

## **Cooperating and Federal Agency Meeting**

March 31, 2005 10:00 a.m.-4:00 p.m.

345 East Riverside Drive

St. George, Utah

### **Meeting Minutes**

Facilitator – Diana Hawks

Recorder – Gloria Benson

#### **Meeting called to order and Introductions.**

Meeting called to order by Diana Hawks at 10:10 a.m., Diana will be the facilitator for today's meeting since Marietta Eaton is attending the Society for American Archaeology meetings in Salt Lake City. Diana explained that some people called to let her know that they would not be able to attend, including Fish and Wildlife Service and Grand Canyon National Park. With that, everyone present introduced themselves and who they represent. Diana went over today's meeting agenda, explaining where we are right now and reminding everyone to review the maps on the walls. She handed out disks of the work done so far to those who want a copy. Chapter 4 is still not done and available right now, as well as some of the appendices. Many are done, but just need to be cleaned up and ready to put on the web page. Diana explained the Chapter 4 discussion on the agenda will be short today.

Diana explained what the final products will look like. The Draft Plan/EIS will be available on CD along with all the route evaluation maps and appendices. There will be hard printed copies available for those who want them, but the appendices and route evaluation maps will only be on the CD. A CD will be placed in the back of each hard copy. The document including appendices and all maps will also be placed on the Arizona BLM website.

#### **Minutes**

Following a quick review of the January 20, 2005 meeting minutes; there were no changes or corrections to the minutes made. Motion to approve the minutes as presented was made by Brent Mackelprang, seconded by Luke Thompson, motion carried.

#### **General Discussion**

Discussion occurred over items previously discussed at the Cooperating Agency meetings and included;

1. BLM filing of water rights, particularly for recreation purposes. The primary concern is that the water remain with livestock grazing. The concern may lay with state of Arizona rather than BLM. Bob Sandberg stated that the BLM regulations allow for filing of water rights. We won't file over another right. Right now the state of Arizona is not filing any water rights. Diana stated that we will have Roger Taylor contact Brent Mackleprang and Alan Gardner to discuss this issue.

2. Arizona Game and Fish concerns about future consistency with the Arizona Game and Fish Strategic Plan, including the numbers (ratios) included in the Desired Future Conditions on the Fish and Wildlife decision table in Chapter 2.
3. Other AZ Game and Fish concerns – Game and Fish will provide a list of specific concerns on the Draft Plan.
4. AZ Game and Fish expressed a concern with the NPS language on page 1 of the Fish and Wildlife decision table. Bill Dickinson said that we will look at the wording. Game and Fish would hate for this to set a precedent for other lands.
5. Concern about raptors and condors – recommended sticking specifically with the 10j language only.
6. An explanation over the legalities of the mineral laws and what it means with mineral categories (Mining Plan of Operation, for example) should occur in the plan.
7. Coconino County expressed a concern about showing the Management Unit A (former Community Interface area) on the east and south sides of the highway at Marble Canyon, Vermilion Cliffs and Cliff Dweller's lodges.
8. Kane and Washington counties had concerns about the use of forage reserves and the wilderness characteristic allocation. These are national legal issues and they will raise them as such. They realize this is an Arizona plan and appreciate a seat at the table to raise their concerns. Remember that BLM should be multiple use and allow all uses.
9. What was the purpose of the Cooperating Agencies if their concerns were ignored and changes weren't made in the document? Some Cooperating Agencies felt that they should have been involved in selecting the Preferred Alternative and what it included.

Diana reminded the group that the BLM and NPS were the lead agencies in planning and that we would make the final decisions. We were trying to balance the plan between some extreme preferences. We had received significant public comment regarding more protection of most areas on the Arizona Strip, in particular, a substantial public comment submission from the Arizona Wilderness Coalition for additional wilderness study areas and a proposed transportation plan showing most routes closed. These WSAs then became ACECs and wilderness characteristic areas after the Utah Settlement in 2003. We had taken the information from the Arizona Wilderness Coalition and then done our own evaluation of what areas on the Arizona Strip remained in a natural or primitive condition. We then provided the managers with these evaluated areas and they used this list to determine which should be in each alternative and the Preferred Alternative. In order to be considered for a wilderness characteristic allocation, all three wilderness characteristics had to be present. We were trying to maintain natural, primitive, or scenic areas on the Arizona Strip – not create areas. And we strove for a balance. In doing so, we realize that we will please no one group or individual.

