

**Bureau of Land Management  
Arizona Resource Advisory Council  
Meeting Minutes**

**May 1, 2013**

**9828 North 31<sup>st</sup> Avenue  
Phoenix, Arizona**

**AGENDA ITEM: Meeting Called to Order – Welcome and Introductions: Bill Brake, RAC Chair, RAC Members, BLM Staff, and Guests**

The meeting was called to order at 8:10 a.m. by the BLM Arizona Resource Advisory Council (RAC) Chair Bill Brake. Following the call to order, the attendees introduced themselves and the areas they represent.

**Resource Advisory Council Members in Attendance:**

**Category 1 – Commercial/Commodity Interests**

Bill Brake  
Carolyn Loder  
Stu Bengson  
Maggie Sacher  
Thomas Hulen

**Category 2 – Environmental, Dispersed Recreation, Archaeological/Historic, Wild Horse & Burro Interests**

Carl Taylor  
Glen Collins  
Elizabeth Buchroeder Webb  
Doug Traub  
Eric Gorseigner

**Category 3 – Elected Officials, Native American, Public at Large, Academia, Local Government Officials**

Dawn Hubbs  
Larry Snead  
Larry Howery  
Jeffrey Sargent

**Governor's Representative**

Bob Broscheid

**BLM Staff in Attendance:** Ray Suazo, Julie Decker, June Shoemaker, Scott Florence, Tim Shannon, Mary D'Aversa, Ruben Sanchez, Deborah Stevens, Pamela Mathis, and Colleen Hickman from BLM Arizona.

**Guests/Members of the Public:** Connie Lane, Stan Helin, Shalonda Guy, Charlotte Minor, Greg Schuster, and Jim Gumm from the U.S. Forest Service (USFS); Kitty Benzar, President of the Western Slope No-Fee Coalition (WSNFC); Bill Civish and Geneva Richardson from ASARCO; Rose Houk, Kaibab-Vermilion Cliffs Heritage Alliance; Cindy Wilmer Cole, Gaye Adams, Cheryl Kulas, Dan Shein, and Holly Taylor, members of the public. Francisco Venezuela (USFS) attended later in the day.

Bill Brake mentioned that there would be two public comment periods today. The first one would be at 11:00 for everything other than the agenda topic of the Mount Lemmon Settlement Agreement, and another public comment period at 1:30 would be set aside for Mount Lemmon. The public notice for the RAC meeting advised the general public that the topic of the Mount Lemmon Settlement Agreement would occur beginning at 1:00 p.m. with the Forest Service presentation to the RAC, followed by a public comment period prior to the RAC making its recommendation.

Bill has met with Ray Suazo prior to this meeting to try to enhance the RAC meetings and to make them more effective. Each member who represents a constituency needs the opportunity to raise issues that are important to their group, and the BLM also needs to have that same opportunity. If individual members have an issue they want to raise, they need to get it to Bill Brake and Dorothea Boothe early enough that it can be included on the agenda. The law requires that the agenda be published in the *Federal Register* 30 days prior to the meeting. This means that RAC members must bring forth their potential agenda items to the Chair no later than 45 days prior to the next meeting.

All RAC members need to attend the working group sessions so they can be included in the discussion; it also keeps the group from having to rehash everything from the first day at the second day's business meeting. If a member is not at the working group meeting, then it isn't fair to bring up issues that were already discussed and on which a recommendation was made. If someone can't be there, then he/she will have to rely on their fellow RAC members so that the business meeting ends at a reasonable time. It's also important that everyone's agenda items go to Bill so that he can discuss potential items with the BLM State Director and once an agenda is formulated, the topic is assigned adequate time in the working group meeting. Then in the business meeting, the chair of that working group can report on the issue that was discussed and call for a vote if appropriate.

### **AGENDA ITEM: Update on BLM Programs and Issues**

The BLM State Director Ray Suazo started by saying that he appreciates everyone's time. He thanked Bill for his support in setting a framework for the RAC members to share their ideas and issues, while being thoughtful of what is actually in the RAC's charter. As the Designated Federal Official, he has the responsibility of taking recommendations from the RAC, and he and Bill have had many discussions on what role the RAC should play. Bill has done a good job focusing on balance; not only should the RAC give input on what is important to the BLM in its land use planning, but the BLM should also allow the RAC to raise issues that are important to the people that they represent. Bill has spent a lot of time working on improving the process and cutting out a lot of the repetition, and Suazo believes they have found a good balance. He also

said that Bill has been a big help in making this RAC work and do what it is intended to do. The discussions we have and the diversity of your input are what this RAC is all about. Don't think your input is not valued or important, because it absolutely is. We need that diversity.

**New RAC Appointee:** Suazo announced that Bob Broscheid from the Arizona Game and Fish Department (AGFD) replaced Josh Avey as the Governor's Representative.

### **Leadership Changes:**

- Mary D'Aversa is now onboard as the new Phoenix District Manager. She is a creative thinker, and Suazo said he is impressed with her commitment, her experience, and her desire to work with the changing conditions in her area.
- Tim Shannon is the incoming Gila District Manager. He will be officially onboard on May 13. He also has a lot of public lands experience in the fire arena and at BLM's National Operations Center (NOC). He worked at the NOC on the American Recovery and Reinvestment Act (ARRA) projects and was able to get a lot of work done by reaching out and talking to the partners. Suazo said he is confident with Tim coming onboard. It will be good for the district.
- Brian Bellew, the Tucson Field Office Manager, is leaving for a position in BLM California.

**Sequestration:** The Sequestration began on March 1. This is a 10-percent cut across the board, and for the BLM, it's about \$75 million. The BLM Arizona is looking at a five to seven percent reduction, or a total of \$5.5 to \$6.5 million. It will impact our ability to get things done on the ground, including processing rights-of-ways, leases, etc. The BLM focuses on everything from conservation to land use. They are all important aspects, and all of them will be impacted by the Sequestration.

**Hiring Freeze:** The BLM is currently under a hiring freeze and is not hiring anyone, without specific exemptions. They are adjusting the workload and working to prioritize. There have been a couple of exceptions and we have asked for waivers for mission critical positions, but as a rule, there is a hiring freeze bureauwide. Suazo said he doesn't expect to have to furlough employees. The State Leadership Team has been working to tighten up the belt by seeing where work could be delayed with the intent of keeping staff on board. It is not a good investment to train people and then cut them. If the Sequestration continues into fiscal year (FY) 2014, things will get even tighter. A "flat budget" is actually a declining budget; as the cost of doing business keeps going up, the BLM will have to be even more judicious with its resources.

**Partnerships:** Suazo has talked with representatives of the Arizona Cattlegrowers, the Sonoran Institute, other state BLM offices, the Arizona Game and Fish Department (AZGFD), other state agencies, etc. It's important, especially with Sequestration, to talk with one's neighbors and seek ways to be more effective by working together when resources are scarce. Partnerships give us leverage, and BLM Arizona will continue to have these relationships.

**Acknowledgments:** On March 23, the BLM Arizona hosted the dedication ceremony of Murray Springs Clovis Site as a historical landmark. Between 80 and 100 area residents attended the ceremony. The BLM was fortunate to have Dr. Vance Haynes, who discovered the site, at the ceremony. He shared his thoughts about the historic significance of the site and of highlighting landmarks like Murray Springs in Arizona. These cultural sites also help bring tourism to the area. He recommended that everyone go out and see it.

**Grazing Permit Renewal:** The BLM Arizona is currently looking at its grazing permits renewal workload out in the districts. This is another area where resources are limited, and BLM Arizona is looking at what it can do to improve its processes, how to prioritize the risks, and working to come together corporately to address that workload. This is a priority for all of BLM Arizona. Julie Decker and her staff are putting together a broader approach for handling that workload.

**Wild Horse & Burro Update:** The BLM recently signed a cooperative agreement and grant with the Arizona Department of Corrections in Florence. The BLM will provide wild horses and burros to them, and the inmates will train the animals and make them ready for adoption. Other states have had success with this type of program. This supports the rehabilitation efforts at the Correction Facility and also provides an avenue for trained horses. The soft groundbreaking is in mid-May. They are going to start receiving wild horses and burros, and the official grand opening adoption will be held in February of 2014.

**Renewable Energy:** The BLM Arizona has 19 active projects. Two are scheduled for a Record of Decision (ROD) this year, Quartzsite Solar and Mohave County Wind. Both are important, high-level projects.

