

**Arizona Resource Advisory Council
Final Meeting Minutes
September 23, 2010**

**BLM National Training Center
9828 North 31st Avenue
Phoenix, Arizona**

Resource Advisory Council (RAC) Members in Attendance: Bill Brake, Glen Collins, Jan Holder, Ty Kelly, Richard Lunt, Norman Perry, Maggie Sacher, Laura Sagerman, Steve Saway, Frances Werner

BLM Staff in Attendance: Jim Kenna, Deborah Stevens, Mike Taylor, Kathy Pedrick, Maria Troche, Angie Bullets, Davina Wilkins, Mary Kralovec, Scott Florence, Chris Horyza, Angie Lara

Presenters and Guests: Kevin Kinsel, Natural Resources Policy Director for Governor Jan Brewer, Laura Grignano Arizona Water Resources, Dan Shein, Arizona State Parks, Lisa Contreras-Hendler

Meeting Called to Order (Frances Werner, RAC Chair)

AGENDA ITEM: BLM State Director's Introduction (James Kenna, BLM-Arizona State Director)

Mr. Kenna acknowledged that the current Resource Advisory Meeting (RAC) would be foundational in nature, because there was no quorum.

He said the second call for RAC nominations deadline was made on August 20. After consulting with the Governor's office, the State Director sent the nominations to Washington, but has not received the final word.

The State Director gave an update on Arizona's BLM ARRA projects. To date, there has been \$17.5 million committed for 50 projects. 94% of the money obligated has gone to external parties to create jobs. One third of the projects have been completed. Mr. Kenna gave examples of several projects around the state the BLM has completed or is in the process of doing so.

He said the Sonoran Solar Project has gone back to the drawing board. The water issue is going to be dealt with. He has travelled throughout the state talking to citizens about their concerns about water use.

The State Director also discussed energy and climate change issues. He said different agencies and branches of government needed to pool data sets for more accuracy and consistency. He said we must get more rigorous about science and peer review to protect the objectivity of the process.

The Arizona BLM has four events remaining in the NLCS 10th year anniversary celebration. He said there is a new Friends group forming in the town of Marana. The Bureau is working with the Phoenix Union School District to help young people get outdoors. Also, there has been a Paiute youth camp hosted by the Arizona Strip District.

In the Law Enforcement strategy, he said Arizona BLM asked for and received an additional \$200,000 for law enforcement; the BLM is now running a 24-hour operation in Arizona. They are working with the Tohono O'odham Nation and the Department of Defense to make certain the BLM's operations are coordinated with the neighbors' operations. He said the border data shows that border violence is down despite isolated incidents.

Bill Brake said that, as a border rancher, the statistics are correct in that the number of people coming across the border is down. However, he said, the people who are still crossing the border seem more desperate than before. Now, there are drug runners who will do anything not to get caught. He said that, in his area, no one goes out after dark. He asked if BLM rangers are armed and if they have the authority to arrest. Mr. Kenna responded that the BLM rangers carry a range of weapons and are trained to operate in this environment.

Ty Kelly said the S&G Working Group discussed the litigation over the Western Watersheds Project. He said the BLM Kingman Field Office staff was stuck inside at their desks rather than in the field doing the research they needed to do. Mike Taylor responded that demands and litigation take away from the opportunity to go out in the field to get work done.

Jan Holder said she took the opportunity to do her own monitoring on her ranch. So, even though the Forest Service didn't have their monitoring complete, they did. Mike Taylor said that it isn't always the monitoring data. He said sometimes the court doesn't sustain the appeal. He said they keep strengthening the appeal and that it's a systematic process.

AWARD PRESENTATION: The State Director presented awards to Jan Holder and Bill Brake outgoing RAC members, in appreciation for their years of service to the RAC. Carolyn Loder, Matt Hogel, and Linda Binder will receive their awards *in absentia*.

