

DRAFT SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA RESOURCE MANAGEMENT PLAN

Public Meeting, August 22, 2018—Sierra Vista, Arizona



BLM Planning Team

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Meeting Minutes

I. Opening Remarks (Scott Feldhausen)

General philosophy

- We are in the listening phase. A decision has not been made.
- We have a draft preferred alternative, Alternative C, which the BLM views as best balancing use and protection in the SPRNCA within the constraints of the enabling legislation. The preferred alternative could change based on public input.

We'll give an overview of the plan, but we're here to listen to you and answer your questions.

- Staff resource specialists are here to answer specific questions. We'll introduce them at the end.
- Amy Markstein and I are here to address broader philosophical questions.
- We are here to listen, and hopefully you recognize that we are really making an effort to listen and be responsive to your concerns.

There were a lot of questions about water in past meetings, and whether we would be turning off people's wells. We will not. The Gila [River] Adjudication (an Arizona state court decision) is ongoing. We hope to find cooperative solutions in the future.

II. Outline of Project Overview (Amy Markstein)

Comments due: **September 27, 2018**

What is a resource management plan (RMP)?

- A high-level plan, similar to a county framework plan
- The most important thing they do is establish goals and objectives for resources we're trying to manage in a given area.
- An RMP does not authorize on-the-ground, implementation-level decisions.
- An RMP does define areas that are available and unavailable to resource uses, such as livestock grazing, but they don't address details like the specific number of cattle, type of cattle, or season of use.

Where are we in the process?

- We are about two-thirds of the way through the public comment period (ends September 27).
- The process began with scoping in April 2013, where public input was solicited on what should be addressed in the plan.
- Over the last several years a Draft RMP/Draft EIS (DRMP/DEIS) was developed by the BLM. This is now published.
- We are gathering comments on the DRMP/DEIS, and in response to comments, the DRMP/DEIS may be modified, then a proposed RMP and final EIS will be published.

A decision is anticipated in **April 2019**.

Protests can only be made if a comment about the concern that is protested has been submitted in the comment period.

San Pedro Riparian National Conservation Area (SPRNCA)

- Designated by Congress in 1988
- The enabling legislation for the SPRNCA protects certain resources:
 - Withdraws mineral entry (no mining can take place)
 - Removes potential land disposal (all land will remain in federal ownership)
 - Restricts motorized vehicle use to designated routes
- Allows management under FLPMA management where not inconsistent with the legislation

Why is a resource management plan (RMP) needed for the SPRNCA?

- The SPRNCA is currently managed under two plans:
 - San Pedro Riparian Management Plan (signed just after designation, 1988)
 - Safford Resource Management Plan (signed in 1992)
- Neither plan sets clear goals or objectives
- Neither plan addresses emerging issues
 - Increased population growth
 - Increased demand for access
 - Increased water withdrawals

Parts of the Draft RMP/Draft EIS

- Executive Summary (15 pages)
- Chapter 1—Background
- Chapter 2—Alternatives (goals and objectives are found here)
 - Allocations (decisions about allowable use, e.g. grazing versus no grazing)
 - Management actions (decisions about activities BLM could undertake to meet management objectives, e.g. use of herbicide)
- Chapter 3—Affected Environment and Environmental Consequences (analysis)

Alternatives—Why alternatives?

Each of the alternatives in the Draft RMP provide a different management philosophy

- A range of alternatives provides for consideration about the philosophy for managing the area.
- The no action alternative is required as a baseline and does not necessarily meet the underlying need for a new plan (failing to provide goals and objectives).
- All of the alternatives are consistent with the enabling legislation, but some alternatives will require more involved implementation-level planning and actions to be consistent.

Alternatives in the plan

	Alternative A No Action	Alternative B Increased Use	Alternative C Balance/Preferred Alternative	Alternative D Conservation/Light on the Land
Goals and Objectives	No	Yes	Yes	Yes
Grazing	4 allotments	Grazing allowed through all of SPRNCA	Existing allotments, plus additional 19,000 acres of grazing	No grazing
Management tools	Case-by-case consideration	All of the tools in the toolbox	All of the tools in the toolbox	Limited set of tools (e.g., fire)
Areas of critical environmental concern (ACECs)	3 (all rare plant)	None	None	Expansion of the 3 existing ACECs, plus 2 for cultural resources
Lands with wilderness characteristics	None	None	None	23,810 acres lands with wilderness characteristics (about 50 percent of SPRNCA)
Wild and scenic river suitability determinations	San Pedro—suitable for recreation Babocomari—Eligible for scenic	San Pedro—suitable for recreation Babocomari—Not suitable	San Pedro and Babocomari—suitable for recreation	San Pedro—suitable for wild and scenic; Babocomari—suitable for scenic

How do you make the most constructive comments?