There are three major transmission projects: Sun Zia, Southline, and Sun Valley to Morgan. Sun Zia is projected to have a Record of Decision (ROD) in the fall of this year; the ROD for Sun Valley to Morgan is expected by the winter of this year; and Southline is just in the early stages and has a prediction for a ROD in very late 2014. Sun Zia is on the President's list of high priority projects. Sun Valley to Morgan is also an important project, as it will work to enhance and solidify the grid in the Phoenix metro area.

**Border and Operation Restore Our Arizona Monuments (ROAM):** The BLM Arizona has done a lot of work to improve the resources on the Monuments and in the Wilderness Areas. The goals of this strategy are resource protection, providing a secure and safe environment for the public and BLM employees, and coordinating with the partners. Sequestration has had an impact in this area as well, and the BLM Arizona has had to cancel some of its operations. Look at the BLM Arizona website for more about BLM's accomplishments and statistics regarding border operations.

**ASARCO Ray Land Exchange Project:** There have been several presentations on this. It is important to the BLM and to ASARCO. It is an opportunity for BLM to acquire valuable lands for conservation purposes in exchange for BLM lands with mineral values. It is a win-win situation. The BLM staff is working on a Draft Supplemental Environmental Impact Study, which should be available for comment in summer of 2013.

## DISCUSSION:

Doug Traub asked about the problem of overgrazing. He also asked Suazo if he thought that the program with the prison could help in getting more wild horses adopted. Suazo said that the goal is to make the horses more adoptable, but he wasn't sure what kind of success other states had seen. Julie Decker said they will be able to do adoptions from Florence, which should lower the expense of holding an adoption, since they usually travel across the state. Also, they are holding horses from across the nation. In theory, it would help to get the horses out.

Bill Brake mentioned that wild burros are a bigger cause of overgrazing in Arizona than wild horses are and that the burros can be adopted as well. He also feels they are easier to adopt out.

Eric Gorseigner said he had seen news reports on Rapid Ecoregional Assessments (REAs) and asked what to expect in Arizona, particularly with the budget constraints. Suazo said that BLM Arizona, who was assigned to assess the Sonoran Desert, is moving forward on the REA. It is not so much project-specific and is more of an accumulation of data from a lot of agencies. The hope with the REAs is that the BLM will be able to answer questions on a broader scale; for example, in this region, what are the big risk areas for a particular species of plants or animals? It will provide a tool at a landscape level to start to develop and ask questions. A news release went out and is posted on the BLM Arizona website.

Regarding REAs, Glen Collins asked how the BLM is documenting subsurface resources. Do they, or can they, do an adequate job of mineral evaluation where they are doing REAs? Is the U.S. Geological Survey involved? Scott Florence said that the REAs are focusing on vegetation and habitat. Julie added that they start from a set of management questions related to the stressors and change agents. For instance, in climate change, is mineral potential going to be a strong driver? They are looking at what impact potential mineral or fire frequency or urban expansion are going to have on those regions, and those things are weighed.

Carolyn Loder suggested putting REAs on the next RAC agenda and requested a full presentation on the Sonoran Desert. The BLM staff agreed that it would be timely. Scott Florence added that as the REAs are done, the BLM needs to decide how as an agency it will use that data in its land use planning.

Carl Taylor asked why all renewable energy projects are not using **photovoltaic** solar as the preferred technology. There is dry and wet, with wet being the least preferred type of solar due to the ground water required. The current project list has two photovoltaic and one wind, and the rest is concentrated solar. He asked if the BLM is going entirely with the dry type, or is there going to be a whole different level of analysis? He requested an update on solar projects.

Suazo responded that the BLM took input from the RAC and the public and included it in the Restoration Design Energy Project (RDEP). They recommended a number of Renewable Energy Development Areas (REDA) that had low resource conflict, low water use, proximity to load, etc., and the BLM has not seen a lot of new applications. All the projected work has gone

through the NEPA process. There have been no new ones; there were 31 projects and we are now down to 19. Taylor said the REDAs were a great idea.

Brake suggested an update at the next working group meeting as to what projects are still on the table, what kind of technology they plan to use, and which ones are still in process. They don't need a full briefing but just an update. It would help them (RAC) give answers to the people they represent, and Suazo agreed.

Bill added that he appreciated the BLM having this meeting. It would have been easy for Suazo to cancel it due to budget cuts, but he didn't and Bill thanked him for that.

### **AGENDA ITEM: Sonoran Landscape Pilot Project – Recreational Target Shooting Update**

June Shoemaker gave a briefing on this project, which is a partnership with the U.S. Forest Service, the BLM, and Tread Lightly! The project is an outreach and communication strategy to promote responsible shooting on public lands in the Phoenix metro area. It incorporates three strategic concepts: communication, outreach, and accountability. The goal is to work out how to talk about recreational shooting and how to help instill good stewardship. It also incorporates the Respected Access Program, which is where Tread Lightly! comes in.

They have been working on this for about a year and have sent the project plan out to the public for comment. This also gave people the opportunity to express what they thought about the status of shooting on the Sonoran Desert National Monument (SDNM), and the group has gotten some good feedback. Shoemaker thanked Glen Collins for his comments. They are meeting again tomorrow to incorporate the comments and to work on the next iteration of the plan.

Shoemaker added that this is not an implementation plan or a decision document, but a strategy for how we talk about recreational shooting. If there are decisions, they will be issued by the Phoenix District Office, especially on the SDNM. This is more about respected access, making sure people understand what's important and what they need to remember when shooting on public lands, and holding people accountable.

### **DISCUSSION:**

Brake asked Shoemaker to give everyone a copy of the plan, and she distributed an outline of the project goals. Elizabeth Buchroeder asked if the BLM has shooting pamphlets, like they have for rock-hounding. There is not a statewide one because most of the decisions are specific to certain areas. The different field offices might have pamphlets that address the good stewardship aspect of shooting.

Thom Hulen said the RAC needs a lot more information on this strategy in order to make a good decision. He and Glen have spent a lot of time on it, but he feels there are a lot of issues in the strategy that are problematic. He recommended that the RAC look at this early on. Shoemaker said there is really no time line, and the partnership would welcome RAC advice.

Brake said that people have asked him where can they shoot on BLM land, and he doesn't know. The answer is that BLM public lands are opened to recreational shooting everywhere, except in specific locations where the agency has closed an area to target shooting. That would be good to know. Shoemaker said they could have a larger policy discussion on this, if the State Director wants to.

Suazo stated that this project is a not ready for a RAC recommendation. This was meant just to get information out to the RAC. At this time, all the BLM wants to know is, are these the right concepts that will lead to responsible recreational shooting on public lands? If they aren't, he wants to know. As part of that discussion, there will be dialogue about where the areas are that people can't shoot. It is a good question and adds value to building the strategy and supporting those concepts.

Brake agreed and said that the RAC members represent different groups that have different viewpoints. They can have a productive and positive discussion on the many aspects of this issue.

Jeff Sargent mentioned a recent incident where a hiker was out in the Hell's Canyon area near Lake Pleasant and was nearly hit by a stray bullet. The concern is as we get more recreation value in the metropolitan area, there are going to be conflicts. Shoemaker agreed and said that this plan is not a panacea, but is one part of the big picture that can be used in conjunction with management decisions about potential closures or restrictions to help keep the public safe. Sargent suggested that the partnership work with local municipalities, such as Peoria. They would like to have a voice in this as well.

The RAC briefly discussed giving the recreational shooting issue its own working group, but then decided that it should fall under the Recreation and Communities Working Group.

Glen Collins said he is a member of the Public Lands Foundation (PLF) and so he is interested in land use issues that are going on in other states. He thinks that Arizona deserves some credit for what it is trying to do in the Table Mesa Recreation Area. Recreational shooting, like mining, has generally been a pariah for most public land managers, many of whom have closed the lands to recreational shooting. Some of the PLF members have been very active in trying to get the BLM to focus on opportunities for recreational shooting. Glen added that BLM Arizona is the first state to try and do that, and the RAC needs to help them.

Bob Broscheid asked if the RAC would be looking at just the Sonoran Desert Pilot Project or would they be looking at recreational shooting statewide. They will be looking at all BLM areas. Ruben Sanchez said that the Kingman Field Office recently permitted a shooting range, and it will be offering safety courses and education; they go through AGFD. Brake agreed that AGFD is very familiar with this topic, as is the Forest Service. Eric Gorsegner suggested that it would be helpful to know where shooting is allowed, not just on BLM lands, but across the state so the RAC gets a holistic view. Brake said the AGFD knows where those places are.

