

**ARIZONA STATE PARKS BOARD**  
**1300 W. WASHINGTON STREET, PHOENIX, AZ**  
**MARCH 16, 2006**  
**MINUTES**

**Board Members Present**

William Porter  
William Cordasco  
Janice Chilton  
John Hays  
Elizabeth Stewart  
Mark Winkleman (arrived at 9:05 a.m.)

**Board Members Absent:**

William Scalzo

**Staff Present**

Kenneth E. Travous, Executive Director  
Jay Ream, Assistant Director, Parks  
Jay Ziemann, Assistant Director, Partnerships and External Affairs  
Mark Siegwarth, Assistant Director, Administration  
Cristie Statler, Executive Consultant  
Debi Busser, Executive Secretary  
Dan Shein, Chief, Resources Management  
Doris Pulsifer, Chief, Grants  
Vivia Strang, HPAC Coordinator, Grants

**Attorney General's Office**

Joy Hernbrode, Assistant Attorney General

**A. CALL TO ORDER - ROLL CALL**

Chairman Porter called the meeting to order at 9:00 a.m. Roll Call indicated a quorum was present.

**B. INTRODUCTIONS OF BOARD MEMBERS AND AGENCY STAFF**

The Board and staff introduced themselves

**C. CONSENT AGENDA** - The following items of a noncontroversial nature have been grouped together for a single vote without Board discussion. The Consent Agenda is a timesaving device and Board members received documentation on these items for their review prior to the open meeting. Any Board member may remove any item from the Consent Agenda for discussion and a separate vote at this meeting as deemed necessary. The public may view the documentation relating to the Consent Agenda at the Board's office, 1300 W. Washington, Suite 104, Phoenix, Arizona.

- 1. Approve Minutes of February 16, 2006 Arizona State Parks Board Meeting**
- 2. Approve Executive Session Minutes of February 16, 2006 Arizona State Parks Board Meeting**
- 3. Consider Extending the Project end Date for the City of Globe Trails Heritage fund Project #680209, Round Mountain Trails Renovation – Staff**

recommends extending the project end date by 12 months to October 15, 2006 for the Trails Heritage Fund Project #68020-9, Round Mountain Trails Renovation. AORCC unanimously concurred with the staff recommendation at the February 9, 2006 meeting.

4. **Consider Extending the Ending Date for State Lake Improvement Fund (SLIF) Project #780103 – Tunnel Reservoir Improvement** – Staff recommends extending the project end date by 12 months to January 24, 2007 for SLIF project #780193 – Tunnel Reservoir improvement. AORCC unanimously concurred with this recommendation at their February 9, 2006 meeting.
5. **Consider Extending the Ending Date for State Lake Improvement fund (SLIF) Project #780109 – River Reservoir Improvement** – Staff recommends extending the project end date by 12 months to January 24, 2007 for SLIF project 3780109 – River Reservoir Improvement. AORCC unanimously concurred with this recommendation at their February 9, 2006 meeting.
6. **Consider Extending the Ending Date for State lake Improvement Fund (SLIF) Project #780110 – Bunch Reservoir Improvement** – Staff recommends extending the project end date by 12 months to January 24, 2007 for SLIF project #780110 – Bunch Reservoir.
7. **Consider Staff Recommendations for Funding 2005 2<sup>nd</sup> Cycle Historic Preservation heritage Fund Grant Projects** – Staff recommends awarding \$1,100,477 to the 16 grant projects listed on the summary list included in the Board Packet as Attachment A.
8. **Request For Approval of the Project End Date for Old Pueblo Trolley, Historic Bus Restoration, Historic Preservation Heritage Fund Project #649910** – Staff recommends approval of the requested time extension from November 19, 2005 to November 19, 2006. HPAC approved the time extension at their March 6, 2006 meeting.
9. **Approval of FY 2006 Historic Preservation Heritage Fund Grant Manual** – Staff recommends approval of the FY 2006 Historic Preservation Heritage fund grant manual. HPAC unanimously approved the Historic Preservation changes and 2006 Historic Preservation Fund Grant manual at their meeting on January 30, 2006.
10. **Jerome, Arizona – Town Annexation of Jerome State Historic Park** – Staff recommends that the Board agree to the annexation because the planned annexation of Jerome State Historic Park into the Town of Jerome will benefit the park.

Ms. Stewart requested Item #9 be pulled from the Consent Agenda. She stated that she had comments about Items #1, 3, and 5.

Mr. Hays made a motion to approve the Consent Agenda except for Item #9. Mr. Cordasco seconded the motion.