AGENDA ITEM: RAC questions on BLM District and Field Manager Reports (RAC Members)

DISCUSSION: In response to a RAC member's question, BLM Deputy State Director of Resources, Mike Taylor, explained that BLM's concern in Lake Havasu came about when the

City asked for the BLM's help in dealing with vendors at the lake. The BLM is working to find a solution for the area among the competing groups. He said Angie Lara has done a lot of work with the Lake Havasu Mayor, the City Manager, Arizona State Parks, and others to determine how the BLM can provide services. He said they are discussing how each group has its own responsibilities. Mr. Saway responded that it seemed like more of a commercial issue than a recreational one. Mrs. Werner said the issue comes down to squatters rights; vendors are setting up without permits. Mr. Taylor concurred saying that it was a matter of proper permitting of the vendors and management. He used as an example a recent boat race that took place at the same time as a bass fishing event. He said it boils down to protecting the community's income.

ACTION ITEM: N/A

AGENDA ITEM: Northern Arizona Mineral Withdrawal Update (Chris Horyza, BLM Project Leader)

DISCUSSION: Chris Horyza introduced himself as the new project manager for the Northern Arizona Mineral Withdrawal; he took the position in August. He said the BLM had received over 83,000 letters from all over the world and that there have been 15 scoping meetings held with cooperating agencies about this project. He said the draft document has been provided to the cooperating agencies and that SWCA (spell out what SWCA stands for) is the contractor on the project.

Laura Sagerman asked what the system was to answer that many letters. Mr. Horyza answered that many of the letters are form letters from members of organizations. He said the contractor has a database, and that the substantive letters are answered, but that all of the letters can't be answered individually. Form letters, for instance, may not be answered individually.

Glen Collins pointed out that the issue involves new claims and new developments, and asked if the report deals with claims that are already there? Mr. Horyza said that issue is dealt with in the "reasonable foreseeable development scenario." He said the public thinks that if the withdrawal happens, all mining goes away; but the existing mining claims are not affected by the withdrawal. Even if the withdrawal goes through, there will be pre-existing mining claims in eleven areas which may have valid existing rights..

Norman Perry pointed out that there had been a bill in the House of Representatives to get rid of the Mining Law, but the Senate would not pass it.

Scott Florence said the draft the BLM prepares will not have an agency preferred alternative. He said there may be an opportunity at the next RAC meeting to have another discussion about what the preferred alternative should look like.

Richard Lunt said that protecting natural resources is important, but that using the resources we have is also important.

Ty Kelly asked how the potential withdrawal came about. Mr. Horyza answered that a group of environmentally interested people started working with members of Congress to request the BLM to stop mining in the area.

ACTION ITEM: Continue the discussion about the BLM's report on the Northern Arizona Mineral Withdrawal.

AGENDA ITEM: Arizona Water Law and Water Uses (Laura Grignano, Arizona Department of Water Resources)

DISCUSSION: Laura Grignano, a Water Resource Specialist from ADWR, gave a PowerPoint presentation on her agency and water rights in Arizona. She then took questions from the RAC members. Steve Saway began by asking about the Lower Colorado Planning Region. He said that is an area where there are a lot of solar applications, but not a lot of groundwater. He asked how her department handled the issue. She said the applicant would have to inform the ADWR that they planned to drill wells. She said that inside the Harquahala Irrigation Non-Expansion Area, the agency has more authority to act on water use. She said what her agency requires varies, but outside of the Active Management Areas and Irrigation Non-Expansion Areas, they have less authority to manage water issues. She said some areas do have groundwater, but have been using surface water. She said one must have the information for each area, as they are site specific.

Jan Holder asked why some areas were designated Active Management Areas and some not? Ms. Grignano said she it is a lengthy process, but that she did not know the details.

Laura Sagerman asked if she could comment on the state budget cuts and how that affected their monitoring. Ms. Grignano answered that their budget had been \$22 million a few years ago, but it was cut to \$7 million this year. She said they are funded through the General Fund, but the funds are increasing through the permit fees. She said the agency has had to close all the Active Management Area offices and 90 positions have been eliminated. She said some of the increased monitoring in rural areas had to be decreased due to the budget.