Suazo said his goal is to have safe public lands and to provide the opportunity for recreational shooting. So, the question is, can the BLM Arizona successfully implement these concepts to

achieve its goals of safety, conservation, protection of resources, and availability of public lands for recreation?

Collins mentioned three years ago, the Phoenix District Office prepared a plan for the Table Mesa area, where there is a concentration of hikers, recreational shooters, and other activities. It was a big issue. He recommended that Mary D'Aversa give an update on how that plan has worked out. Tom Bickauskas did a lot of work on that project and has helped manage the area, so maybe he would be a good resource.

Dawn Hubbs agreed that it would be helpful to see an example of a successful program. She also suggested the team consider adding the concepts of the Respected Access program. There are things that need to be discussed as far as Native American concerns, such as shooting near sacred sites and what impact that will have on traditional practitioners.

Brake advised the members to send their questions to the working group chairman, with a courtesy copy to the RAC chair and coordinator, so they can be discussed. They need to be sent in 30 days prior to the next meeting.

### **AGENDA ITEM: RAC Questions on BLM District Reports**

Arizona Strip District: District Manager Scott Florence talked about uranium mining in his area. The Arizona One-Mine which has been in production for the last three years, is slowly starting to taper down production. It is expected to go out of production and into reclamation later this year.

The Pine Nut Mine is in the process of restarting operations later this month or early June, which will result in the Kanab North Mine going into reclamation. As Florence mentioned in the last RAC meeting, Energy Fuels applied with the Arizona Department of Environmental Quality (ADEQ) for approval of its closure plan. ADEQ approved it, so they should be starting reclamation in the next month or two.

A couple of weeks ago, Florence received a petition from two law students at the Colorado School of Law on behalf of some environmental groups requesting that the BLM conduct a validity determination on the Pine Nut Mine and to prepare a new mining plan of operation, or a revision of the existing one, before BLM allows them to restart. (These were the same groups that sued the BLM on the Arizona One case.) Florence expects they will file a lawsuit.

Florence mentioned the Canyon Mine, which is located on USFS land south of the Grand Canyon; Energy Fuels is in the process of restarting that mine and is continuing to sink the shaft because they didn't fully sink it when the mine was initially developed. The EZ Mine is a new mine proposal that the BLM has had with the Forest Service for several years. The BLM is doing the validity determination; because of the withdrawal; the claims have to be determined to be valid. This is still in the process and will probably go on for the next six months or so.

At the last RAC meeting, Florence talked about the 15-year study plan that the BLM is working on with the U.S. Geological Survey (USGS) and other federal agencies. The initial start-up cost

for each year of the plan is roughly about \$4 million. In the President's budget for FY 2014, there is \$3 million for USGS to initiate it. While this is subject to the appropriations process, it is fairly significant for the Department to fund the study plan at that level.

There are five ongoing lawsuits regarding the withdrawal. There are four plaintiffs in Federal district court and one from Maryland in Federal claims court that is a 'take.' This plaintiff is alleging that the withdrawal is a taking of their claims, and as far as Florence knows, there hasn't been much movement on this case. In the other four lawsuits, they are considering the merits of the case and are looking at the constitutionality of the withdrawal provision of the Federal Land Policy Management Act (FLPMA). The plaintiffs argued that because it allows for a legislative veto of the Secretary's decision, which was not invoked in this case, but because that provision allows that, it is unconstitutional. The court sided with the government, saying that the FLPMA has a severability clause that says if any aspect of the law is found to be unconstitutional, it would not negate the withdrawal because it is severable from the rest of the Act. The plaintiffs have requested a reconsideration, which the court has not acted on. All of the other merits of the case (NEPA, etc.) have yet to be decided.

The Forest Service has also received a complaint against its decision to allow the company to resume mining; this is similar to the lawsuit the BLM received several years ago on the Arizona One Mine. According to Florence, there is a fairly lengthy write-up on the 9th Circuit Court decision in the Arizona One case. The plaintiffs requested a rehearing about a month ago, but the court has not responded; if the court denies it, their only recourse would be to appeal it to the Supreme Court.

The District recently signed a Tribal Consultation Memorandum of Understanding (MOU) with the Hualapai Tribe. They are also working on one with the Kaibab Paiute Tribe and are considering developing one with the Hopi Tribe.

This was not in their report, but the District is in the very early stages of developing an Environmental Impact Statement (EIS) of an integrated vegetation management plan. The plan includes 120,000 acres, mostly on the Grand Canyon-Parashant National Monument down in the Mount Trumbull and Mount Logan area and will address management of Ponderosa pine, piñon juniper, and sagebrush in that area. They are in the very early internal stages and are working with the Forest Service enterprise team to prepare the EIS; they will be coming out with a notice of intent (NOI) in the next few months and will be inviting cooperating agencies to participate in the development of that plan. This will take place over the next couple of years, and the BLM will also be engaging the RAC.

Buchroeder asked how long ago the Pine Nut Mine was operating; Florence said that most of the mines were operated in the '80's and into the early '90's. Buchroeder added that they haven't been active, and the Environmental Assessments (EA) were done in the '80's and '90's. Florence explained that under the BLM surface management regulations, mines are allowed to go into 'interim status.'

Buchroeder asked if the BLM holds public outreach, such as an open house, to notify the general public that the mines are going to restart operation. Florence told her they are working on a

news release to notify the public of the restart of the Pine Nut Mine and are touching base with tribes in the area. There isn't a mechanism to notify residents, and no one lives closer than 50 miles to the mine. Buchroeder suggested doing the outreach to build goodwill with the residents. According to Florence, before the Arizona One Mine restarted, ADEQ held public meetings and hearings, and the mining company applied for new operating permits from the State. The BLM attended all of those meetings, which was part of the outreach. Also, for the EZ Mine, an EIS will be required.

Doug Traub asked Florence if the Sequestration was having any immediate impact on his District's operation, and how they are prioritizing where potential cuts may need to be made. Florence said in addition to travel restrictions and a hiring freeze, they are not funding a lot of agreements that they would have put money into. The BLM doesn't have its final budget yet, so it's unclear what impact it will have. Suazo added that the BLM has really scaled back on its hiring of seasonal employees.

Considering that most of BLM's expenses are salaries, Traub asked what could be cut. Suazo explained that BLM's funding is not all human resources like some of the other agencies, and it's more of a 70/30 ratio. The BLM looks at what assistance agreement-grants and projects it won't do to help meet these reductions.

Loder asked about the proposed Lake Powell pipeline, which is 70" in diameter. Florence explained it is a water delivery system that will provide up to 70,000 acre feet per year to St. George, UT and approximately 10,000 acre feet to Kanab, UT. The lead agency is the Federal Energy Regulatory Commission because of the hydroelectric component, and while it does cross into the Arizona Strip District, Utah is the lead for the BLM. There has been a lengthy study phase and the need for the project because the State has revised its population growth estimates. It's a very sensitive topic with the locals; people are either really strongly for it or against it. The State of Utah is funding the study and the design of the project. The long-term funding for the construction and maintenance has not been worked out yet, which is somewhat of an issue. Loder asked if the RAC will be involved. Florence said there will be an EIS that may start up as early as later this year, so there could be a role for the RACs in both states.

Regarding the pipeline, Gorsegrner asked if this takes their entitlement of Colorado water. It is 100,000 acre feet of unallocated Colorado River Upper Basin. Florence said they may initiate an EIS this year, but it will be a year or two before a Draft EIS is ready for review.

Carl Taylor mentioned that Coconino County has been opposed to uranium mining. But he appreciates the BLM's professionalism in the management of the mines. It has been much better than the situation with the State Trust Land south of the Canyon. The public isn't notified, and a lot of people are very upset about this. There is trespass to get to the mine sites, and there are no provisions for monitoring. In fact, the State Land Department says it is obliged by law to simply permit the mines. Collins said that the State Land Department is much different from the BLM and doesn't work by the same rules. Taylor said the difference is amazing. Bengson added that State lands are not 'public land.'