Diana also stated that we had considered every one of their suggestions and comments, sometimes discussing with staff and management or state office or the Washington office. When we could make the change, we did. Even though it might not be apparent, there were many changes made not only to the text but to the maps. The Cooperating

Agencies have had significant input in this planning effort. Some of the considerations when we could not make changes, particularly with some of Arizona Game and Fish concerns, were that if we allowed motorized or mechanized use off road, then it would encourage the public to also drive off-road.

Dennis explained that we had just found a potential error in the Route Evaluation Process on the Mitigate/Limit and Limit roads. Even though they may be open seasonally (Black Rock Road, for example), they show on the maps and in the data as closed to the public. We will need to investigate further and then fix it. This may be a fatal flaw. There may be some other fatal flaws in the document, if you see any, please let them know.

## **Chapter 2 Decision Tables: ACECs and VRM**

Copies of the decision tables were handed out, maps of travel management areas, transportation, OHV, livestock grazing, VRM and ACECs. It was explained that all the maps were on the ftp site given to the Cooperating Agencies as well as the maps on the walls. The maps on the wall were for the preferred alternative only. The remaining alternative maps were on the tables.

We must follow the December Instruction Memorandum from the Arizona State office on transportation, visual resources, wilderness characteristics, and management units. For this reason we had to change the names of the management units from Community Interface, Front Country, Passage, and Back Country. We simply renamed them to Management Unit A, B, C, and D. That is because the former names are only under Recreation Management Zones in the state office IM. The Arizona Strip management units are for more than just recreation.

We now are using a new allocation in the new land use planning handbook from the BLM for Travel Management Areas. They are the same polygons (areas) as the Management Units and describe Trails and Travel management. Because we had used the Route Evaluation Tree Process to define the polygons for the Management Units, this made sense for Travel Management Areas as well. Bill Towler suggested definitions on the maps and in the document so the reader will understand.

There is a concern that the Town of Fredonia has regarding water and the inclusion of it in the document. Brent Mackelprang brought this same concern up in the last meeting and he has not been given an answer and this makes them feel like why are we cooperators if our concerns are ignored? Bob Sandberg, Acting Manager read the CFR regarding available water sources and water rights. If there is unused and available water for use for recreation, wildlife, and livestock use then the BLM can file for the water rights. Mr. Sandberg wanted everyone to know that BLM does not want anyone to feel like we are not listening to their concerns. Until the state law changes, or as in the state of Arizona, there are currently conflicts because the state won't act on the transfers. Mr. Mackelprang still has the concern about water; Diana will have Roger get back to him and Alan to arrange a conference call.

Mr. Mackelprang brought up the concern about including Condors with raptors. The way the condor is listed under the 10J and ESA, he believes it needs to be separate. Page 16 of the Fish and Wildlife table talks about special class species, and on page 17 it talks about the Condor. It is on page 18, is the issue Mr. Mackelprang discussed. Diana will get with Mike Herder to make sure they address it. The town of Fredonia is going to put their comments together and get them to us. Any of the other Cooperators are welcome to do that as well.

Carl Taylor asked if there was a time frame tied to any changes. For example, on the wildlife fence changes, if permittee is supposed to modify things is there a timeframe? Would this be done retroactively? Within X number of years?