Ms. Stewart stated that it concerns her that there may not be enough emphasis placed on ensuring that projects are completed in a timely manner. A number of these projects are being presented to the Board for extension after they have expired. Some of the

applicants did not apply for an extension during the time required under the guidelines. In addition, some of these projects have been going on for six or more years. She believes it is important that the Board grant new money, but she believes it is perhaps more important that the Board ensure that the awards that the Board granted in the past actually get into the projects and benefit the public. Perhaps additional requirements need to be added to the criteria to ensure ability to comply with the terms and conditions of the grant in a timely manner. Perhaps some people are submitting these grant applications prematurely and are not really in a position to perform.

Ms. Stewart added that she believes there needs to be more procedures within the office to ensure staff stay on top of these awards and either extend them before they expire or terminate them.

Mr. Ziemann noted that he and Ms. Pulsifer, Chief of Grants, discussed these items, and he asked that she discuss these issues with the Board.

Ms. Pulsifer stated that staff certainly understand the Board's concerns on this issue. She noted that the project end date and the closure end date are two separate dates. There is a time period where closure is still in process. That is the case with the Trails Heritage project. There was a little money left over after that project ended. Sometimes an applicant will see that money and note that they can still do a little more. In that scenario, the applicant will come back to staff and ask whether they can proceed on the project and use that excess money. There are provisions in the Administrative Guidelines for retroactive requests; however, staff do not have the authority to spend that "pie" and, therefore, bring it forward for the Board's consideration.

Ms. Stewart responded that she understands that occasionally that scenario does occur. However, in some of these projects, it wasn't a matter of everything being done and just tying up a few details. Some of these projects just don't get off the ground in a timely basis and it's several years before anything starts happening. That is what she's really concerned about.

Ms. Pulsifer agreed that that does occur. Staff take it on a case-by-case basis. Staff will meet next week to discuss how they can be on the front end of this to prevent these requests from occurring.

Ms. Stewart stated that she knows that the Historic Preservation grant manual was amended. One of the changes was to try to make sure applicants were able to move forward. The Board also saw this in the other grant programs. It would appear that the Board needs to take an across-the-board look at whether there are steps that can be taken to ensure that this money gets out there for the public benefit rather than being held in an account waiting for an applicant to perform.

Ms. Pulsifer responded that it is a case-by-case basis. Some of these projects are impacted by weather conditions or other types of circumstances that can't be controlled. Staff need to look at them on a case-by-case basis.

Mr. Ziemann added that there are a variety of extenuating circumstances that prevents the completion of some of these grant projects. If the reason is that they are just administering the grant poorly, that issue can be taken into account in future applications. They can lose points if a grant applicant is habitually having problems

just administering the grant. While staff prefer not to do that, it is one thing that can be done.

Ms. Chilton asked if the applicants have someone they can work with within State Parks (ASP) at all times when problems arise and whether staff can help them solve those problems.

Ms. Pulsifer responded affirmatively. She stated that each program has its own grant coordinator who works through these problems with the participants.

Mr. Ziemann noted that Ms. Pulsifer's response assumes that the Grants section is fully staffed at all times – which is very rarely the case.

Ms. Stewart responded that she believes that, with computers and technology available, it is not too difficult to set up a tickler system that pops out these notices and lets people know they are coming up on their deadline prior to the deadline. She feels that there needs to be a system set up to take turnover into account since staff know it will occur.

Chairman Porter noted that Dr. Browning requested to speak on the Buckeye Main Street Coalition. He noted that the Motion before the Board, should it be approved, will approve that grant.

Ms. Stewart noted that was the issue that was excluded from the current motion.

Chairman Porter noted that Item #9 is the Grant Manual.

Ms. Stewart noted that she meant to exclude Item #7, which is on page 9 of the Board Packet.

Chairman Porter asked whether the maker of the motion was willing to amend the motion to approve the Consent Agenda except for Item #7.

Mr. Hays, as the maker of the motion, and Mr. Cordasco, as the second to the motion agreed to amend the motion on the floor.

Chairman Porter restated the motion to be that the Board approve the Consent Agenda with the exception of Item #7. The Chairman then called for the question. The motion carried unanimously.

Chairman Porter stated that the Board would now take up Item #7.

Dr. Beverly A. Browning, representing the Buckeye Main Street Coalition, addressed the Board. She stated that the Buckeye Main Street Coalition (Coalition) submitted an application that falls under Item #7. She is at this meeting to express the Coalition's surprise and concern. Their application was submitted early and was well over 175 pages in length. It was turned in to ASP staff on November 16 for a pre-draft review and feedback. They did not want to miss out on any technical points.

Dr. Browning added that two years ago the town submitted an application without pre-review, without attending the workshop, without being alert and up-to-date, and it was rejected. She wanted to start brand new with an application that fit all of the requirements in the manual. They attended the workshop and believed they had a good handle on what was required.

Dr. Browning stated that at the Advisory Committee meeting, their application was approved and recommended for funding for \$100,000. She attended two committee meetings for that \$100,000 figure. That is what they thought they had and that is the amount of the match they set aside. They found out late in the game (yesterday morning) that the recommendation from staff was being cut by close to \$8,000. There was immediate concern on their part as to where they had gone wrong.

