

# **DRAFT SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA RESOURCE MANAGEMENT PLAN**

Public Meeting, August 23, 2018—Tucson, Arizona

BLM Planning Team

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***Meeting Minutes Begin on Next Page***

## Meeting Minutes

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### I. Opening Remarks (Scott Feldhausen)

#### General philosophy

- We are in the listening phase. A decision has not been made.
- We have a 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 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 River Riparian Management Plan (signed just after designation 1988)
  - Safford District 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 use

#### 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 vs. 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

	<b>Alternative A No Action</b>	<b>Alternative B Increased Use</b>	<b>Alternative C Balance/Preferred Alternative</b>	<b>Alternative D Conservation/Light on the Land</b>
<b>Goals and Objectives</b>	No	Yes	Yes	Yes
<b>Grazing</b>	4 allotments	Grazing allowed through all of SPRNCA	Existing allotments, plus additional 19,000 acres of grazing	No grazing
<b>Management tools</b>	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)
<b>Areas of critical environmental concern (ACECs)</b>	3 (all rare plant)	None	None	Expansion of the 3 existing, plus 2 for cultural resources
<b>Lands with Wilderness Characteristics</b>	None	None	None	23,810 acres LWC (about 50 percent of SPRNCA)
<b>Wild and Scenic River suitability determinations</b>	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

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**1. Will the BLM consider recommendations for alternatives that are not currently in the plan?**

Absolutely. And those are great comments.

**2. There are few mentions of drought and climate change in the RMP/EIS. How was drought and climate change considered in your analysis?**

The climate studies that we used were very broad. Any insight you can provide on how to specifically adapt a study to the SPRNCA would be much appreciated.

**3. Does the RMP address the recent Arizona Supreme Court decision on Pueblo del Sol development?**

No. That is a completely separate process from this.

**Is it factored in as part of the analysis?**

It is, as part of the cumulative impacts analysis, as one of many effects on the same, shared resource.

**4. What is BLM's working assumption on when the Gila [River] Adjudication will conclude, as opposed to your decision-making process? What would [the] planning process look like in the fallout of that adjudication? Would you amend the plan?**

The first question: When will it conclude? I have no idea. I wouldn't put any money on the table. It's been what, 40 years in the process, in some way or another? The recent Arizona Supreme Court case was discussed, which pointed out the need for the federal adjudication to be completed, so we all know the baseline we are working with.

The RMP, as Amy said, does not really touch on water rights and focuses on resource objectives. But you brought up a good point: If the court decides how much water we get, we would have to look at whether or not our objectives could be met. If not, that would trigger a land use plan amendment.

**5. Will the BLM defend its federal reserve water right moving forward?**

The federal reserve water right case is separate from the Pueblo del Sol case. In regard to the current decision, I do not know what the Department of the Interior is going to do related to that. They have not made a decision yet. We haven't had any discussions on where we're going based on that.

**6. How was the Wild and Scenic River suitability determination made, and how is it that it can differ among the alternatives?**

Francisco Mendoza is our Wild and Scenic River specialist, so if I don't address this fully, please see him in the break-out session. Eligibility determinations are made based on an inventory of river qualities and baseline conditions. That does not vary among alternatives. The next step is suitability, and that takes into account a lot of factors. It takes into account agency management and about 14 other things that Francisco can talk about. And it's there that we do look at a range of management alternatives for the river.

**7. My understanding is that an NCA designation removes land from FLPMA management and replaces it with new goals and management focus for particular resources. Is that correct?**

It's partially correct. Apart from the specific activities expressly prohibited, the enabling legislation states that management of activities will continue under FLPMA where consistent with the legislation.

**8. BLM has had challenges managing recreation pressures, trespassed grazing, and development. Under Alternative C, all of those things are going to increase. Does BLM expect its budget to commensurately increase?**

No. When we look at alternatives, budget is not taken into consideration. That's per CEQ regulations. Since we don't know what Congress is going to do year-to-year [with regard to appropriations], we have to propose what we think is best management.

