the 404 process and have been asked to provide proof that the Gila is navigable. Do you have photos of canoers, kayakers, tubers? Or, did you state these uses in your original EA for the recreational sites. Photos or written confirmation is important to this step. Can you help? If you have questions, please call me at 602-228-3971 or Phill (our environmental consultant from Jacobs Civil) at 480-763-8710. Thank you in advance. Vicki

-----Original Message-----

From: Dee Phan

Sent: Wednesday, October 10, 2007 9:40 AM

To: Vicki Bever; 'Phillip.L.Peters@jacobs.com'

Subject: RE: H5111 - Christmas Segment 404 - needs boating info

Phill,

Can you also contact boating clubs such as the Arizona paddling club?  
We need documentation to support the Gila River is TNW. This would make it easier for the LA Corps to grant jurisdictional to Dripping Spring Wash and other unnamed tributaries that drain to the Gila. Feel free to call me to discuss.

Thanks,

Dee P.

-----Original Message-----

From: Vicki Bever  
Sent: Thursday, October 04, 2007 10:17 PM  
To: 'Phillip.L.Peters@jacobs.com'; Dee Phan  
Subject: Re: H5111 - Christmas Segment 404 - needs boating info

As you see Phill is checking. I believe there might be some canoe and kayak use; but mostly this area is used by tubers and fishermen. The 2 recreation sights were finished one year ago, to accomodate day use and tubing access. They are just to the south and include restrooms.

I believe the flows in the river are controlled by the San Carlos Irrigation District. They must release a certain amount to the downstream irrigation users. ASARCO is one; their unused allotment can probably be sold to our contractor; thus the desire to approve use from the river.

-----Original Message-----

From: Peters, Phillip (Tempe, AZ) <Phillip.L.Peters@jacobs.com>  
To: Dee Phan; Vicki Bever  
Sent: Thu Oct 04 15:35:10 2007  
Subject: RE: H5111 - Christmas Segment 404 - needs boating info

I left a message with Linda Marianito (BLM) and hope to hear back from her soon.

Phill

-----Original Message-----

From: Dee Phan [mailto:DPhan@azdot.gov]  
Sent: Wednesday, October 03, 2007 1:43 PM  
To: Peters, Phillip (Tempe, AZ); Vicki Bever  
Subject: H5111 - Christmas Segment 404 - needs boating info  
Importance: High

Phill and Vicki,

The JD for Christmas segment is still at the Phoenix office and we need more info before sending it to the LA Corps. We need to know the past and current use of the Gila River. I just know that it's for boating but we need documentation that support this. Can you help? I would really appreciate your quick research and response so we can get the JD out of Phoenix.

Thanks,

Dee P.

---

Confidentiality and Nondisclosure Notice: This email transmission and any attachments are intended for use by the person(s)/entity(ies) named above and may contain confidential/privileged information. Any unauthorized use, disclosure or distribution is strictly prohibited. If you are not the intended recipient, please contact the sender by email, and delete or destroy all copies plus attachments.

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail.

P. O. BOX 386  
WINKELMAN, ARIZONA 85292



206 GIFFIN AVENUE  
(520) 356-7854  
FAX (520) 356-7709  
TDD RELAY NO. 1-800-367-8938

### FACSIMILE TRANSMISSION RECORD

DATE: December 11, 2007

TO: Kathleen Tucker  
Army Core of Engineers

FAX: 602-640-2020

FROM: Squid

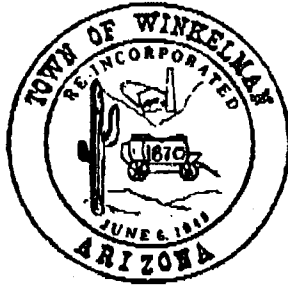
# OF PAGES: 2 (INCLUDING COVER SHEET)

MESSAGE: River Rafting - Gila River

Winkelman Town Hall Lines: (520) 356-7854/7855/7856  
Fax: (520) 356-7709

**IF YOU DID NOT RECEIVE THE PROPER AMOUNT OF PAGES OR IT WAS UNREADABLE, PLEASE CALL.**

P. O. BOX 386  
 WINKELMAN, ARIZONA 85292



206 GIFFIN AVENUE  
 (520) 356-7854  
 FAX (520) 356-7709  
 TDD RELAY NO. 1-800-367-8938

December 11, 2007

Kathleen Tucker  
 Army Core of Engineers

Re: Information of Gila River Rafting -- 1996 to 2001

The following are the names of the rafting companies that did business on the Gila River and used the Winkelman Flats Public Park as a "take out area":

Charlic G. Luz Chandelle Ski and Travel 4860 Paseo Del Tupo Tucson, AZ 85748	Rob Bond Blue Sky Whitewater 143 North High Street Globe, AZ 85501
Gene Poston Whole Earth Adventure HCR 2190- Winkelman, AZ 85292	Ned Lareau Sun Country Rafting P.O. Box 9429 Phoenix, AZ 85069
Max Wilson Arizona River Adventure 2565 East Prince Tucson, AZ 85716	

Please contact my office if additional information is required at 520-356-7854.