The strongest comments respond to the following questions:

- Where did we miss the mark on our environmental analysis?
- What else do we need to consider?
- What is the issue or error?
- Where in the analysis is the issue or error?
- What are the problems with methods and analysis?
- What is the specific element of the document that you take issue with?

Walkthrough of comment submission options

COMMENTS AND ANSWERS

I. What is a use?

We define use with respect to the difference between a use and a natural resource. So, for example, wildlife would be a natural resource, vegetation would be a natural resource, and water would be a natural resource. By contrast, uses are things that happen on the land. For example, recreation would be a use, grazing would be a use, timber harvest would be a use (though it wouldn't be happening here), mining would be a use (though it wouldn't be happening here).

As a multiple-use agency, we try to allow uses of the land, while also conserving and protecting for the future. In the San Pedro, we have legislation that refines that more, providing a focus for conserving certain natural resources. There are more stringent limitations on the uses that are allowed and not allowed. Some uses are expressly prohibited; others are allowed where consistent with the protection of the natural resources identified in the enabling legislation.

Do you consider the primary purposes of the area uses?

It depends. Recreation is a use, and it is one of the values identified in the legislation.

Do you define use in the plan?

Not specifically.

2. Is the environmental impact statement (EIS) exclusively for the resource management plan (RMP), or does it cover implementation-level actions under the RMP?

The EIS covers the RMP. In the analysis, there are four alternatives, each of which represents a potential RMP. The EIS analyzes those. There is additional environmental review and analysis needed for implementation or project-level NEPA. For example, if we decided that we wanted more vehicle use out there, we will need to do a travel management plan. That is a separate process with additional public involvement.

The RMP sets broad goals and objectives. Implementation-level plans and projects explain how we get there. They explain the what, when, where.

3. Alternatives B and C look highly similar. In view of that similarity, is it reasonable to call Alternative C “balanced” (see Table 2-1)?

Table 2-1 walks through the details of the plan, and so you can see the different elements that differ between each of them. In many cases, the goals and objectives are shared. The biggest difference is in the grazing and in the type of recreational experiences that would be provided, which are the two uses we’re looking at.

4. We’ve been told that the aggregate count of letters received doesn’t make a difference. Should you not consider if there is a large majority view as part of decision-making?

We spoke a lot about this on the ride home after hearing feedback on this at an earlier meeting. We’re sorry if it sounded like it didn’t matter what the number of people that felt one way was. That comment was pointed at form letters. If we receive five-thousand identical copies of a letter, there will ultimately be a single response to what is considered a single comment. If five-thousand out of six-thousand people say that there shouldn’t be any grazing on the SPRNCA, then that is something I will need to talk to my boss about. If we have our partnering organizations, our cooperating agencies, the governor’s office, and others saying something entirely different, then that’s something else I have to take into consideration in my decision-making. The city and the county are cooperating agencies, which provide additional local perspective. If the local public definitely feel one way, that’s going to weigh into the decision-making. But as a decision-maker I have other responsibilities I need to balance in my decisions to manage. I might have to manage in a way that does not make you happy, and that’s just the way it is. The public comment period provides an opportunity to look at public views more

comprehensively than just taking a poll at the public meetings, which people may choose to attend or not attend for a variety of reasons. You will all get to see what comments we receive and how we respond to those. The public views will be part of the conversation that I have with my boss about making a final decision. Whether the final decision aligns with the local public sentiments, or whether it potentially runs at odds with it, that consideration will need to be part of the conversation.

5. If livestock grazing is increased across the SPRNCA, what mitigation do you have in mind to prevent water quality impacts associated with grazing?

Good question. We analyze water quality based on whether we're meeting state water quality standards today, and whether there is a potential to exceed those standards in the future. Our analysis shows that we think we would still be meeting these standards. We do not talk about mitigation of impacts, because that's an implementation-level decision. The RMP just allocates areas available for grazing—what is allowed where.

If we were to make a decision to allow grazing, then we would first complete a comprehensive land health evaluation to make sure that we are meeting BLM Arizona standards today. If we are not meeting those standards, we would not put any livestock in those areas. If we are meeting those standards, then we would be designing grazing management at that time, at that environmental assessment (EA)-level scale. That's when we would have conversations with a permittee about how many livestock, what kind of livestock, what time of year, and what other conditions would be in place. Our goal is to do that cooperatively and develop an adaptive management plan, like what we have in Las Cienegas. It's a different situation here, but there is a same overall philosophy of trying to have more than just the BLM and the permittee at the table.