ACTION ITEM: N/A

AGENDA ITEM: BLM Arizona Water Strategy (Jim Kenna and Mike Taylor)

DISCUSSION: Mike Taylor updated the RAC about coordination meetings the BLM has had with the Arizona Game & Fish Department. He also updated the RAC on the BLM's Living Rivers Project, surface flow adjudication and settlements, and the Gila River settlements. He discussed how important the BLM feels it is to engage everyone in the decision making process.

Glen Collins suggested that the BLM highlight the ten top rivers they want to save to let the public know where BLM is putting their efforts and why.

Richard Lunt identified part of the problem as not only the quality of the water, but the quantity of the water. He said more consideration needs to be given to the needs of the local communities near water supplies. He said it concerned him when ADWR says there is going to be a statewide strategy, because that means "let's see how we can take that from the rural and give it to the urban." He said what is done now will have effects for years to come and that the future of local communities may be sacrificed. He said if the farms are dried up, the cities will follow.

Norman Perry said the age of the water being considered should be a factor early on in the process.

Maggie Sacher thanked the BLM for making this issue an important strategy and for working with the ADWR on it. Jim Kenna responded that he had spoken to Herb Guenther (Director, ADWR), who was well aware of the issues and concerns the RAC was discussing.

Ty Kelly said he liked the idea of building partnerships with agencies and local communities. He said one problem with opening the planning and decision-making process up to outsiders is the potential for litigation, which holds up the process. Mike Taylor responded that without strength in numbers, the BLM could not accomplish anything. He used the work in the San Pedro as an example. Laura Grignano said that local community pressure was key to the Arizona Corporation Commission's decision that the Hualapai Valley Solar plant use effluent from the city of Kingman.

Steve Saway asked about the process to acquire in-stream flow water rights. Mike Taylor stated that the analysis of data will determine where BLM has gaps.

Frances Werner emphasized that partnerships take time to mature and become productive. It took nineteen years for the Gila Partnership. It takes time for folks to get comfortable, build trust, and get to the issues.

Glen Collins thanked the State Director and his staff for making the RAC meetings true discussions, rather than "show-and-tell," sessions..

(INSERT DEB'S LIST HERE?)

ACTION ITEM: N/A

AGENDA ITEM: Public Comment Period -11:30 a.m.

DISCUSSION: There were no public comments offered.

ACTION ITEMS: N/A

LUNCH

AGENDA ITEM: Update on Renewable Energy Strategy (Mike Taylor and Kathy Pedrick, Restoration Design Energy Project Manager)

DISCUSSION: Kathy Pedrick gave a verbal presentation on the BLM's Renewable Energy Strategy. She has been working with the Arizona Corporation Commission which has set a goal of 15% renewable energy usage for the state. She said the transmission goal will be easier to achieve.

Steve Saway asked Ms. Pedrick what the three areas, or options, she referenced in her presentation were; she responded "no action," "study areas," or "areas bigger than study areas." Mr. Saway responded that in a desert environment, it is hard to mitigate the glare issues, or VRM. Ms. Pedrick said the chapter that covers that will be over one thousand pages long. Mr. Saway also noted that the Gillespie Solar Study Area encompasses a portion of Agua Caliente Road. It will be important to keep Agua Caliente Road and other connector roads open as they provide public access to high value BLM lands and recreational destinations. Mike Taylor responded that yes, this will require mitigation.

Glen Collins asked if uranium was considered renewable energy, because it was mentioned in her report. Mike Taylor responded that it is not renewable, but it does not leave a carbon footprint either.

Richard Lunt commented that one could refuel uranium. He said the United States is one of the few countries that does not.

Mike Taylor gave a PowerPoint presentation of the Renewable Energy Program. Ms. Pedrick explained that the Restoration Design Project is the development of renewable energy on disturbed sites - landfills, mining waste, etc. She said there had been approximately 80 locations identified that fit the program's criteria. The contract for the program has been awarded to EMPSI, Inc.

Laura Sagerman asked if there were any applications right now for solar projects on disturbed lands. Ms. Pedrick said there are currently four such projects. When Mr. Collins asked what disturbed the lands, she said it had been things like gravel pits, landfills, heavy unauthorized OHV use, some authorized uses, etc.