**9. In the goals and objectives of the DRMP/DEIS, you talk about managing for multiple use, but I don't see how managing for multiple use can be a goal where the enabling legislation of the area is to conserve, protect, and enhance, and not manage for multiple use. It feels inconsistent, and I was wondering if you could address that?**

Livestock grazing. That has definitely been one of the biggest things—one of the biggest controversies. And we are analyzing it simply because we said we would, back in the 1989 riparian management plan. Livestock grazing was excluded for 15 years, and then we were supposed to re-analyze it. We never did. That was the only direction I was given on what the desired outcome was: to analyze livestock grazing. I was never given direction on what that should be. What we did was look at what was existing, we looked at grazing all of it, we looked at grazing none of it, and then I asked staff to look at where livestock grazing could suitably and realistically [be] managed from a pure grazing operation standpoint of where you can move cows around. And we talked about what the effects of that would be; we talked about how much water we would have to have; we talked about the impacts of the fences. That's why it is in there. What the end decision is, I don't know what it will be. The Deputy Secretary of the Interior has read this document and provided feedback, and nothing had to do with grazing, one way or the other. He didn't tell us to take it out. He didn't tell us to leave it in.

**10. How did you arrive at a preferred alternative that allows grazing, when it adversely effects resources the enabling legislation protects, and which fails to conserve, protect, or enhance any of the resources identified by the enabling legislation?**

Currently, the Deputy Secretary [of the Interior] does not think it is in violation of the enabling legislation, and we put it in there as the preferred alternative because it is within that middle range. We have a most use, we have a least use, and our preferred is in that middle range of uses, both recreational and livestock grazing.

**11. Is your background in conservation or grazing?**

I spent 15 years as a fisheries biologist in Idaho, a lot of times working with Western Watersheds to improve livestock grazing in riparian areas.

**No grazing?**

No. In my time there, we restored over 200 miles of riparian areas to improve functionality by better managing grazing.

**12. The range of alternative appears more consistent with FLPMA-managed lands than it does an NCA. It doesn't appear to be a reasonable range of alternatives in view of the NCA designation. I would like you to speak to that. How do you justify an alternative that would destroy the riparian area?**

Does the analysis say it's going to destroy the riparian area?

**That's why your analysis is not very good. Also, you include an extreme alternative to bias the range of alternative and make the balanced alternative look more reasonable than it really is.**

By extreme I take it you mean grazing Alternative B? It's in there to provide a baseline for analysis and to see what it would potentially look like. You have got to remember, and it's challenging for us sometimes, but the resource management plan sets the allocation. Alternative B says you could graze across the entire SPRNCA. It does not say how many cows, it doesn't say when, it doesn't say where. It just allows us to allocate there. If I wanted to take ten cows out there to meet a vegetation treatment objective, I could [do so] anywhere within there. This just sets that allocation.

**13. There is no credible science showing that grazing benefits riparian areas. This is inherently in conflict with the purposes of designating the SPRNCA in the first place. Cattle historically degraded the system and it's frankly a slap in the face to the BLM staff and volunteers who worked to restore the system from damage. How do you reasonably justify an allowance for grazing?**

[Previously addressed.] I would only add that under Alternative C we would not add any additional riparian grazing what is currently grazed.

**14. In the original San Pedro River Riparian Management Plan, the lands identified with wilderness character has gone from zero to nearly half of the SPRNCA, and the suitability of the river has progressed from very poor recreation to long segments of wild and scenic, demonstrating that management has conserved, protected, and enhanced the area. Does that not make the case for adopting the no action?**

[Rhetorical question; statement without a question.]

**15. Raising the issue of livestock grazing is one thing, but including livestock grazing in three alternatives seems undue, given the preponderance of literature about its adverse impacts on riparian and upland desert systems. Is there a reason for that?**

Partly because of my time in Idaho and the need to provide a reasonable range of alternatives.