Colorado River District: Ruben Sanchez, Kingman Field Office Manager, filled in for Colorado River District Manager Roxie Trost. Sanchez announced that they have several mining EIS's currently in process. Two copper mines are doing an expansion of operations, the Mineral Park Mine, which is just north of Kingman, and the Freeport McMoran Mine, also known as the Bagdad Mine. The BLM will be reviewing the mining plan of operations from both companies to see that they are thorough. Some controversy is anticipated due to increased water usage.

There is a new mine, a gold mine that is referred to as the Moss Mine, south of Bullhead City off the parkway near Silver Creek Road. It's 320 acres of private land, but the company is looking to expand onto public land. The BLM will be permitting a Right-of-Way (ROW) for 1.3 miles for access off of Silver Creek Road. They (BLM\_Kingman) expect some Tribal impacts.

The District is also looking at Emerald Park, an existing mine off of Highway 93. A group wants to reprocess the tailings to take out the copper. The EA for it should be completed soon; they have completed their mining plan of operations. Sanchez said these are substantial projects in size, particularly the Moss Mine, Bagdad, and Mineral Park.

Carl Taylor asked about the fresh water flushing system in the Topock Cultural and Historic Properties Management Plan. How much water is this and what is the plan? Sanchez said he would get back with him on that. Suazo explained that this is a reclamation remediation project for contamination. It's the process that's going to be used to clean up that contamination. The BLM-Arizona is not the lead on the project; its role is really the cultural site. This isn't a whole separate mining operation. It's actually a clean-up remediation.

Hubbs added that the Hualapai are very involved in the Topock remediation project and the 60% design has just been released to the Tribes. She said, the Lake Havasu Field Office is the lead for BLM-Arizona., and continued by saying, the water gets put back into the aquifer through the process of the cleansing of the plume that is underneath Topock, which is going to be through ethanol. The contaminant, Chrome 6, is going to be converted over to Chrome 3, which is a safe element that occurs naturally.

The biggest concern was the choice of the fresh-water source; California Water Board is meeting with PG&E to discuss a well that is on the Arizona side, which is on the purview of the Havasu Wildlife Sanctuary. According to Hubbs, that well has levels of arsenic that are not acceptable to California. Could they use that well and treat it for arsenic? They would also have to treat for fluoride; this complicates the situation. Can PG&E use that water without treating it? It's a lot of water but it gets cycled.

Suazo added that this is a Department of the Interior (DOI) level project with a Departmental project lead, so it's pretty high level. The project lead is out of Denver. Carolyn Loder also clarified that this is not a mining issue; not all environmental issues are caused by mining.

Larry Howery asked what was the purpose of the District's Grazing Strike Team and to what extent the Rapid Environmental Assessment (REA) will be used in evaluating the backlog of grazing permits. Sanchez said that BLM District Manager Trost came to us from Barstow, California, and she had used a similar approach there to dealing with grazing permit backlog.

The process involves a deeper analysis of the impacts of the grazing in the given areas and analyzes comments in the EA, not just from the BLM staff, but that are cited from literature and academia, which strengthens the documents. Trost did this in Barstow. The BLM is continually being appealed by Western Watershed Projects (WWP). So, the BLM is focusing on more analysis of the EA, so if there are appeals, it can stand up in court.

Suazo reminded them that all the Districts are looking at their range workload. Trost took a strike team approach and has reached across to the field offices, and this is forcing them to address the workload and how they can improve their processes. But all the offices are looking at where the work is and how BLM-Arizona can use its limited resources to address the workload.

Brake added that as a rancher, if you don't have a permit, you don't have a ranch so you can't approach a bank for a loan to continue working; it's very important for them to keep their permits up-to-date.

Brake also commented on the District's marketing study of recreational fees. He is glad they are doing that but asked them to bring all of their information to the RAC, including the public comments. Sanchez said he will pass this request on to Trost. Brake strongly suggested to BLM District Managers that all of the Districts include the allottees on your team so they can be aware of what is going on and add value to the process. Sanchez said they have involved the permittees, as well as AGFD, in all of the monitoring and information they are gathering for these documents.

Gorsegrner commented on the fire management program. Gorsegrner said, fire is inevitable, and fire suppression continues to be 'dogged' in the news. The public is suspicious of fire suppression, yet it has proven to be effective. Gorsegrner recommended that all of the fire management agencies collectively get out ahead of the news cycle. It could be an excellent news story to help the public develop some confidence in these agencies' ability to use controlled burns in their fire management.

Gila District: Ray Suazo said that although Tim Shannon is not officially on the job yet, he has been receiving information for a while now, and he welcomed Tim's input.

Tim announced some personnel changes. Tucson Field Manager Brian Bellew is leaving for BLM-California to work at the State Office. Dennis Sylvia, who was formerly the Associate District Manager on the Arizona Strip, is the new Associate District Manager for the Gila District. He will help out in the Tucson Field Office until the manager's position there is filled.

According to Shannon, the Ironwood Forest National Monument Resource Management Plan (RMP) Record of Decision was signed in February. Rangers have been out there, and signs have been posted reminding people that there is no target shooting allowed on the Monument. Shannon sees this is an opportunity for some lessons learned as the BLM goes into the pilot project that was discussed earlier today.

The Safford Field Office is working with Freeport McMoran on their Morenci Project, which is a project responding to a natural resource damage assessment program on one of the mines for water fowl issues on the mine property. In addition, there are going to be a lot of proposals soliciting projects that will benefit birds on the migration routes; these will probably come to the RAC as part of the public scoping process.

Julie Decker announced that the Resource Management Plan on the San Pedro was published in the *Federal Register* on April 30. This starts the 90-day scoping period, and three public meetings are scheduled for early June.

Bengson asked Shannon about the Asarco Ray Land Exchange; it's a very important issue for the RAC to consider and added that anything Shannon can do to expedite the Supplemental EIS would be welcomed.

Buchroeder advised Shannon to work with the residents, active Friends Groups, ranching leaseholders, etc., early on. If a project is controversial, you will promote more good will if you approach them before it's in the *Federal Register*. She recommended getting to know the neighbors and hopes this feedback can help improve the process. Shannon said that Suazo has given him the charge to reach out to the areas and the small towns throughout the District. He said that is his intention, and he would much rather be proactive than reactive.

Brake added that the RAC represents the people and look to them for information about the BLM. It is a partnership. If there's something a BLM staff member thinks a RAC member would need to know, give them a call.

Brake also said that they will miss Brian Bellew and told Shannon that he has a very interesting area to work with. Suazo said this is a common trend in the Government; people retire or take new jobs, and with the budget cuts, there is a lot of turnover. As new employees are hired, the BLM is ensuring their dedication to our Mission.

Taylor said he was disturbed by the recent ruling on Pueblo del Sol saying there is adequate water supply for 7,000 new homes in the Sierra Vista area and the Arizona Department of Water Resources (ADWR) saying that there is 100 years of water sufficiency. He is very pleased to see the BLM is contesting this and that they are working with their partners. The Cochise County supervisors have been very concerned about the San Pedro River and worked out a plan to keep wells a certain number of miles back from the river. Also, Fort Huachuca has said that if the river dries up, they will leave. So there are very substantial economic impacts from what he regards as an irresponsible decision. He asked if there is anything the RAC members can do. If it does go to court, with State versus Federal rights, is it really vital?

Suazo thanked Taylor for his comments and said at this time, he doesn't believe that the BLM is in a position where it has something to ask of the RAC. The BLM is working through its process and looking at their options and legal considerations as they move forward. Suazo is not at liberty to say, "Here's what we are doing," so there really isn't anything to tell you at this time. He added, there could be in the future, but right now, we don't know that. Also, the Upper San

Pedro Partnership has been working collaboratively with the BLM to protect the San Pedro, and those projects are going to continue.

Taylor mentioned that the ADWR has been decimated by personnel cuts. Taylor inquired, do they even have the ability to make this determination due to staffing cuts? This is a very serious problem that affects all the rural areas with the staffing they have. Taylor expressed skepticism about the 100-year water adequacy.

Gorsegrner said that this is infuriating and outrageous. This is precedential in nature. Given all the resources that have been put into the San Pedro and that whole area and what is at stake there – the military facility, the very fragile environment – he hopes the BLM does not back off one bit and get the best lawyers it can to fight this case.

Brake added that there are lawsuits on this and Congressional people involved. This is not something the RAC needs to be involved in at this time; what Taylor and Gorsegrner are saying is true, and there are avenues to voice those opinions and lots of groups who are working on this issue on a daily basis.