Ken Sizemore has a few concerns that have not been addressed. Is Fish and Game okay with no chuckars? Luke said that it is not a big issue. Occasionally you want to close an allotment, are the permittees being made aware that this is the plan and are they aware of the alternatives? Bob Sandberg answered this question that they try to let them know about the proposals. Bob will make sure that all permittees are aware of allotment decisions. His other concern is lands with wilderness characteristics; he is concerned that this new restriction is becoming the new WSA, "de facto wilderness." Local governments are very concerned about this. Instituting wilderness management regimes doesn't make sense. Also a concern with stream flow rights. Why can't you have geocaching in wilderness areas?

Dennis expressed a concern about the use of the term ATV/OHV. It needs clarification in the document. Manage according to Arizona law? Luke Thompson stated that Arizona state law applies everywhere – drivers must be licensed on all roads. BLM maintained roads require that the vehicle is registered and insured as well as having the driver licensed. BLM non-maintained roads require the driver licensed. County and state roads require the license, vehicle registration, and insurance.

### **Lunch Break**

The group reconvened at 1:10 pm Diana mentioned that because of the way discussions went this morning, we are kind of off the schedule, so it was agreed by everyone to discuss the last two agenda items and then to come back to discussions of the draft plan so that those who wish to do so may leave at any time.

### **New Land Use Planning Handbook and new BLM Rules for Cooperating Agencies**

The new BLM Land Use Planning Handbook was released. It is available online – Diana sent the web address to everyone. We are working under the direction in the old land use planning handbook and have incorporated some of the new direction from the new Land Use Planning Handbook. We are using the Travel Management Area and the Wilderness Characteristic allocations from the new guidance.

Diana handed out copies of the new BLM Cooperating Agency regulations that were just published. There will also be a cooperating agency guide book coming out and when that is available, we'll let you know.

Discussion on what we expect the Cooperating Agencies to do from this point on. Bill Towler of Coconino County said that the county participated as a cooperating agency on another plan. On that one they met once a month, for 8 hours for 5 years and were actually involved in drafting the plan. He suggested the county would be willing to help the BLM and NPS respond to public comments on the Arizona Strip Draft Plan/EIS. Other Cooperating Agencies said they would also be willing to help.

Rebecca Davidson of AZ Game and Fish said that they wish they had had more opportunities to meet and discuss some of their issues and concerns as well as being involved in selecting the preferred alternative. Diana assured Game and Fish that their concerns were heard, that many changes had been made, and that BLM and NPS appreciated all of Game and Fish's involvement. They had been involved in this planning effort more than any other cooperating agency and their time and comments were appreciated.

#### **Planning schedule, Public Meetings, Where do we go from here?**

Diana handed out the planning schedule; she explained where we are. Lake Mead NRA is still reviewing the document which might include changes, and then the NPS impairment analysis needs to be done. This takes about 30 days, and can be done while the state office reviews the document. Please get any comments to us before April 15<sup>th</sup>, if you wish them considered before the draft is reviewed.

The next meeting for the Cooperating Agencies will be once the public comments on the draft are received. This will probably be sometime next winter. If we stay on schedule, we will have a draft to the public in July, with a 90 day public review period. Then we will need to analyze the comments and place them in a database. So it looks like January for the next meeting of this group. Bill Towler asked if the cooperating agencies want to help with responding to comments from the public. Diana will ask the other Cooperating Agencies if they want to respond to public comments as well when these minutes go out. Ken Sizemore of Washington and Kane counties, AZ Game and Fish, and Coconino County will help respond to public comments.

The Cooperating Agencies were concerned about submitting additional comments. They were urged to get comments in as soon as possible, certainly before April 15. And to remember that the purpose of a Draft Plan/EIS was to solicit comments, corrections, edits, etc. and that there would be plenty of time for that once the draft was released to the public.

Mark Habbeshaw's concern was "who in the Washington DC office is the one who responds to the questions/concerns he might have on forage reserves?" "It is so easy for an agency to make a decision; but there is no accountability for an agency when no name is given." He would like to know the names of the people who make the decisions so he

can follow up on the responses. Diana and Bob Sandberg gave Mark the names in the state office and the Washington Office.