**16. How long will the river last under the no action alternative, if we don't proactively manage [it]?**

I can't answer that. I do know, in my couple of years here, what I have heard most commonly from people I talk to, whether that's cooperating agencies or the public, in their various aspects, is that they are not happy with the fact that we are doing nothing. You point out that doing nothing, in many cases, can improve things. In some cases, you can do that. Not knowing where we're going is a challenge, too. And that's what we're trying to do here. We need to identify what that end-state should look like, and then we can discuss how we get there. In some cases, that might mean doing absolutely nothing. In some cases, I bet you can't disagree with me that we need to do some work. We have places where people are building trails because BLM isn't. They want access, and we're not providing it. We need to do a better job of figuring out what, when, where, and how.

**17. Why is motorized recreation part of this plan?**

Recreation is one of the values called out in the enabling legislation. Motorized recreation is a form of recreation. Motorized access came up as an issue raised in scoping as well. So these are

things that people want to see addressed somewhere in the plan. Motorized recreation can include driving your vehicle down a road in the SPRNCA. That is a form of motorized recreation, as opposed to closing it entirely to motorized vehicle use.

Also, at the RMP-level, the decisions we make about recreation and vehicle use are area-wide allocations. We're managing for a setting. When we finish the plan, hopefully [in] April 2019, we go into implementation-level planning. And for transportation planning, one of the things we do is make decisions about off-highway vehicle use, such as use of all-terrain vehicles. But at the RMP-level, having an area open to mechanized vehicle use does not necessarily reflect where off-road ATV use could occur; everything could be restricted to designated routes. There could be just one open designated route in an entire open area.

The enabling legislation also specifies that mechanized vehicle use will only occur on designated routes, so there is no cross-country travel, except for emergency purposes.

**18. Have you [Scott Feldhausen] managed National Conservation Areas?**

I'm not an expert in everything. I'll be the first to tell you that. My job is not to be the expert in everything. That's why I have folks like Francisco and folks like Eric. And all of this goes up to our national leads and our state leads. And that's their job, to evaluate whether the plans comply with our manuals and policies. And if it doesn't, they tell us we need to shift.

**19. How does the public benefit from having grazing on 26,000 acres?**

There is a socioeconomic analysis, which [shows] the impact of that.

**20. When looking at impacts, you look at past, present, and reasonably foreseeable future impacts. You have mentioned the active allotments, but are you accounting for the impacts of past grazing and grazing trespass?**

Trespassed grazing should have shown up in the current condition, because that is something that occurs on the landscape today. So, for example, in the vegetation community in the affected environment section, the condition of the vegetation should be reflected in the use that is out there. Past grazing, if that's something that we missed, then that would be something to submit.

**21. How was habitat fragmentation analyzed, particularly regarding utility corridors?**

We did look at habitat fragmentation. We looked at the washes that come into the SPRNCA as wildlife corridors. Elroy Masters is our wildlife biologist and could speak more to that analysis than I can. If we missed more, especially outside of the SPRNCA, we want to hear about that.

There is one utility corridor within the SPRNCA, but it is an existing corridor, so it would show up in the baseline condition of whatever fragmentation is out there. If you think we missed something, please let us know through comment.

**22. Is there an alternative, or did you consider an alternative, that would allow grazing only in the upland areas and not in the riparian areas? It seems like an all-or-nothing allocation right now.**

Alternative C, currently the preferred alternative, only adds grazing to upland areas but carries forward the four existing allotments, which do have some grazing in the riparian [areas]. There is a map of that in the back, and Eric Baker will be back there to answer questions about that.

**23. Is there a minimum perennial flow for the river designated? If not, why not?**

That is part of the Gila River Adjudication. That is state water law adjudication. We have a couple of hydrologists in here that would be happy to talk about that later. It is outside of the scope of this decision.