We want to use our partners in designing management. If we all go out there and say, "Yeah, it's not working," and if the permittee is at the table and we can agree [to] do something different next year, then we can try that. If we are saying, "Actually, yeah, it's working pretty good. Maybe we could get more cows out here so we can get this other objective addressed," then that's something we can look at there. So that's our goal. We know we can't just send the permittee out with their cows and check them at the end of the year. That kind of grazing management would not work in this place if we graze any additional acreage.

It's my goal, and I've spoken with Jayme Lopez about this, that as we move into the future with any grazing on the San Pedro, even if we stay with Alternative A with existing allotments, we'll probably be moving toward that kind of management scheme.

I know it doesn't specifically [answer] your questions, because we don't have a plan yet. But if it is identified as an issue, then it is something that we can consider in how we implement it.

How are you going to determine what is an issue, if you haven't put cattle in that area yet, but if you are seeing problems with cattle in another area?

Because we have grazing on a lot of the landscape. We will be analyzing where the livestock go, what time of year they will be there, and what type of livestock there are, and will be trying to mitigate [impacts]. We talk with the water quality specialists, too. We graze a lot of our western landscape and there are a lot of places where we are meeting standards.

6. Do you have data, and have you analyzed impacts of livestock grazing on existing allotments on the SPRNCA?

Not in too much detail. Analysis has been focused on a limited area where it relates to riparian health and that sort of thing. Eric Baker can tell you about the monitoring that we are doing.

7. BLM staff have noted that there could be as many as several hundred unidentified archaeological sites in the SPRNCA. If you introduce cattle into areas where you have, particularly unidentified, cultural sites, would you not be putting at risk resources that are protected under federal and state laws?

There are a lot of cultural sites out there. To the best of my knowledge, and Kim Ryan can speak to this more afterwards, but it would depend on the kind of site, and in most cases livestock grazing would not have that much of an impact on those sites. And we would have to consult with the State Historic Preservation Office (SHPO) on everything, so we will have to walk through the process.

8. There are concerns about metering wells and BLM trespassing on private property. What is BLM doing with everybody's wells?

Nothing. I have no authority to do anything with your well. If the Gila [River] Adjudication ever happens and the State of Arizona decides that private landowners are having an impact on it, that's their jurisdiction, not mine.

9. How does this process consider variation in the water flows that come out of Mexico?

The RMP does not analyze how much water is coming across the border. All we're doing is setting resource objectives for the vegetation and for the species that inhabit it, with whatever water we have. The water we have will be decided by the Gila River Adjudication. But we have what we have. If Mexico builds a dam, we'll be back talking with you, because that would change our objectives.

10. Can you speak to the cooperative adaptive management framework you have in Las Cienegas, because folks in San Pedro might not be familiar with it?

Grazing management in Las Cienegas is different than our typical grazing permit, where BLM and the permittee take a look at the allotment by themselves. In this program, the Nature Conservancy, the Arizona Department of Game and Fish, the US Fish and Wildlife Service, and many other partners are at the table, with the permittee looking at monitoring data, using observation, and past experience, because range management, like anything, is as much art as science. If you have a fire, it's going to change things. If you have a dry year, it's going to change things. It's about making decisions in the moment, about what the data is showing you, and about what people are thinking the future is going to look like, versus the typical 10-year permit, where we work with a permittee if we're in a drought or something like that. It gives us a whole lot more flexibility. It requires a permittee who is willing to take some risk and have some people at the table telling them what they should be doing, but it actually usually ends up being a much better result on the landscape.

11. Is noxious weed management part of the RMP, or is that going to be a separate programmatic document or approach?

Noxious weed management is addressed in the RMP. It's part of the "every tool in the toolbox" analysis of what management tools we have available to conduct vegetation treatments—grubbing by hand versus herbicide used.

12. Fifteen acre-feet of water is pulled from BLM lands for private use. What is that being used for?

There is a cooperative agreement with a local group that allows the water to be used to fill a pond for fire suppression.

13. You mentioned that you had been in conversation with the Deputy Secretary of the Interior about recreation access. Have you talked to the Deputy Secretary about grazing?

Under BLM's process today, as part of the Deputy Secretary's efforts to expedite and streamline NEPA, to be more responsive and timely, we have a shorter amount of time to get our EISs done—one year. As part of that process we have to brief the Deputy Secretary and his Review Team, which is the Department of the Interior Solicitor and a few other folks, at key points. So yes, [the Deputy Secretary has] read the entire Draft EIS. He reads every one of them. He did look at recreation. He did look at grazing. The only Secretarial Orders about recreation have been about increasing recreational access, including hunting.