Phoenix District: District Manager Mary D’Aversa also announced some personnel changes. Lower Sonoran Field Manager Emily Garber retired in January, and Sonoran Desert Monument Manager Rich Hanson retired last week. In regard to Sequestration impacts, she echoed what has been said today. They are trying to limit the impacts on their highest priorities: public safety, moving forward with their range workload, continuing implementation of their NLCS strategy, and travel planning.

Being in a major urban metro area, the Phoenix District takes advantage of the opportunities of youth engagement. D’Aversa said the District is on its sixth work crew of about eight students that come through on 16-week cycle. It’s set up through workforce investment dollars, so it’s basically a paid internship where the District provides education and internship experience. The students learn how to build trails, do basic first aid, and other skills that BLM looks for in its basic entry-level employees. It’s a real example of progressive, on-the-ground sorts of things.

Suazo recently presided over the graduation of several youth from the Franklin High School Fire and Police Program. The District is working to integrate resource management into education and to basically build a better work force for tomorrow. It’s an opportunity that the Phoenix District has being so close to a major city.

One of the progressive things the District is doing is in the Public Affairs arena, is using QR (which stands for Quick Response) codes on kiosks and signs around its recreation sites. The service is through On Cell. Visitors can use their smartphones to scan the QR code, which can take them to a web site with more information or give them a map. Phoenix District Public Affairs Officer Pamela Mathis had heard about this at a National Association for Interpretation Conference. She also learned that the National Park Service (NPS) uses this technology very successfully and has worked to make it happen in her District.

It's a new way to really reach out and deliver the message to people who may not be typical users of public lands by making the experience more interactive. The BLM can also get statistics in real time, such as the number visitors and where they go. Gorsegner agreed that it has a lot of potential in many ways.

The District hosted a cleanup project at Table Mesa in early April. Over 100 volunteers came out to help and collected quite a bit of trash. The Phoenix District sees both sides in its outreach, from the progressive projects such as education to the large number of concerned citizens willing to go out and work with them to help clean up public lands.

The BLM Agua Fria National Monument and the Cave Creek Ranger District staff of the Forest Service are working on a cooperative management plan for a couple of livestock grazing allotments in that area and recently did a joint monitoring field tour.

At the Lower Sonoran Field Office, the team is looking to get together to work on implementation of the Resource Management Plan. The Record of Decision for it was signed last fall. D'Aversa talked about Operation Reclaim Our Arizona Monuments (ROAM), which helps support the BLM in resource management through law enforcement and doing border-related work to help reduce damage in those areas. It really is an interoffice, interagency effort, and when you look at the acres of restoration, the pounds of trash removed, etc., it has a huge positive impact on the area.

Hubbs thanked the BLM District Managers for all the work they do and asked if it would be possible to talk about potential Tribal outreach plans at the next RAC meeting. She mentioned that the Arizona Strip, Kingman, and Lake Havasu work hard on their MOUs. Hubbs thought it would be helpful to talk about Tribal outreach plans and how to engage Native Americans with site management and preservation of heritage. Also, regarding Section 106 consultations, if the managers are having any issues, they are welcome to call her (Hubbs) and use her as a support role with the tribes. Brake recommended that the Districts include an update on Tribal relations in their reports.

Thom Hulen said he is sorry to see Rich Hanson (retired BLM Sonoran Desert Monument Manager) go. He added that the BLM has done a pretty good job with Operation ROAM in minimizing the resource damage created by smugglers. The road markers have helped keep smugglers out of the Table Top Mountain wilderness area.

Brake said the BLM does a lot of important work that isn't recognized. Phoenix is huge, with over 5,000,000 people, so be sure to give yourself the credit so the public understands that the BLM is very important and needs to be funded. The USFS and NPS have done an excellent job on their PR, and being in such a large area, Mary D'Aversa may want to look at ways of getting the BLM the recognition it deserves.

Sacher commended Suazo that as the State Director, despite the tight budgets, he recognizes the value of sending BLM employees to training like the one Mathis attended. Suazo thanked Sacher and said that Arizona has lots of creativity. Our staff is always asking, "How do we get

people out on public lands?” It may provide a lot of the opportunity for PR and for partners supporting what the BLM wants to emphasize on public lands.

**AGENDA ITEM: Public Comment Period**

The public comment period started at 11:00. No members of the public commented at this time. The group agreed to reconvene after lunch, then allow the Forest Service time to give its briefing on the Mount Lemmon Settlement Agreement. Another public comment period was scheduled for 1:30 to discuss that issue.

Collins passed out a recommendation that the Recreation and Communities Working Group drew up on April 30 at the working group meeting. They will make a motion to the full RAC after the Forest Service makes its presentation today and the public has the opportunity to comment on it.

Loder asked about the vacancy on the RAC for an elected official and what the status is of filling that vacancy. Deborah Stevens said that it went along with the annual call for nominations, which is now being worked. Since the vacancy occurred so close to the time for the call for nominations, BLM opted to do it all at once, rather than have a separate call. Deborah added that the RAC does have an elected official in Stu Bengson, which meets the requirement; Stu isn't filling that vacancy, but it allows the RAC to meet.

**AGENDA ITEM: Arizona Recreation Resource Advisory Council Session – Mt. Lemmon Settlement Agreement Review**

Collins introduced this part of the meeting, saying the Coronado Forest personnel would give a briefing on its fee proposal changes for the Mount Lemmon Recreation Area pursuant to a recent District Court settlement. He reported that the Recreation Resource Advisory Council Working Group (RRAC) saw the presentation at yesterday's working group meeting; most of the RAC members were there, and they discussed it at length.

Collins explained that the RRAC is an additional responsibility for the BLM RAC, in which they also function as a Recreation Resource Advisory Council to review fee proposals for the BLM and for the Forest Service. The RRAC working group hears the recreation fee proposal presentations, and they make a recommendation to the full RAC regarding the fees. They have set up a series of guidelines and protocols about how they receive information and what is expected from the agency who is proposing the fees. They have processed a number of recreation fee proposals for the BLM Districts and for the various National Forests, and the RRAC has required some modifications in the fee proposals in the past.

The proposal they are reviewing now is from the Coronado National Forest. It didn't start as an agency proposal but was the result of a Court Settlement Agreement with some plaintiffs who were concerned about the fees and the restrictions on the recreation area. In the Settlement Agreement, the Court ordered the Coronado National Forest to bring the Implementation Plan for the Settlement Agreement to the RRAC for review which they have done. The Court Order states that: “Nothing in this Settlement Agreement may be interpreted as or constitutes a

commitment or requirement that Defendants take any action in contravention of any applicable law, including the Recreation Enhancement Act (REA).”

Collins said the RRAC working group heard the Forest Service presentation yesterday and discussed the information at length, yesterday, so we probably won't have a lot of questions on it today. They wanted to give the National Forest personnel the opportunity to present the fee proposal to the full RRAC and to members of the public. Brake reminded everyone that the RRAC is not going to act on this until after the Public Comment Period at 1:30.

### **FOREST SERVICE RECREATION FEE PROPOSAL:**

Francisco Valenzuela opened by saying that the Forest Service appreciates the public and those who care about the National Forests and care about the fee program. Yesterday the Working Group gave them a lot of wisdom about the need to have the public better informed, have the information to them sooner, and have more public involvement. They had a discussion yesterday with representatives of the Tonto, Coconino, and Coronado National Forests about expectations into the future and how they are going to do better. They want to not only serve the public but the RAC as well.

Valenzuela said that the Forest Service was here to carry out the requirements of the Settlement Agreement, one of which was to make a presentation to the RAC for its review. Of concern to them is their long-term relationship with the RAC, the BLM and the State. They are following their lawyers' advice on how they should proceed with the settlement.

Stan Helin gave the presentation for the Coronado Forest. He explained that, under the proposed Implementation Plan, the Forest Service will not be charging for all locations within the Mount Lemmon area, as they have done in the past. He said that Mount Lemmon gets about 1,000,000 visitors per year.

Back in 1995, Mount Lemmon was established as a fee area under the Fee Demo legislation. There was substantial public involvement and buy-in. They did cost analysis, workshops, and surveys. They set the fee at \$5.00, which has not changed since then, because it was comparable to similar areas. The income from the fee program was intended to be used to increase services, but instead of allowing them to build a lot of new facilities, it ended up allowing them take care of the ones they had with security by hiring a law enforcement officer, increase their maintenance and cleaning, and so on.