Chairman Porter interrupted Dr. Browning and noted that he didn't have anything that shows a recommended cut. The information he has shows a recommended amount of \$100,000. He doesn't see any reduction.

Ms. Pulsifer responded that she was going to address that issue when staff gave their presentation.

Chairman Porter invited Dr. Browning to continue.

Dr. Browning noted that their existing budget and the recommended changes she sent to staff indicate that it just a shifting of line items needs to occur.

Chairman Porter stated that, for future reference, he needs to state that he takes a very dim view of making changes verbally at a meeting like this when the Board has received materials in writing with figures that are supposed to be previewed, especially when it is included in the Consent Agenda where the Board would have no reason to believe there would be changes. He is sure the Executive Director would not have placed it in the Consent Agenda if he had known about the changes. He does not like doing business this way.

Mr. Travous responded that he is at a total loss as to what is going on.

Chairman Porter agreed that he is also at a loss and that he is serving notice that he does not like doing business like this. Any changes should have gotten to the Board in a timely manner.

Dr. Browning thanked the Board and staff. She noted that their architect also overlooked the 10% rule. They did not catch it; it wasn't caught during the pre-review by staff. When they got it back, they made every recommended change and thought they had a fairly good application. Apparently staff thought so, too. They scored a 95 out of a possible 100 points.

Dr. Browning requested that, whatever recommendation comes from staff this morning, the Board recognize that this is clearly a large project; it will be the first historic preservation project in a long time for the town of Buckeye. It took a lot effort to get the Town to make a commitment for the match. There is momentum in the community. They thought this was a "go". She is at a loss as to what happened and why they didn't know sooner and why they didn't have a chance to correct this. She also knows that every application that was submitted this year ended up on the recommendation list for approval because the total amount of grant requests was actually less than the amount of dollars available for Cycle or Phase II from ASP. The money is there; they have an exemplary application. It is just a matter of moving line items around other soft costs to get back in with that amount and fund their \$100,000 grant.

Dr. Browning noted that the site is a pre-1912 building. It has been vacant off and on throughout the years. The last time it was used was in 2002. Buckeye is not a tourist

destination. People stop there for gas. There's nothing to see beyond the Buckeye Valley Museum. They really need this; they need to start on time; and they need the full \$100,000.

Chairman Porter thanked Dr. Browning. He noted that the Board needed to hear from staff as to why the change is proposed, what it is, and then perhaps the Board can understand what they need to do.

Ms. Pulsifer reported that what staff presented in the Board Packets was prior to an oversight staff discovered. The material in the Board Packet includes a staff recommendation of funding for the second cycle of the 2005 Historic Preservation Grant Program of a total award amount of \$1,100,477. Staff discovered an oversight on the Buckeye application. It is not a reflection on their application – it is an excellent application. However, there is a specific area that is explained in the workshops where the Architecture and Engineering (A&E) costs are to be documented. That is what caused this oversight. There was a question as to what “soft costs” were at the Historic Preservation Advisory Committee (HPAC) meeting last month. Staff went back to review that question and that's when they discovered that A&E costs were included as part of the soft costs. That was the oversight. That number was more than is allowed. Only 10% of the grant may be used for A&E costs. Staff recalculated and notified Buckeye of the oversight.

Ms. Pulsifer stated that all of Buckeye's Scope Items are eligible items. Today, they are suggesting that they may have under-estimated some other items and are requesting that the amount of their application remain as originally presented but with moving the overage in the A&E to other line items. If that request is approved by the Board, the recommendation will remain the same as originally presented. However, if the Board feels that the request needs to be reduced by the amount that is over in A&E costs, it would change the amount of the grant amount from \$100,000 to \$92,529. The total grant award would then be \$1,093,006 for the 16 eligible projects.

Ms Stewart noted that she questioned whether “soft costs” included A&E at the HPAC meeting. Her reason for bringing it up was that she was contacted by members of the public who were concerned about it. In looking through the other applications, it appears that there were three others whose grant amounts were reduced by the amount that exceeded 10% (Miami, Florence, and Peoples Valley). She is concerned about allowing Buckeye to shift costs around but not Miami, Florence, and Peoples Valley. It is clearly in the manual that A&E is limited to 10% of the grant – it is one of the guidelines. She believes that it is problematic for the Board to agree to Buckeye's request. It is always difficult for the Board to say “No” when someone is before them. However, the Board does have these policies and she believes that the Board has to apply them fairly across-the-board. In the past, the Board has consistently not approved going over the limit in other grants.

Ms. Stewart added that she requested Ms. Strang bring the “Miscellaneous” on the Mesa Alston House. There is \$67,000 the Board has no clue as to what it's for. She has a problem voting for something when such a substantial part of the grant is lumped together in something so vague. That's why she asked about the Soft Costs.