Laura Sagerman asked whether new applicants will be steered toward the disturbed sites or if most applicants came with places for their projects already in mind. Ms. Pedrick answered that the BLM has seen all types of projects. She went on to say that she was preparing a presentation for the State Director; she hopes to have a draft PEIS by next summer.

Glen Collins said there was discussion at a Public Lands Foundation meeting the previous week in which someone asked why the BLM didn't sell land to developers like those with renewable energy projects. The argument against selling the land was: 1) to ensure the land is used for renewable energy development; 2) the land may come back to public use at some future date when the renewable energy use is finished; 3) by leasing and not selling the land, the BLM can have better control over the offsite impacts of the renewable energy use on the public lands.

Norman Perry asked what the formula is for coming up with the lease schedule. He wanted to know if when an annual lease rate is established, and will that be revisited. Several members agreed that the lease schedules needed to be revisited as well. Mr. Perry went on to say that most of the applicants were foreign-owned corporations and he preferred to see the Bureau not do business with so many of them, because they don't pay taxes in the United States.

Ty Kelly asked how other federal agencies relate to the BLM on these projects, whether there is coordination. Ms. Pedrick gave the EPA as an example of an agency that has a Brownfields program. Lisa Contreras-Hendler, a visitor, offered the group information about a free webinar on Brownfields being hosted by the EPA the following day.

AGENDA ITEM: S & G Working Group Report (Ty Kelly, Chair)

DISCUSSION: Ty Kelly said Bill Coulloudon had given the S & G group a permit status update the previous day. He said that 26 grazing lease reviews are completed, with 50 additional proposed. Some of the permits are going through updates. There was litigation due to the revised grazing regulations. There was an update about the Western Watersheds Project lawsuits as well. There is a letter being drafted supporting the BLM in its litigation efforts.

Frances Werner responded that the RAC has had a letter on the table since March letting the BLM know of the RAC concerns about the amount of time and money BLM has to spend on responding to lawsuits filed by organizations opposed to livestock grazing on public lands.

Mary Kralovec said the Bureau has had some problems on the San Pedro River with cattle coming across the border from Mexico. They have been moving them back to their owners.

ACTION ITEM: N/A

AGENDA ITEM: Wild Horse and Burro Work Group (Frances Werner)

DISCUSSION: Frances Werner said Roger Oyler gave a presentation to the Working Group the previous day on the status of horse and burro adoptions. The Bureau is trying to make sure the press understands what is going on. Wild horse and burro legislation is being discussed in Congress. He also gave a briefing about the upcoming wild horse gather in the Yuma area.

Laura Sagerman asked whether the RAC could still comment on the wild horse and burro issue since the comment period had passed. Jim Kenna responded that would be a decision for the RAC. Ms. Werner responded that the Bureau is now analyzing the comments received and will come out with a document for public review.

ACTION ITEM: N/A

AGENDA ITEM: Report from the Recreation and Communities Working Group (Steve Saway, Chair)

DISCUSSION: Steve Saway summarized the following topics discussed during the previous day's meeting.

1. Land Use Planning Update. Mike Taylor gave the group a status update on the following plans:
 - Sonoran Desert National Monument. Plan is moving along. Current focus is on the issues of grazing compatibility and recreational shooting.
 - Ironwood Forest National Monument. Working to address various Washington Office comments. Release expected later this calendar year. (Both the SDNM and IFNM plans will be briefed to the RAC later this year.)
 - Yuma RMP. Western Watersheds has filed a suit on grazing.
 - Aravaipa Ecosystem Management Plan. Draft plan is out for a 90 day public comment period. The Chair and members of the RAC voiced the following concerns:
 - o Plan was characterized as having "extensive public involvement" but RAC does not agree. Public meetings were held in early to mid-2005 but after that no more involvement. Plan was developed by BLM, TNC, and Game and Fish Dept.
 - o TNC was hired to work on the plan. RAC members have concerns about undue influence.
 - o Travel management portion is flawed. User groups and public never got feedback on route proposals until draft plan was released. Concern about

undue TNC influence on route evaluations. More public involvement and collaboration needed on this piece. Engage OHV groups on travel management after 90 day comment period.

