

EXECUTIVE ORDER  
NO. 91-6

PROTECTION OF RIPARIAN AREAS

WHEREAS, a riparian area is defined as "an aquatic or terrestrial ecosystem that is associated with bodies of water, such as streams, lakes, or wetlands, or is dependent upon the existence of perennial, intermittent, or ephemeral surface or subsurface water drainage"; and

WHEREAS, riparian areas contribute to the well-being and quality of life of the citizens of Arizona, and

WHEREAS, cultural and natural resources associated with these areas are of substantial economic and aesthetic importance to the State of Arizona, and these areas provide important recreational opportunities, such as boating, hiking, hunting and fishing, and

WHEREAS, Arizonans have used these valuable areas for recreation, timber harvest, establishment of cities and towns, transportation, livestock grazing, food gathering and farming, pumping of groundwater, diversion of surface water, and the extraction of other resources, such as minerals and mineral materials, and

WHEREAS, with the significant increase in the State's population in the last century and the development of modern technology, the above-mentioned practices have led to substantial alteration in the natural character of these environments and a loss in the multiple resource values found there; and

WHEREAS, naturally flowing streams and riparian areas help maintain water quality and improve degraded water by removing, transforming and retaining nutrients, sediments and other natural and human-made pollutants, and riparian areas are important for groundwater recharge and the reduction of streambank erosion during flooding, and

WHEREAS, desert streams such as the Gila, Salt, and Santa Cruz Rivers that once flowed year round, now flow intermittently or not at all; and

WHEREAS, five of the 32 native fish species found in Arizona at the turn of the century no longer occur here and 21 of the remaining 27 are either listed by the State as endangered, threatened, or are under study for listing, and

WHEREAS, it is estimated that 75% or more of Arizona's wildlife is dependent upon riparian areas for some portion of its life cycle, and healthy riparian habitats are critical for the survival of the majority of Arizona's fish and wildlife species, and

WHEREAS, riparian areas are not closed ecosystems, but are dynamically interrelated with the entire surrounding watershed, and being typically associated with high water tables, they are particularly rare in the arid Southwest, and

WHEREAS, it is estimated that over 90% of the native riparian areas along our major desert watercourses has been lost altered, or degraded; and it is recognized that past changes in these areas, particularly the alteration and loss of the State's surface water flows, have been detrimental to Arizona's riparian areas; and

WHEREAS, these dramatic changes in our riparian areas continue today as rapid population growth brings ever-increasing pressures and demands on the State's riparian resources; and it is essential to achieve and maintain a balance among the competing uses of the State's riparian resources to ensure that these areas are protected and enhanced for the benefit of present and future generations, and

WHEREAS, a growing recognition of the value and importance of Arizona's diverse riparian areas, and cooperative efforts among groups and individuals to restore, protect and manage these resources have increased significantly, and

WHEREAS, it is in the public interest to protect the functions and values of riparian areas,

NOW, THEREFORE, I, Rose Mofford, Governor of the State of Arizona, by virtue of the power vested in me, do hereby order that all applicable state agencies cooperate and seek funding to carry out the provisions below and that

- 1) In recognition of the critical nature of riparian areas to the State, it is hereby determined that the policy of the State of Arizona shall be
  - (a) To recognize that the protection and restoration of riparian areas are of critical importance to the State,
  - (b) To actively encourage and develop management practices that will result in maintenance of existing riparian areas and restoration of degraded riparian areas,
  - (c) To promote public awareness through the development of educational programs of the benefits and values of riparian areas and the need for their protection and careful management,
  - (d) To seek and support cooperative efforts and local group and citizen involvement in the protection, maintenance and restoration of riparian areas,