Then in 2007, a hiker was visiting the area. He didn't have a parking pass in his car and was cited for not paying the fee at the collection station. They went to court, and Judge John Rolle agreed with the Forest Service, felt its program was being run reasonably, and sided with them. In 2008, a similar situation occurred. The Forest Service has been trying to resolve the fact that with the collection station being at the entrance of Mount Lemmon, they have been collecting for specifically trailheads and hiking areas.

When the Recreational Enhancement Act (REA) was passed in 2004, they stopped charging for some things that REA didn't allow, but they did not remove all fees. The case made it to the 9th

Circuit Court and in 2012 the Court determined that the plaintiffs were right and that the Forest Service needed to change its rules regarding fees, so they decided to settle. The Settlement Agreement outlines their changes to Mount Lemmon, and they are required to submit this to the RRAC.

The Mount Lemmon Highway is a High Impact Recreation Area (HIRA), and they were collecting \$5.00 fees to enter the area and drive on the highway. If a person was anywhere except for very few areas, there was a \$5.00 fee. Helin pointed out that it was never about collecting the fees; what matters to the Forest Service is that they have been able to care for the land and serve people up on the Mount Lemmon. They went into this process in good faith. He briefed on what was removed from the fee area and the areas where fees will still be required. All 11 of the remaining fee sites have the six amenities that REA requires: developed parking, toilets, trash receptacles, interpretative signs, exhibits, and picnic tables. Fees will no longer be collected at the welcoming station, and Mount Lemmon will now be 99.82% free. There are 28 different sites with some of the amenities, but not all six, that are now free day-use areas. There are 17 sites where fees were eliminated; one new site where parking is available with no fee, and ten vista points and scenic overlooks that are still free.

Helin went over some of the changes that are in the Agreement. Molino Basin has six picnic sites, but visitors can park there and use the trailhead for free. Marshall Gulch is a popular trailhead, but it is more of a picnic area; since there was no clear way to delineate whether people were using all the amenities or just hiking, that one was left as a fee area. Palisades is a higher-level visitor center that is staffed by both Forest Service personnel and a non-profit interpretative association and also has extensive exhibits.

There is no change to their fee structure; it is \$5.00 per day, \$10.00 per week, and \$20.00 for an annual pass, and they still accept all interagency passes. They will be posting very standard signage to show where fees will be required, and one \$5.00 pass will enable visitors to access all of Mount Lemmon for the day. They are removing the larger fee area designation, and it will be very clear. He added that there are no changes to the four concessionaire operated campgrounds or the three USFS operated campgrounds.

Per the Agreement, they won't enforce fees outside of the fee sites; they will post notice at the welcome station where fees are required; and they will submit the proposed implementation plan to the RRAC for review and potential recommendation. The RRAC is not obligated to make a recommendation, but the Forest Service is bound by the terms of the Settlement Agreement. It's time for the Forest Service to come to closure on this matter and work on building new relationships.

Helin asked if the RRAC had any questions. Hubbs asked if fee waivers are considered for school children, seniors, research groups, Native Americans, or physically challenged visitors. Helin said this is not part of the Settlement Agreement, but they expect to come back to the RRAC in the near future with a Coronado-wide fee strategy. They know they need to compromise and offer more free days.

Sacher brought up a similar situation with the Red Rock Pass program that the RRAC reviewed a couple of years ago. It took a lot of work and coordination to resolve it. She recommended that the Coronado consider an annual statewide pass and group rates for vans, schools, etc.; conduct a serious evaluation of commercial use where busloads of people can visit at zero cost; need to have additional free days and publicize them, so that the locals are aware of them; put together a comprehensive participation plan, and as they do their planning, because things are very seasonal, make sure that their public is there. The RRAC will be looking very closely for those things to be followed.

Traub brought up the matter of security; if the Forest Service says it will provide security, then there is the matter of liability. Helin said there are no signs that say, "We offer security," but there was a noticeable change in Rose Canyon after they started using the extra revenue to hire security. Traub suggested they post signs that say, "We are not responsible," etc., to avoid any liability issue.

**AGENDA ITEM: Public Comment Period on the Forest Service Fee Proposal for the Mt. Lemmon Area.**

Brake started the public comment period at 1:30 and was scheduled to end at 2:00.

**Gaye Adams**, one of the plaintiffs in the Mount Lemmon Lawsuit, spoke first. When asked why she filed the lawsuit, she said she works with mentally ill children and their families, and she has seen the impact that getting out in the wilderness has on them. She and her husband, Greg are outdoor enthusiasts. When the Fee Demo Program was initiated, they were both dumbfounded. She said that people talk about how the economy is affecting the Forest Service, but it's also affecting families who can't afford to go out and enjoy their public lands.

Adams clarified that she and Greg are pro-Forest Service and pro-rangers. She can't emphasize how important it is to have access for all American citizens, even if they can't afford it. Their experience in wilderness has given them solace, and she feels it should be free for all Americans and says she doesn't understand the 'business mentality' behind all of this.

Webb asked the plaintiffs if they had received a draft of the wording on the signs, as indicated in the Agreement. They were sent by e-mail yesterday. She also asked when the Settlement was executed; it was January 16, 2013. Traub said he feels the fees are nominal and a bargain for what they give to public lands. Adams understood his point of view, but the 9th Circuit Court directed the RRAC to make a recommendation on the Settlement Agreement.

Stu Bengson asked why the plaintiffs signed the Agreement. Adams said she believes in truly public lands, but she also believes in compromise. She emphasized that this is about access to a huge wilderness area.

Gorsegrner asked what they had to give up in the Settlement Agreement; they are not allowed to talk about the negotiations yet because it is not legally 'finished'. They signed a confidentiality agreement that they would talk about the outcome, but not the process.

Hubbs inquired about the plaintiff's content with the outcome; if the fee waivers are considered whole-heartedly and are applied at a later date. Adams said that wholeheartedly is the key word, as well as follow through. She believes the public land system is one of the best ideas ever and she feels it should be supported entirely by taxes. While she is not completely content, she understood the need for compromise.

Brake said regardless of everyone's feelings on the Settlement, this is a Court order and it can't be changed.

**Kitty Benzar**, President of the Western Slope No-Fee Coalition (WSNFC) a national advocacy group that works on laws for recreation fees on public lands, including Fee Demo and Federal Lands Recreation Enhancement Act (FLREA), was an advisor to the plaintiffs in this lawsuit.

According to Benzar, public lands were part of our social fabric for 100 years, and everyone had equal access to them. Starting with Fee Demo, which ran from 1997 to 2004, the agencies went to a 'pay to play' concept where recreation started being treated as a product. She feels there was not public buy-in. There was tremendous pushback from the public and in Congress, and resolutions passed at the state and county levels against Fee Demo. When Fee Demo was up for renewal in 2004, Congress was not going to approve it. Instead, they tried to 'fix' Fee Demo and implemented FLREA, requiring those six amenities.

Benzar said that when FLREA was implemented, the agencies that had been used to getting the extra fees looked for ways to get around the new restrictive language. For the agencies, the shift to the 'market world' was complete. For the public, the ownership and stewardship component was no longer there.

After FLREA was passed in 2005, WSNFC worked for 4 years with the agencies and with Congress to try and get the law complied with, but they were unable to. So in 2008, two lawsuits were filed on the same day, one at Mount Evans in Colorado, and the other at Mount Lemmon. Four years later, a decision was made.

Benzar said that the Settlement Agreement is based on what the law says, regardless of our interpretation of it. They were not going after the concept of user fees, but the way the law was being implemented. She said she is pleased with the outcome.

Benzar is concerned that visitation at the forests is down. Valenzuela said visitation in the Prescott National Forest is down 20%, which is substantial. In 2008, the RRAC approved an across-the-board fee on Prescott; Benzar doesn't know if that is the cause, but fees are certainly a factor; she added if we are serious about getting kids outdoors, we shouldn't charge \$5.00 for the families to go out and enjoy the lands.

Benzar mentioned, if the law had been complied with as it is written, they would never have filed the lawsuit. The Forest Service's attorneys said if they (Forest Service) supply the six amenities, then they can charge a fee. There have been several forests where fees are charged and they shouldn't be. The Forest Service's interpretation of the law should be modified, and they should use this (case) as their model.