**24. Is it true that one of the alternatives allows trapping? If so, why?**

Trapping is managed by the state of Arizona, because trapping is a wildlife issue, and wildlife is allocated to the state of Arizona. The line [says that] trapping is part of the no action alternative. That is part of the current condition right now, and that is just being carried forward into the action alternatives. There is a game and fish representative here who can address questions about state trapping laws.

**25. How were the issue statements in the document devised? Shouldn't they be more conservation oriented?**

The issue statements were distilled from comments received during scoping. You are welcome to submit comments about them.

**26. It appears that areas labelled as upland are more riparian in nature. What is your definition of upland?**

For the RMP, riparian is defined as where that cottonwood-willow gallery is, and our definition of upland is where we have the semi-desert grassland and Chihuahuan scrub.

**So sacaton grassland and mesquite bosque aren't considered riparian?**

They're considered part of the riparian corridor.

**27. How would you keep cattle out of the riparian area?**

The alternatives describe how many miles of fence would be required for each of those alternatives.

**Who maintains the fences?**

If it's a permitted allotment, the permittee; if it's not a permitted allotment, it falls on the landowner.

**28. Is there time for the development of a new alternative between now and April 2019?**

Under the proposed RMP, we take aspects of the different alternatives and move them around. I would suggest making comments to that effect, rather than suggesting a whole new alternative. But a new alternative is considered a substantive comment.

**Is 2019 a firm date?**

Yes. The new streamlining policy sets a firm timeline.

**29. How would you determine who gets to graze SPRNCA? And what is the timeline on implementation of the plan?**

We would follow the Code of Federal Regulations on how to develop new allotments and would make the grazing leases available that way.

Once we sign that Record of Decision in April 2019, we'll need to look at travel and transportation management, vegetation treatment, and possibly livestock grazing uses and choose which one to tackle first. There will be a public process associated with each of those.

Our goal would be to complete a comprehensive land health evaluation on the area that we did allocate for grazing. That would tell us what the condition out there is today and whether we are meeting desired conditions. That would guide any implementation steps. Then there is project-level NEPA [analysis] about what, when, where, and how. The goal would be to complete that as soon as possible after the Record of Decision [is signed].

**30. Is that April 2019 date set in stone? Is there a process for moving that date if we need to?**

It is set in stone. It is written into policy. The only way that that could change would be if something happened outside of my scope of control. Say we had a wildfire season like we did in 2017 and all of my staff are out working on that, that would be a reason for my state director to go back to Washington and ask for an extension on the project. And we would need to have a new timeline when we get there. We're being pushed hard as an agency to be more responsive to the public and to not spend ten years working on NEPA documents, including EISs. Over ten years, conditions can change, and that complicates things, and sometimes we have to go back to the drawing board.

**31. Alternative A has a combination of wildland fire use and full suppression tactics. Do all three of the action alternatives designate the entire SPRNCA as a full suppression?**

It's really an internal communication tool. In full suppression, as a manager, a line officer making the decision, you always have the ability to figure out the what, when, and how. Wildland fire use was a challenging term for some, because some folks took it as agencies were doing nothing to benefit resources. But we still, even in full suppression, make decisions about where we put people and whether we are going to put them in harm's way, or if we're going to put people somewhere else and let the fire come to us, because it's not worth putting people in harm's way. We always have that flexibility and scope.

**So under full suppression, you can still let areas burn for resource objectives?**

Under full suppression you can have resource benefit as an end result. So that's a decision for a manager. Again, is it worth putting somebody's life at risk by putting them here if it's burning up the river corridor? That's a decision that we need to make, versus if it's burning in the uplands in an area that would actually benefit from fire, then we can choose to get both out of it—put our firefighters at less risk and get a resource benefit out of it.

**32. You mentioned recreational activities and grazing and their impact on vegetation. Why vegetation versus impact on water?**

That was just an example. In chapter three there is a section for each resource. So there's a water resource section that looks at the impact of grazing on water resources. I was just giving one example of a chapter where you would find information on the resource and of how you would look at impacts of certain uses to that resource.