- (e) *To actively encourage the preservation, maintenance and restoration of instream flows throughout the State,*
  - (f) *That any loss or degradation of riparian areas will be balanced by restoration or enhancement of other riparian areas of equal values and functions*
- 2) *All state agencies shall rigorously enforce their existing authorities to assure riparian protection, maintenance and restoration.*
  - 3) *The Commission on the Arizona Environment shall coordinate with the Department of Environmental Quality, Department of Water Resources, Department of Agriculture, Game and Fish Department, State Land Department, and State Parks Board to develop legislation to create an Arizona Watershed and Riparian Enhancement Board that would be the focal point for riparian area awareness and demonstration programs. The Board would be non-regulatory and would oversee a cost sharing or grants program to Arizonans for funding demonstration projects to accomplish on-the-ground improvement, restoration and enhancement projects*
  - 4) *There is hereby established an interagency Riparian Areas Coordinating Council, which shall consist of the directors or designees of the Commission on the Arizona Environment, Department of Environmental Quality, Game and Fish Department, State Parks Board, Department of Water Resources, State Geological Survey, Office of Tourism, State Land Department, Department of Transportation Department of Agriculture, and Department of Commerce. This Council replaces the existing Riparian Habitat Task Force*
    - (a) *The chair of the Council will rotate between agencies each year beginning with the representative of the Commission on the Arizona Environment and continuing through the agencies listed above. Staff support will be provided by the chairing agency as needed*
    - (b) *The Council shall develop time frames to implement the orders outlined in this Executive Order*
    - (c) *The Council shall submit reports at least annually to the Governor on actions taken under this Executive Order and may report on compliance of agencies with this Executive Order*
    - (d) *The Council shall consider and recommend to the Governor a statewide riparian management plan*
    - (e) *In discharging its responsibilities, the Council may request assistance from any agency of this State as necessary to implement the directives of this Executive Order*
    - (f) *The Council shall develop recommendations for future actions and legislation as needed*
  - 5) *The Game and Fish Commission shall coordinate the drafting of a statewide riparian management plan for submittal to the Riparian Areas Coordinating Council.*
  - 6) *The Department of Environmental Quality shall coordinate with other state agencies to develop legislation mandating state riparian area protection for submittal to the Riparian Areas Coordinating Council*
  - 7) *The Department of Water Resources shall complete the development of rules to allow for the filing and processing of instream flow water rights applications; coordinate with other state agencies to develop legislation to protect instream flows, to the extent necessary, for submittal to the Riparian Areas Coordinating Council; and develop or modify rules to facilitate the protection of riparian water usage*
  - 8) *The Game and Fish Commission shall conduct a statewide inventory and classification of riparian areas. All appropriate state agencies are directed to cooperate in this task*
  - 9) *The Game and Fish Commission shall develop methodologies for determination of equal functions and values of riparian areas for submittal to the Riparian Areas Coordinating Council*
  - 10) *The Game and Fish Commission and the State Parks Board shall acquire and manage key riparian areas and the associated water rights, and shall seek funding for such acquisition and maintenance*
  - 11) *All appropriate state agencies are encouraged to explore public/private partnerships to acquire, protect and enhance riparian areas*
  - 12) *All appropriate state agencies, in accordance with their missions, are directed to provide technical assistance to landowners who desire to acquire, protect and enhance riparian areas.*
  - 13) *The State Parks Board will continue its planning efforts of multi-objective river corridor planning. All appropriate state agencies are directed to cooperate in this task, as this program has far-reaching benefits to the State of Arizona*

- 14) *The Department of Environmental Quality shall consider the protection of riparian areas in its decision making regarding certification, conditioning, or denial of water quality certifications under Section 401 of the Federal Clean Water Act, other applicable rules and approved state and regional water quality planning and management programs*
- 15) *All appropriate agencies shall advocate and participate in riparian education and outreach activities through the Environmental Education Act and other ongoing processes, and shall inform public and private interests regarding the provisions of this Order*
- 16) *All appropriate state agencies are directed to assist in the identification and evaluation of rivers and streams that might be designated as National Wild and Scenic Rivers*
- 17) *All local governments in this State are requested and encouraged to make all of their actions consistent with the intent and goals of this Executive Order. The Department of Water Resources will serve as coordinator to develop a model local government riparian protection and maintenance ordinance, in consultation with local governments and state agencies*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona*



*Rose Mofford*

GOVERNOR

*DONE at the Capitol in Phoenix this fourteenth day of February in the Year of Our Lord One Thousand Nine Hundred and Ninety-One and of the Independence of the United States of America the Two Hundred and Fifteenth*

ATTEST:

*Richard Habonay*  
Secretary of State