Rusty Lee of Grand Staircase – Escalante NM had a question “How do you plan on addressing ASO questions, since they are usually policy? How will this be communicated to the Cooperating Agencies? This was something to consider. Diana suggested getting the state office comment sheets to the cooperating agencies once we receive them. We will be getting back written comments from the ASO; Diana will forward them out to the Cooperating Agencies. Question, if they have been involved with the meeting so far, it was explained that there may be some changes. ASO expects the ASFO to be in line with current guidance and policies. Is this being professionally edited? Yes, it is happening right now. April 15<sup>th</sup> it will still get a rough copy; it will be cleaned up before it goes to the printer. We will have a glossary, as well as an index. Diana asked them for any corrections or edits, if they see any.

The public meetings on the Draft Plan/EIS will be held in 8 communities. There was a question on whether these towns were the ones used in the past. A question was asked about why not have one of the public meetings in Colorado City. Diana explained that the meetings they had in the past at Colorado City did not bring out many of the local people. There had been a large attendance in Fredonia but there was not a good facility to hold the meetings there. The town hall was not large enough and so we were considering one public meeting at Kaibab Village, midway between Fredonia and Colorado to serve both places. It was suggested that she rethink the location and include Colorado City, as well as Marble Canyon for public meeting locations. She agreed to do so.

#### Discussion of Draft Plan/EIS – Concerns and discussion items from Cooperating and Federal Agencies

Where are we at with the wilderness characteristics allocation? We have been given guidance from Washington and the Arizona state office on wilderness characteristics. We cannot use the non-impairment standard, we cannot create WSAs. We can use the wilderness characteristic allocations to maintain and enhance areas with wilderness characteristics.

Mark expressed his concern during this time that consistency is good and it looks like we need to tweak the language where everyone could agree to satisfy all concerns. He understands that he does not want to bring the Utah influence to Arizona.

Rebecca said she would be interested in seeing the definitions about what may or may not be there. They would like to add to definitions as to what natural means. Luke has been working with Mike Herder from our office to include some of their concerns.

There was a question on not allowing wheeled game carriers in the ACECs. This was done to protect threatened and endangered plant species. It is on page 14 of Trails and Travel Management Decision Table. Game and Fish suggested that this only apply to

those ACECs where threatened and endangered plant species occur then. Arizona Strip will review it. Ken also said it appeared as if the ACECs had buffers around them. No criteria is listed for how the size was determined. This was not the case, only the critical resources are protected within these ACECs.

AGFD needs to know the boundaries of the Kanab Creek ACEC because they may propose new waters for desert big horn sheep and don't want those areas in the ACEC.

Ken has a question on limits of acceptable change analysis, in the LAC, has this been done yet? Diana will check with Tom and get back to Ken.

Ken also questioned whether BLM can pursue conservation easements (Lands and Realty section). He said in Utah that was not allowed. Diana will get back to Ken on the issue – she thought it could be done in cooperation with another entity or agency.

Under administrative uses, AGFD has a problem with looking at the proposed network. They would be interested in having administrative use. But there is nothing that says that they can retain administrative use. Diana says that they will double check, it should also be mentioned in the interrelationships section of Chapter 2 text. We should spell out other agencies roles on the Arizona Strip, not just AGFD.

No more comments from those present. Back to Chapter 4.

They will all receive a copy of it once it is complete. She will do the best she can to try to allow the Cooperating Agencies time to provide comments.

There was a question that in the plan how are you going to document the Cooperating Agencies participation in this process. Diana explained that it will be in Chapter 5 as well as in Chapter 2.

#### Next Meeting

This will probably be in the winter. Diana expressed her sincere appreciation to the Cooperating Agencies for their participation and with providing comments. She gave time to Bill Dickinson, who expressed his appreciation for Cooperating Agencies participation. He also said that this is not the end. There is still time to incorporate any suggestions; he encouraged the Cooperating Agencies to stay engaged.

Meeting adjourned at 3:12 p.m.