14. Is the final decision on the proposed RMP a decision on a specific alternative as defined right now (e.g., Alternative C), or can there be a decision that incorporates parts of different alternatives (e.g., recreation management under Alternative C and grazing management under Alternative A)?

It could be any of those. Ideally, we would take cooperating agency comments and public comments and refine the alternatives you see today to be more in line with what we will probably choose—the preferred alternative. But at the end of the day, in the record of decision, I could take "no grazing" out of Alternative D and stick it with the most recreation, under Alternative B, and make that decision. As long as it is analyzed in the RMP/EIS, we can include it in the final decision.

15. It seems like there is contradiction in Alternative C. You acknowledge that there is an overdraft on baseline waterflow and say that extraction of groundwater in the riparian area has the greatest impacts on flows of the river. You are also proposing 23 new watering sites to support grazing. Can you explain the contradiction?

It's not a contradiction; it's actually a statement. Extraction of water near the river would have more of an impact on the river is true. If we were to choose Alternative C, and implement it fully, we would need to tell you how much water it would take. So it isn't a contradiction. They are two full statements.

16. Can you confirm that the BLM will not sell any water rights it receives as a result of the Gila [River] Adjudication?

Correct. We don't sell water rights. We're actually in court right now trying to figure out how much water we do have. Even if they were to say "You have X amount of water," we could not sell that to the City of Sierra Vista.

17. You have identified Alternative C as your preferred alternative. Is that consistent with your broader goals, and are those aligned with agenda 21?

I have heard that [in] the past, and agenda 21 has played no part in our discussion of this RMP. The preferred alternative was my preferred alternative, in alignment with my boss, trying to balance uses from what we've been hearing from the public down here. But we are in listening mode right now. If what we hear from everybody, not just the folks here, but everybody, is that we should be focused exclusively on conservation and nothing else, then that might change.

18. The RMP stresses the value of rangeland health indicators and applies them to grazing. They can be used to assess the impacts of other resource uses, so why are they only being applied for grazing?

Yes, we have only been using the rangeland standards and guides for livestock grazing evaluations. That's to evaluate the impacts of a use, in this case grazing, on the health of the land, identified by certain criteria that get back to watershed health, vegetative health, and the broader, more encompassing things. It is not detailed, on-the-ground monitoring. It's overall, comprehensive health. So that's why we've applied it almost exclusively to grazing. It's the biggest impactor across the landscape. It's hard to measure the impact of a half-acre campground on land health across the watershed, so that's why we mostly focused the rangeland health indicators on grazing impacts.

19. If there is increased grazing on the SPRNCA, where does the water come from to support those cattle?

We would have to put in wells and pump [water], I'm guessing. That's why we say, if we did this, based on our knowledge, this is how much water it would take. We could have a permittee say, "I don't think you should put a well out there. I'll use my existing water on private [land]." And that could happen, but I don't know.

20. Does the RMP address the kinds of allowable recreation at the level of bicycling, motorized vehicles, OHV-use, and hunting?

The RMP alternatives are separated by type of experiences. That's generalized as, "Do you want more motorized experience?" or "Do you want [a] quieter, more nonmotorized experience?"; "Do you want more developed recreation, like campgrounds?" or "Do you just want trailheads and a place where cars can park?" The RMP sets the philosophy of experience. That could be in ranges: We could have the north half be one type, and the southern half be another type. So that's where you get into the RMP and look at the alternatives for recreation. It really gets into those details. But then once we make that decision, and we talk about the type of experience—say we choose to allow motorized experience—we still need to talk about what type of motorized access and where. That's where travel management planning happens. That's subsequent NEPA, and we'll come back to the public for that.

21. What is your rationale for having a preference for grazing despite the well-documented impacts? Similarly for hunting/firearms?

Grazing I'll answer first. I was asked by my boss to fulfill a commitment we made 30 years ago to analyze livestock grazing. Grazing on the entire San Pedro is in there. Most people agree that it would be very challenging to do. So I tasked my staff with identifying where grazing could actually occur based on available forage and where we could logically put cows. So that gives us

our best management scenario. It isn't saying that's what we're going to do, but we had to have something to analyze. That's what is in Alternative C. Then we have the "no grazing" in Alternative D. We tried to cover all aspects of it.