**33. Who made the decision on the preferred alternative? What criteria were used to determine that was a balanced alternative, particularly in view of the mandate to conserve, protect, and enhance?**

The decision was made by me [Scott Feldhausen], in coordination with my boss, the BLM state director.

**34. If your analysis is designed to be responsive to public opinion, and if there is a preferred alternative that roughly quadruples the amount of grazing, does that speak to an overwhelming majority of the public desiring to see grazing on the SPRNCA?**

In our meetings to date, the overwhelming comments we've received to date have been to restrict or eliminate grazing.

**But you've chosen to do something completely different than that in Alternative C?**

That is why we're here today, to hear the public's response to what we have proposed.

**What public comments motivated that choice of preferred alternative?**

As I said early on, we said in the San Pedro Riparian RMP that we would exclude cattle for 15 years and reanalyze it at that point. We never did.

**What did you see in the public scoping comments that led you to the decision to prefer grazing?**

Nothing.

**Because the overwhelming response was against grazing?**

There were public scoping comments both for completely excluding livestock grazing from the SPRNCA and for expanding livestock grazing in the SPRNCA.

**35. Who do I talk to about mesquite encroachment?**

Elroy Masters.

**36. Who do I speak with about economic impacts?**

Probably me [Amy Markstein]. We don't have someone here right now for socioeconomics, but if you have a technical question, I can give you his contact information.

**37. If you get comments on a similar topic, are those counted as one comment?**

If they are similar, we look at that. We have got a lot of similar comments, we take that under consideration. If they are the exact same, if they are form letters, they are considered the exact same comment. If they are similar, that is different.

**Are they still categorized as one comment?**

They might be responded to in a similar way, but if we receive many unique comments, that is taken under consideration.

**38. Have you surveyed the public for their views on management in the SPRNCA?**

It hasn't been done by us.

**39. You said that there is a possibility that we could recommend a blended alternative that pulls out different decisions from among the alternatives. But you already have a preferred alternative. How likely is it that we see a change?**

The simplest answer is that we're standing here. We added a public meeting in Tucson so that we could listen. Those of you who were part of the process with the tree at the San Pedro House this last year, BLM had a decision, and they were moving forward. We heard from the public that that was the wrong thing. We paused. And we stopped. And we tried to come up with an amenable solution. I heard from the public that we did a good job. We're trying.

**Is the tree still standing?**

Yes, it is. We trimmed the most hazardous limbs and left the rest of the tree.

**40. Recently, a court case demonstrated that the science underlying the safety of an herbicide produced by Monsanto was falsified. How is this going to affect BLM's use of herbicide in this RMP process?**

It's a really good question. It's out of scope. We talk about how we're going to manage for invasive species. We don't necessarily say which herbicides we're going to use. We say we might use herbicides, but we don't specify which ones. The herbicides that the BLM is allowed to use are covered by an EIS done separately for that. If the science has changed, the BLM will have to deal with that. Based on that, I wouldn't be surprised if it changed.

**Real science, or Monsanto science?**

We're charged with using best available science.

**41. Is there anything in these plans to try to keep more water in the San Pedro [River]?**

The amount of water is being decided in the Gila River Adjudication. That will tell us how much we get to manage our resources. We do touch on it in a couple of places. One, we talk about what is happening in the basin right now to attempt to have some reduced impact. We also say we'd be interested in working cooperatively with the community down there. We also discuss water recharge efforts in the San Pedro Riparian NCA in the future, in whatever form that might look like. We would have to do subsequent NEPA [analysis] on that. If the science says we should be doing something here, we would want the opportunity to do that, and we would work with the public in that process.

**42. Are you considering the use of organic herbicides as part of this process?**

That's part [of] the programmatic EIS covering use of herbicides for the BLM.