- Need more collaboration with county governments.
- RAC should be able to see the BLM's methodology and that it was fair.

Mike Taylor will take the RAC's concerns and discuss them with BLM staff.

2. Travel Management Update. Bill Gibson discussed a handout which summarized various plans and route evaluations in process. RAC members discussed how and when public involvement was done in various plans. The Table Mesa and Middle Gila Canyons were cited as examples of successful plans that had extensive public involvement. The Work Group Chair cited a travel management plan from the Coronado National Forest (Santa Catalina Ranger District) that started in 2006 and has had good public involvement over the past 4 years. In contrast, it appeared that in some cases the BLM's travel management process lacked adequate opportunities for public involvement early in the process and possibly was not devoting enough time to this. Are the public and user groups involved in the inventories and route evaluations? For example, the Forest Service has provided maps and route evaluation information to the public for review before the draft plans were put out for public comment. Mike Taylor will take the RAC's concerns and discuss them with BLM staff. Regarding the OHV Ambassador Program, Bill Gibson provided an update on recent accomplishments and stated the program will be expanding. This may also help with public outreach for travel management plans. RAC members voiced their kudos for this program and the great work being accomplished.

3. NLCS Strategy. Ken Mahoney gave the group an update on actions underway to incorporate the RAC's comments and suggestions from the last meeting. One focus is to develop a "best practices" list for the field offices using RAC suggestions. Another focus is the community outreach plan. The RAC's comments on public use and enjoyment will be useful in developing the strategic framework for community outreach and marketing.

4. Dry Camp Road Access. The Work Group Chair provided background on this issue. This has been a key access objective of the Arizona Game and Fish Department, hunters, and other users for some time now. Concern was expressed at a recent meeting of the Arizona Public Lands Access Coalition that though this project had been underway, its inclusion in the BLM's Aravaipa Ecosystem Management Plan could pose undue delays. Could a separate EA be done on constructing a bypass road? Mike Taylor addressed this concern and stated that the field office believed the Aravaipa Ecosystem Management Plan process would be faster than initiating a separate EA now. Mary Kralovec stated that the Field Office has concerns about being pre-decisional, but some work could be done concurrently such as a road engineering survey. This would identify the exact route and enable future work on cultural and T&E species impact analysis. Once the Aravaipa plan is done, a short project level NEPA would be completed.

Work on the bypass road could potentially begin next fall. Funding is available in the deferred maintenance budget.

5. REA Update. The Chair passed out a copy of a newspaper article about the Red Rock Pass court decision. The court ruled against the Forest Service and dismissed the citation. The judge's ruling (copy was furnished each RAC member) did not support the Forest Service's decision to designate over 160,000 acres as a High Impact Recreation Area (HIRA). The defendant parked at a remote, undeveloped trailhead that had no amenities and was cited for not displaying the Red Rock Pass. The judge found that the HIRA was not valid at this location as it did not comply with the REA provisions. However, the judge also confirmed that the Red Rock Pass was legal in those locations that had amenities in consonance with the REA. RAC members discussed the potential implications of this case. There was a general concern about the Arizona BLM RAC serving as a Recreation RAC and taking on a huge workload when the Forest Service HIRAs are scheduled for review. Members discussed the possibility of requesting the Forest Service to establish a Recreation RAC that would be composed of the recreational interests and categories prescribed by REA. This new Recreation RAC could take on the workload for reviewing Forest Service fees and HIRAs. A new RRAC could also review BLM fee proposals or possibly that piece could remain with the Arizona BLM RAC. It was the group's consensus to air our concerns with the BLM State Director at the full RAC meeting. The Chair will also discuss this with Jeff Saari.

The Work Group report generated more RAC discussion of options for future Recreation RAC reviews of Forest Service HIRAs. Deborah Stevens read an email just received from Jeff Saari that stated the following:

"The Forest Service recognizes the recent court decision regarding the Red Rocks High-Impact Recreation Area and is reviewing the HIRA to determine appropriate changes to the HIRA in light of the court's decision. Any proposed changes to the HIRA will be submitted to the appropriate Recreation Resource Advisory Committee, in accordance with the Federal Lands Recreation Enhancement Act.