Benzar inquired if they stopped charging fees in 2012, how they have been paying for their security guard. Helin responded, saying they probably won't be paying for him next year. According to Helin, the local Forest has been paying about 50/50 out of fees and appropriated funds; their regional office was able to help them pick up some of that cost. They do expect reduced fees so they won't be able keep that up and will likely phase it (security) out; when that happens, the law enforcement officer will work elsewhere.

Brake thanked Benzar for her input and said she has been very helpful. Her information makes them a better RAC (RRAC) so they ask better questions and make better decisions. Benzar said this is the best RAC she has worked with.

Sacher asked about the status of the Colorado lawsuit at Mount Evans. Benzar said it was settled in a lawsuit much in the same manner as Mount Lemmon, and added that because so many Forest Service units are ignoring the way the law is written, there are currently two lawsuits pending in California and potentially 96 more out there.

**Cindy Wilmer Cole** thanked the RAC for the opportunity. She frequently reports for *The Noise* in Flagstaff under the name Cindy Cole. She said she lives in Sedona and found the changes before Fee Demo and after Fee Demo astounding. The Mount Lemmon Settlement Agreement shows this: the law actually means what the law says.

According to Cole, in Sedona, it wasn't until the RRAC came forward and forced them (Forest Service) to make a new decision, nothing changed about the Red Rock Pass program when the Fee Demo was repealed in 2004. According to FLREA, those fees are not legal, and that continues to this day. When the Coconino National Forest brought its proposal to the RRAC about 18 months ago, that was based on information they had at the time (the six amenities have to be present). But this Settlement Agreement says that the Forest Service cannot charge only for parking.

Cole wants our kids to know that public lands are part of our heritage and our birthright; when people see them as a commodity, they lose that sense of stewardship and no longer feel responsible for them. It seems like the rangers are only there to pass out tickets and fines, and not for people who are out there littering, but because they are not paying to park. This is not a good use of our resources, and neither are these lawsuits. Sedona needs to be proactive and bring its own proposal to the RRAC.

Between 1999 and 2009, the Forest Service was appropriated more money every year. When a forest collects fees, it doesn't get as much money appropriated by Washington. When Sedona brought its proposal to the RAC, they were asked about the Government Accounting Office (GAO) audits. The Red Rock Pass program has never been properly audited by the GAO, so no one knows exactly where the money is going. Cole feels that if the Forest Service is doing nothing wrong with the money, they should be begging for the audits.

Responding to Traub's earlier comments about the National Park Service charging a fee, Cole said she expects to pay a fee and find amenities, shops, etc., at NPS. But the BLM and Forest Service should be free places to get away from all of that.

She was happy to hear Helin say they were not willing to add a new picnic table just to meet the six amenities requirement to qualify as a fee site. In Sedona, they did just that, and the Tonto is touting it as their example. The public meetings in Sedona were held at inconvenient times and not well publicized. They are now holding 'open houses,' but she feels they are not effective ways for people to communicate with each other or for the public's opinion to become known.

Cole also said she is grateful for the Settlement Agreement because it supports the language that is in FLREA. Even though this is court ordered, the Forest Service still has to come before the RAC for any kind of fee changes. She appreciates everyone who is here and puts in the time. She added that Sedona is ripe for a lawsuit, just like Mount Lemmon.

Brake said he appreciates all of the public input and that this was a healthy discussion.

Brake also reported that the Tonto National Forest representatives had asked to make a presentation today on the status of a future Tonto National Forest recreation fee proposal, but new issues need to be noticed in the *Federal Register* 30 days in advance. If time permits, and no one has a problem, the Tonto can give its presentation today for information purposes only, if they want to. He then turned the meeting back over to the RRAC Working Group Chair Glen Collins.

#### Arizona RRAC Recommendations

Collins said the RAC's role is not to judge or interpret the law but to ensure that the public has had an opportunity to have input on recreation fee proposals or the implementation of fees. The RAC has asked the Forest Service and the BLM to demonstrate that they have gotten input from the public, whether good or bad, on the proposals they are making. The RAC has also asked the agencies to document general public support for their recreation fee proposals.

Collins reported that most of the RAC members feel they are in support of the Court's Settlement Agreement decision to significantly reduce the size of the Mt. Lemmon HIRA. However, the new Forest Service fee proposal still has significant impact on public use because that large area outside of the HIRA is only accessible by the one access road along which the recreation sites are located. Although the Forest Service has done a lot of work on its implementation plan, the RRAC did not see that they have given the public much opportunity for input. And even the plaintiffs in the Court Settlement Agreement had apparently not seen the Forest Service's Implementation Plan until yesterday.

Collins reported that, in the RRAC Working Group meeting held on April 30 (at which nearly all the RAC members were present); the RRAC Working Group didn't feel that it had enough information about what the public thought about what the Forest Service was presenting to the RRAC. The RRAC Working Group is therefore, recommending that the Forest Service: 1) go back to the public and get their feedback on the plan, 2) come back to the RAC/RRAC at a later date to brief them on the public input for that plan, and 3) demonstrate that there is general public support for the plan.

Suazo said that based on the comments he is hearing, he agrees that more is needed in order to make a recommendation; still, the Forest Service has been told by the court what it needs to do. What they are looking for now is whether or not the Arizona RRAC agrees with what has been outlined in Section 1A, and if they choose to provide a recommendation that is different from what has been outlined, giving the Forest Service a number of different options they can choose from.

Collins then read a statement that said basically the RRAC has not completed its review and will not make a recommendation until they know how the public feels; this is a protocol they have followed before. Suazo reminded them that the Forest Service still has the option to accept or reject that and continue to work on implementing their plan, which the RAC understands. Sacher added that they feel the public deserves the opportunity to comment, and this is the only way that the RRAC can put the onus on the Forest Service to do what they should have done from the beginning. Suazo thanked them for clarifying that and said that he wanted to make sure there is clarity on what the court is asking the RRAC to do, which is to review what was put in the Settlement Agreement.

Brake said that the Forest Service can choose to come back and do what the RRAC requested of them, or they can choose to work on the implementation. Collins added that the court order did not exempt the Forest Service from the requirements of FLREA.

Webb made the following motion:

**MOTION:** The Arizona Recreation Resource Advisory Council (RRAC) has not completed its review, and will not make a recommendation on the Forest Service's Implementation Plan for the Mount Lemmon Court Settlement Agreement at this May 1, 2013, RRAC meeting, and the RRAC is asking the Forest Service to take the draft Implementation Plan to the public for review and comment, and to bring the Plan back to the RRAC at a future RRAC meeting with a report on the results of the public review process and documentation of general public support for the Plan.

The motion was seconded by Larry Snead.

#### **DISCUSSION:**

Gorsegrner spoke against the motion. This is a complex issue, and he understands compromise and the pressure that the Forest Service is under. He is philosophically opposed to what amounts to a tax on nature. He feels this is a Congressional failure. Although the RAC is not here to make laws, but he cannot vote for something that he feels is a moral failure of the U.S. Congress to fund the agencies to do the work they were mandated by law to do.

Hulen asked if the Forest Service doesn't come back or do any public survey, what would that mean for the RRAC. That isn't known. The Forest Service and the plaintiff have made a deal, and they may come back to the RRAC or let it go. The two parties and the judge will make the ultimate decision.

Sacher added that if these other lawsuits are heard, the court will read this, and the court will put requirements for public participation or the Forest Service will require it. This at least brings it up and into the discussion.

Helin had said even a public hearing would not allow them to make a change. The RRAC has told the Forest Service what their expectations are,

Taylor said he opposes the motion. He sees little to be gained by this motion. He thinks the Forest Service should inform the public on facts of what they're doing and why they're doing it. At this point, any public has opportunity for meaningful input. The Forest Service is still going to be on a trajectory to do what they have to do, and they will still engage with the public on a certain level regardless.

Jeff Sargent inquired if they did pass the motion, and the public input was contrary to the Settlement but an advantage to the plaintiff, is there any 'wobble room' to change the Settlement? Brake said they have been asked to comment on the implementation plan in this Settlement Agreement.

Suazo read the part of the Settlement Agreement that instructed the RAC to give its recommendation, saying the Forest Service would issue its implementation plan.

Brake called for a vote. The votes were as follows:

10 Yes: Glen Collins, Bill Brake, Carolyn Loder, Larry Snead, Larry Howery, Maggie Sacher, Jeffrey Sargent, Stu Bengson, Dawn Hubbs, and Elizabeth Buchroeder Webb

3 No: Doug Traub, Carl Taylor, Eric Gorsegrner

1 Abstained: Thom Hulen

The motion passed.