Hunting. That's a very simple one. I saw that we had firearm restrictions, season of use restrictions, and areas closed to hunting; I asked the simple question: "Why? And where is the documentation?" It pretty much got silent. I asked the Arizona Game and Fish Department, who are responsible for managing wildlife in the state—not the federal government, it's their state sovereign right—"Is there any reason to do it differently?" What I want to do for the public, whenever I can, is give them one set of rules. In this case, it's state regulations. We have hunting in every other state unit in our office, and we don't have issues.

22. Where in the enabling legislation does livestock fit in?

Two parts. One, and the most important one, is the legislation [that] did not exclude livestock grazing. Other legislations have called out "removal of" or "continuance of." If you read in the document, it says, further, that "Any other uses, as authorized under FLPMA, may be allowed where they do not conflict with [the legislation]."

23. Do you ever consider the need for staff in analyzing the alternatives?

No.

24. Was the public invited to comment earlier in the process?

Yes. Back in 2013–2015 there was public scoping, which gives the public an opportunity to tell us what uses they think should be out there and what we should be considering if doing so.

25. Where is the element of conservation in the balance alternative, Alternative C, for recreation?

The element of conservation, we believe, is in the resource objectives that we have established to make sure we're moving toward that legislative intent, which is what the riparian vegetation should look like, what the wildlife should look like, what water quality should look like. Those are all components of that legislative intent, and we've analyzed uses, in this case recreation and livestock grazing against those values.

26. Doesn't the preponderance of studies, research, and evidence point to a conflict between grazing and the resources that the enabling legislation was passed to protect?

[No response because this was addressed previously.]

27. Why is the BLM considering not managing lands inventoried for wilderness character for their wilderness character?

My question to our wilderness management specialist, after looking at our manual, if we're looking at our enabling legislation, which is a much higher bar [than] our normal management, what does our manual for lands with wilderness characteristics management add to that? If it doesn't add anything to that, then from my perspective as a land manager, it doesn't add any value in putting another layer or another restriction on. If you look at Alternative D, and you look at all the areas of critical environmental concern, and all of the lands with wilderness characteristics, and Wild and Scenic River designations, and everything else, management is

different, in theory, on about every 5 acres. How does the public know what to expect from those pieces of ground? How do staff know how to manage? So that's why I chose to eliminate them from the preferred alternative. If they didn't have any value, then they don't have any reason.

Those additional restrictions are a tool for us to use on more traditional land management, where we're setting aside areas to focus on grazing, or protect rare plants, to be used for oil and gas, and so those things like lands with wilderness characteristics are used to restrict traditional uses, like mining, grazing, and timber harvest, on a piece of ground or really regulate how we do that. Since we don't have those uses in most cases—we don't have mining, we don't have timber—I didn't see the value of including them in the preferred alternative

28. If the 20,000 acres of lands with wilderness character, about half the SPRNCA, were to be managed for wilderness character, then that would certainly influence recreation, particularly motorized recreation. So by not including management for wilderness character, are you saying you [have] a preference to allow motorized recreation?

I'm not saying that, no. I'm just saying I don't believe that it adds any additional value to the management of those pieces of lands today. Because that decision about motorized vehicle restriction is made separately, regardless of wilderness characteristics.

29. Are you confident that implementing your preferred alternative, Alternative C, that 50, 75, 100 years from now, the San Pedro River will still be flowing?

I don't feel confident that if implementing any of them, there will still be a San Pedro River there. There are so many things out of my control. I'm not confident I'll make it home tonight. I'm hopeful I am. But the San Pedro River is a small piece of ground surrounded by a lot of other uses, including [by] another country. We could have a giant monsoonal event this weekend that sends that river roaring across the country, and that landscape will look different than it looks today.

30. Why has BLM chosen an alternative that does not reflect with the legislative goals and priorities for the National Conservation Area?

We are focusing on them. That's what the goals and objectives in the plan reflect.

31. In the DRMP/DEIS, BLM states that herbicide isn't currently being used; however, the BLM is doing brush and tamarisk control using herbicides. Why is there this discrepancy?

That's a good question. I thought we did address that we are doing tamarisk control.

32. What is BLM doing with private wells?

There is no decision in the RMP that will affect use of your private wells. Water rights are being handled in the Gila River Adjudication in state court.

33. The wording in the legislation quoted in the presentation is misquoted. It currently just states "protect," but it should read "conserve, protect, and enhance."

[The BLM reviewed the wording of the quote, and the original presentation quote was, in fact, correct.]

34. Rumors are circulating in the Hereford area about the BLM wanting to take wells and stop water pumping. What is this about?

BLM is not after anybody's wells. I have no authority to take anybody's land water or do anything with their wells.