#### **Attendees:**

Diana Hawks	AZ Strip BLM	<a href="mailto:diana_hawks@blm.gov">diana_hawks@blm.gov</a>	435-688-3266
Dennis Curtis	BLM Parashant NM	<a href="mailto:dennis_curtis@blm.gov">dennis_curtis@blm.gov</a>	435-688-3202
Mark Habbeshaw	Kane County Commission	<a href="mailto:markh@kanab.net">markh@kanab.net</a>	435-644-3158
Luke Thompson	AGFD	<a href="mailto:lthompson01@aol.com">lthompson01@aol.com</a>	435 574-2978
		<a href="mailto:lthompson@gf.state.az.us">lthompson@gf.state.az.us</a>	
Brent Mackleprang	Town of Fredonia	<a href="mailto:BrentM@fredonia.net">BrentM@fredonia.net</a>	928-643-7600
Bill Dickinson	Lake Mead NRA	<a href="mailto:William_k_dickinson@nps.gov">William_k_dickinson@nps.gov</a>	702-893-8920

Jeff Bradybaugh	Parashant (NPS)	<a href="mailto:jeff_bradybaugh@nps.gov">jeff_bradybaugh@nps.gov</a>	435-688-3226
Bob Sandberg	AZ Strip BLM	<a href="mailto:Robert_sandberg@blm.gov">Robert_sandberg@blm.gov</a>	435_688-3219
Rusty Lee	Grand Staircase NM	<a href="mailto:r_lee@blm.gov">r_lee@blm.gov</a>	435-644-4316
David Boyd	AZ Strip BLM	<a href="mailto:david_boyd@blm.gov">david_boyd@blm.gov</a>	435_688-3303
Sue Pratt	Coconino County	<a href="mailto:spratt@co.coconino.az.us">spratt@co.coconino.az.us</a>	928-226-2700
Bill Towler	Coconino County	<a href="mailto:btowler@co.coconino.az.us">btowler@co.coconino.az.us</a>	928-226-2700
Carl Taylor	Coconino County, Sup.	<a href="mailto:ctaylor@co.coconino.az.us">ctaylor@co.coconino.az.us</a>	928-779-6697
Alan Gardner	Washington Co.	<a href="mailto:adgardner@wash.state.ut.us">adgardner@wash.state.ut.us</a>	435 634-5700
Ken Sizemore	Five County AOG	<a href="mailto:ksizemore@fcaog.state.us.us">ksizemore@fcaog.state.us.us</a>	435-673-3548
Rebecca Davidson	AGFD	<a href="mailto:rdavidson@gf.state.az.us">rdavidson@gf.state.az.us</a>	602-789-3602



**Cooperating and Federal Agency Meeting  
March 31, 2005 10:00 am – 4:00 pm  
345 East Riverside Drive  
St. George, UT**

**Facilitator – Diana Hawks  
Recorder – Gloria Benson**

**Proposed Agenda**

- 10:00-10:10 am      Introductions, lunch – Diana**
- 10:10-10:20 am      Approval of meeting minutes from January 20, 2005 - Diana**
- 10:20-11:15 am      Chapter 2 Decision Tables: ACECs and VRM – Discussion – Diana**
- 11:15-11:30 am      Break**
- 11:30 am -12:30 pm Chapter 4 Environmental Consequences – Discussion - All**
- 12:30-1:00 pm      Lunch**
- 1:00-3:00 pm      Continuation of Chapter 4 discussion – All**
- 3:00-3:10 pm      Break**
- 3:10 – 4:00 pm      Discussion of Draft Plan/EIS – Concerns and discussion items from Cooperating and Federal Agencies**
- 4:00-4:10 pm      New Land Use Planning Handbook and new BLM Rules for Cooperating Agencies**  
The web link is: <http://www.blm.gov/nhp/efoia/wo/handbook/h1601-1.pdf>
- 4:10 – 4:20 pm      Planning Schedule, Public Meetings, Where do we go from here? - Diana**