Suazo added that clarity and transparency are going to make us all better, and he agreed with what Brake requested.

Hubbs mentioned a protocol that was set up in 2007 to deal with the fee issues. This protocol has a very specific set of rules for public involvement, and if it is followed, they will become a better and more efficient RAC. They all want to do their job and do it well.

Sacher thanked all the RAC members. This was not easy, and it proves that courts are not good land managers. She feels this was the end result of not having good public participation.

Valenzuela also thanked everyone for working on this issue. They know they did not do a good job of putting this in front of the RAC. Once they get the written recommendation from the RAC, they are going to meet with members again and make a decision on which way they are

going to go, and it will be based primarily on obeying the law. He added that their hands are somewhat tied.

Deborah Stevens requested that Collins draft a letter to the Forest Service for Suazo's signature reporting the RRAC's recommendations on the Mt Lemmon Recreation Fee Proposal. Collins will write the letter for Brake's review and sending to Ray Suazo.

### **AGENDA ITEM: Kaibab Vermilion Cliffs Heritage Alliance Presentation**

Carl Taylor gave some background on the Kaibab Vermilion Cliffs Heritage Alliance (KVCHA), which grew out of the designation of the Vermilion Cliffs as a National Monument and the need to learn how to manage that area. The agencies in the region were not conversing much, so he looked around to find people who wanted to help. They found the people and got some funding, and they have had a very active program for many years. It is a unique area archaeologically. They hosted the Pecos Conference in 2011, and also have a field school. The three federal agencies (BLM, NPS, and USFS) are now all in a high-level of collaboration led by a non-profit. It's truly a partnership, and it is highly successful.

Taylor introduced the coordinator for the KVCHA, Rose Houk. She is a well-known Arizona author and has won several writing awards. She has also worked for the National Park Service. Taylor asked Houk to do this briefing because it is in spirit with Suazo's comment that he was interested in partnerships, and this is a very successful one.

Houk has been the coordinator of the Alliance for six years. She said that the Alliance was really Carl Taylor's idea, and he and Rick Moore of the Grand Canyon Trust have been the ones who make the Alliance go. The goal of the Alliance was to bring everyone together and ask, "How can we help you to do your job?" Several groups are involved: the BLM's Arizona Strip District Office, who manages the Vermilion Cliffs National Monument; the USFS's North Kaibab District of the Kaibab National Forest who manages the Kaibab Plateau; the Grand Canyon Trust Conservation Organization, who bought the Kane Ranch and the Two-Mile Ranch, both in House Rock Valley; Coconino County, National Park Service (both Grand Canyon and Glen Canyon), Museum of Northern Arizona, and the Northern Arizona University have been the core group. So, this is a true interagency alliance.

There has been amazing synergy in working with this group. The most excitement she has seen at the meetings and on the projects is when the Forest Service and the BLM archaeologists sit down and decide to do a project together. It's kind of revolutionary how, instead of letting those shared boundaries separate them, they work together to resolve challenges.

The Alliance's mission is to help preserve, protect, manage, and interpret the cultural resources on the eastern Arizona Strip. That mission has changed and has been wide ranging; there have been field schools, an online bibliography, public programs as part of Arizona Archaeology Month, and thousands of volunteer hours in on-the-ground projects of inventorying and monitoring the sites. She mentioned that there is evidence that humans have been living on the Arizona Strip for at least 10,000 years.

The area they are concerned with is about two million acres, from Marble Canyon by Lees Ferry over to Kanab Creek. This is where they focus their efforts. Houk talked about some of the people who explored this very remote place back around the early 1900s. She added that Kane Ranch was recently put on the National Register.

The field school has gone on for four seasons and is run by ASU graduate doctoral student Michael Parra. Its purpose is to give college archaeological majors some real hands-on experience where they can learn archaeological methods. The students were able to do a partial excavation on West Bench Pueblo in the Vermilion Cliffs National Monument.

Florence said that it is a public site; there was a road that provided major access up on the Paria Plateau to view the condor releases. Because of its popularity, there had been erosion and damage, as well as a lot of vandalism. This effort was instrumental in helping them gain what knowledge was left, and they were ultimately able to relocate the road around the site.

The Alliance has also been able to work up a typology for projectile points, or what most people call arrowheads. During Archaeology Month, they come down to Phoenix and do programs for kids. In 2010, they won the Preserve America Stewards Award for the volunteer work from Michelle Obama. They have also received the Forest Service's Windows on the Past Award. They are hoping to update and do a new research design; the one they are using is 25 years old.

Florence mentioned Taylor really understates his role and the role of Grand Canyon Trust. There is a lot of passion on the part of the archaeology staff, but it took Taylor and the Grand Canyon Trust's leadership to make it come together, so kudos to you.

Taylor said there are places where there are 100 sites in one square mile. A lot of the documentation has been due to the Alliance. Scott commented that it has allowed them to inventory thousands of acres that they don't have the money or the staff time to do. It really shows the power of being able to leverage resources.

Brake asked what the purpose is of classifying these sites; do they want to protect them, identify them, tell the public; also, how can someone start something like this in their area? Taylor said the purpose is to locate the sites and more accurately inventory them. He became motivated to help when the BLM took over management of this area and he realized they were understaffed. For the last 150 years, people have just picked the artifacts up and kept them, so the locals know where things are, but when they do that, they erase part of the history. What is exciting is that private archaeologists, museums, universities, etc., are now involved and taking care of the heritage of the area.

Brake asked who pays Houk and who keeps the records. She is paid by the Grand Canyon Trust on a part-time basis. Florence said there was seed money from the County and the Trust. The various Federal agencies (BLM, USFS, and NPS) keep the records. Taylor said until the Alliance got started, some of these agencies weren't talking or they had their own systems. The information sharing has been tremendous.

Houk added that the KVCHA is not a Friends group, and it is not a nonprofit, 501c(3). This gives them the flexibility to be able to do things and to work on things without having to go through a lot of red tape.

Sacher said that one of the next steps is the Colorado Plateau Coalition, which is a coalition of all the Friends groups on the Colorado Plateau. Friends of the Vermilion Cliffs is the only one in Arizona that is involved, but they are working with the Conservation Lands Foundation on a grant to pull the stories together on how these areas connect. She recommended working with the local Friends groups to see if they can help you with a grant. Brake suggested they go to the grade schools and educate young people, especially in the rural areas, about how they can be positive to the archaeology in their area.

Taylor said these artifacts do get passed on through families, and he has asked the Federal agencies about amnesty if someone wants to return these items. While they generally agreed it's a good idea, there is no formal program at this time, and no one would give assurance that these families would not be arrested. So Taylor and one of the archaeologists from the Alliance went out and met with people and were able to get some items back and put them in a museum. It's about educating people, working on building trust and confidence, and the agencies having some flexibility. It's better to have the artifacts than to send someone to jail.

Bengson said that each agency keeps data on its piece of ground, but are there any links between the agencies' data and sites? Florence responded that the groups do talk and there is a lot of sharing.

Hubbs talked about how to start groups and getting Native American involvement. There is an Intertribal Colorado Plateau group, so that might be another place to go for Tribal involvement. Also, from her experience, a lot of the elders are willing to look at artifacts to a point and to help people understand what they were. Some of the tribes have a fairly well-recognized museum and may want to get some of the items back. She sees programs like the KVCHA has a positive, transparent accountability, which is the communication and negotiation between the agencies. If there are interagency projects that involve the tribes, the public, youth, etc., this can only be positive. She recommends an implementation plan be put down on paper on how to start a model like this. Taylor said that could be something for their subcommittee to work on. Hubbs added that once people are educated and they understand, they're more than willing to do the right thing.

Brake mentioned the wild horse and burro item that Larry Howery worked on. This will be a topic at the next RAC meeting so they can make a recommendation to the BLM as requested.

### **FUTURE AGENDA ITEMS:**

Gorsegrner said the Sonoran Desert Heritage Proposal should be put on a future agenda. Brake said we will try to review it, but will need to coordinate with Ray and work everything into our agenda. Also, Thom Hulen requested information or briefing on the Sonoran Desert Heritage Project.

Stevens asked Pamela Mathis to forward the agenda items to Dorothea Boothe. Pamela will post an online poll to see which meeting days will work best for most members. Bengson mentioned he will be gone all of August through the middle of September.

The meeting was adjourned at 3:50 p.m.