Unless the decision is appealed, I expect we will be working together on this issue in the coming months."

Jim Kenna acknowledged the RAC's concerns. BLM needs to get more data from the Forest Service on this issue.

ACTION ITEM: Continue discussion of HIRAs

AGENDA ITEM: Renewable Energy Working Group (Norman Perry, Chair)

DISCUSSION: Norman Perry summarized the following topics discussed during the previous day's meeting:

(Wind issues revision 1)

RENEWABLE ENERGY

'WIND'

POINTS OF CONSIDERATION FOR THE STATE DIRECTOR

The following thoughts, ideas and comments are in addition to the list submitted to the State Director by the RAC previously and related to 'solar renewable energy'.

1. In the statistics supplied in the publication "The Arizona We Want" it is evident that "visual" enjoyment is very high on the list of requirements for residents and this should be seriously taken into consideration but balanced with other factors such as:
 - a. Best location for the environment.
 - b. Best utilization of capital.
 - c. Job creation.
2. In the case where the land below the windmills is currently used for grazing, there should be consideration of some form of compensation to the rancher for the loss (if any) to his ranching business.
3. The movement of the turbines was stated, at a BLM meeting, to require 32 wheel trailers. When this is the case the applicant should be required to pay for any required road improvements or damage repairs. A specific fund should be set up to pay for subsequent road damage during the life of the contract for this type of movement and at the end of the contract when turbines etc. will have to be removed.
4. Consideration should be given to the Arizona Corporation Commission's position, that is to encourage roof top solar PV as an alternative to using public lands.
5. Strong encouragement should be given for the use of "disturbed lands" for "wind generation" whenever possible.

6. When “public lands” are used for industrial and profit making purposes there should be some formula for the land to earn income for the locality. At this time most applicants are Limited Liability Companies (LLC). Other than receiving incentives from the government bodies they receive the following economic benefits which should be taken into consideration when leasing the land to these companies:

a. These organizations do not pay property taxes on federal lands.

b. LLC companies do not pay State or Federal taxes on profits – these profits when distributed to the shareholders are only taxed on receipt. Many of the LLC companies are owned by foreign companies and foreign individuals who do not reside in the USA and pay little or no tax to the Federal Government and certainly no taxes to the State.

c. Other than the initial manufacturing of the products (mainly from outside of the USA), and the brief construction phase of the project, few jobs are created.

7. Access and easements to connect to the nearest suitable power line is, or could be, a major problem that should be of major consideration when approving site locations.

8. The multi-use concept of public lands should always be a major consideration.

9. Special attention should be given for the remediation effort required after a 30 year lease. How is the potential cost estimated? If bonds or insurance are insufficient to pay for the cost of remediation how will the costs be collected from a foreign owned company that goes into liquidation?

The group discussed the potential for additional cost for police activity as windfarms are developed. Mike Taylor responded that counties and other municipalities already received income, instead of property taxes, based on the acreage of BLM land in the area.

ACTION ITEM: N/A

AGENDA ITEM: Discussion on Future Meetings/Locations/Proposed Agenda Items (BLM State Director & RAC Members)

DISCUSSION: After Discussion among the members, Jim Kenna, and Deborah Stevens, it was decided that December 8-9 would be good dates for the next RAC meeting. The dates for the meetings after that would be confirmed after the new members were appointed.

Maggie Sacher announced that California condors were set to be released back into the wild the following Saturday (Sept. 23).

ACTION ITEM: Determine the Time and Place of future RAC meetings.

AGENDA ITEM: Meeting Adjourns (Frances Werner, RAC Chair)

DISCUSSION: RAC Chair called for the Meeting to adjourn.

ACTION ITEM: N/A

FUTURE ACTION ITEMS:

- Continue the discussion about BLM's report on the Northern Arizona Mineral Withdrawal;
- Continue discussion of HIRAs;
- Determine the Time and Place of future RAC meetings;