Sincerely,

*Sylvia Kerlock*  
 Sylvia Kerlock  
 Town Clerk

## **Appendix G**

- c. Excerpt from an Environmental Assessment for Middle Gila River Access Site Improvements, Shores and Christmas Sites. Bureau of Land Management Holdings, Gila County, Arizona. October 2003.

**ENVIRONMENTAL ASSESSMENT**  
**FOR**  
**MIDDLE GILA RIVER ACCESS SITE**  
**IMPROVEMENTS,**  
**SHORES AND CHRISTMAS SITES**  
**BUREAU OF LAND MANAGEMENT HOLDINGS**  
**GILA COUNTY, ARIZONA**

**BLM EA # AZ-060-2003-0038**

**Contract Number: NAB030003**

**Order Number: AED030028**

Prepared for:  
Bureau of Land Management  
Tucson Field Office  
12661 East Broadway Boulevard  
Tucson, Arizona  
85748

Prepared by:  
Science Applications International Corporation (SAIC)  
101 North Wilmot Rd.  
Suite 400  
Tucson, Arizona  
85711

October 2003



while the short-term standards are not to be exceeded more than once per year. Township 5 South, Range 16 East and Township 4 South, Range 16 East exceed the primary standards for SO<sub>2</sub> (Pinal County Air Quality Control District [PCAQCD] 2003).

Increased dust and emissions from earthmoving and construction equipment would potentially contribute to temporary elevations in the two criteria pollutants. Increased dust and emissions would be kept at a minimum using best management practices such as watering the soil during construction activities to keep the dust down; and using low sulfur fuels. Emissions generated by construction activities associated with the Proposed Action or the Day-Use Alternative would be temporary in nature and would cease when construction activities were completed.

Under the No Action Alternative, there would be no impacts to air quality.

### 3.11 RECREATION RESOURCES AND USE

The project area provides opportunities for a variety of recreational activities along the Gila River, in the transitional zone between Roaded Natural and Semi-Primitive Motorized settings as defined in the Recreational Opportunity Spectrum system. The primary attraction is the Gila River environment, which is readily accessible from SR 77. The primary recreation activities include sightseeing, picnicking, camping, fishing, river floating, hunting and swimming. ATVs are used in the area for recreation. BLM lands along the Gila River corridor from the Coolidge Dam to Winkelman were designated as a SRMA to provide for management of current recreation use. The Shores and Christmas sites are the only locations on BLM land that accommodate direct recreational access to the River. There are several other locations on State Trust land that are available to the public, but the driveways are blocked at the SR 77 right of way and parking is not available, except at the mouth of Dripping Springs Wash where unimproved access to the River is available. River access is also available at the Town of Winkelman's River Park, and from a few wide spots along the highway shoulder.

Public lands in the project area are designated in the Safford RMP as 'Limited to Existing Roads and Trails' pursuant 43 CFR 8340. This designation limits use of motorized vehicles to roads and trails existing at the time of designation in the Safford RMP. There are a number of unauthorized vehicle and ATV driveways and tracks that have been established by users in the past 4 years, or are in the process of being established. Off road vehicle use in violation of the current designations occurs along the Gila River channel when it is exposed by low water.

Visitation information gathered at the Shores and Christmas Sites from January through August 2003 indicates the amount of use and the seasonal use patterns at the sites. The estimated combined annual visitation for both sites is approximately 14,000 visitor days, with 11,000 visitor days related to the Shores Site and 3,000 visitor days related to the Christmas Site. Recreation use in 2003 does not include any river floating activities, which were restricted by low river flows over the past 4 years. Most of the recreation use occurs at the Shores site, partly due to its greater accessibility, and its proximity to Winkelman and other nearby communities to the west. Recreational use occurs year round, although some activities are influenced by the time of year, and river flows. Holiday weekends experience high visitation, particularly on Easter and Memorial Day. Most of the use in 2003 was in the spring and summer from March through July. Visitation occurs throughout the week, with the majority of use on weekend days Friday through Sunday. Visitation occurs throughout the day, with most of the use between 08:00 and 20:00 hours.