Ms. Pulsifer responded that one thing to keep in mind is that when staff are administering grants and receive these payments requests, they will not reimburse for

anything that is not eligible. If staff receive any grant payment requests for A&E costs above the 10% allowed, staff will not reimburse it. Staff re-worked the amounts of the three grants mentioned (Miami, Peeples Valley, and Florence). If the A&E costs that were deducted were now included, there would still be enough money to award to all of the projects. The total amount in A&E costs that was deducted was \$8,759 that could be applied to other Scope Items.

Ms. Stewart stated that she still has a problem because of every cycle where the Board has “dinged” people for this. The Board is still opening themselves to complaints that other applicants were not given this opportunity in the past. She believes it is problematic if the Board has this policy.

Chairman Porter requested that Ms. Stewart craft a motion so the Board has something before them to discuss and vote on. He also requested that staff address Ms. Stewart’s question about the Alston House project. He noted that Ms. Stewart made a specific request to see that material. That information has not been given to her. He would like Ms. Stewart to have the opportunity to review that material and perhaps move this issue further down on the Agenda. He suggested that the Board move ahead on the Agenda while Ms. Stewart reviews the information on the Alston House project.

## **E. DISCUSSION ITEMS**

### **3. Letter Received from Camp Verde Historical Society**

Chairman Porter noted that this issue is also included on this Agenda for legal advice from counsel. Counsel has advised that she doesn’t have any legal advice to provide in Executive Session.

Chairman Porter stated that research conducted on this issue does not suggest that there is, in fact, an existing agreement with them that would call for the Board to do the things they are requesting in their letter. Having said that, staff are aware that there is at least one document that staff may not have that has been referenced. Staff do not know if staff ever had this document or whether it was ever executed (it may have been an earlier draft agreement). Staff have requested this document, but thus far have not received anything from them. He noted that he suggested an approach whereby staff have done everything they asked in that letter. Staff have compiled the complete inventory they requested (probably going beyond their request with photographic studies of the material involved); a listing of a number of items that in fact were not even received or have been received since; and items staff would propose at some time to be accessioned that they were notified of in the past and that they took some but not others. He then read his proposed letter into the Record as follows:

Dear Ms. Johns:

Enclosed you will find a complete inventory of our photographs and artifacts accessioned at Fort Verde State Historical Park. On the front you will notice some pictures of our storage area which we hope will encourage you that we are taking our work at the Fort seriously. At the end of each section is a sample of the records for those artifacts.

It is our understanding that the curation team has identified over 100 objects that are not germane to our interpretation of the Fort but may be of value to your Society

and have offered to give all those objects to the Society. We further understand that the Society has taken possession of some of those items.

We were/are unaware of an agreement to provide this inventory; nor were we aware of any prior requests for those inventories. Your letter sent us scurrying through our files and, while the contract makes no mention of the inventory issue, we did discover a prior dated (unsigned) agreement we assume was an early draft.

We certainly would like a copy of any document that you possess which would allow us to correct our records and procedures.

Sincerely,

William C. Porter  
Arizona State Parks Board

Ms. Stewart asked if there are any problems in the area of giving away State property.

Ms. Hernbrode responded that in the sales document for the purchase of Ft. Verde State Historic Park a number of items were purchased from the Historical Society as well. There is language in that agreement that states if the Board choose to not use those items for the interpretation of the park, the Historical Society has the option of having those items returned to them. While Mr. Porter's letter says the Board will give them to them, it is really a return under the previously-existing contract. She, therefore, does not feel there is an issue with the gift clause in this particular return.

Ms. Stewart stated he believes this approach is good. Mr. Hays agreed that the letter is good, but asked what triggered all this.

Chairman Porter responded that he has done some quiet checking. He noted that there was quite a schism in that area over signage a few years ago that split the Historical Society in Camp Verde. He does not see any underlying large problem.

Mr. Hays referred to the letter from the Camp Verde Historical Society where they asked about the whereabouts of certain articles. He suggested including in the Chairman's letter asking what artifacts they feel are missing.

Chairman Porter responded that they will get information on everything. If they feel something is missing, he assumed they would come back to the Board with a list of items they don't see on the list. Their letter caught the staff off-guard.

Chairman Porter then returned to Agenda Item C.7. He asked Ms. Stewart if she had a chance to review the material on Alston House.

Ms. Stewart responded that she did and what is included in that information does not appear to be consistent. She asked how the figures contained in the information she reviewed were arrived at because they are not consistent with the amounts in the Board Packet. They have Miscellaneous Costs of \$2,939.

Ms. Pulsifer responded that some of the Scope Items were broken down into different components. Some of them were not eligible. They were reworked and resubmitted. Some of those components were actually miscellaneous items. Staff took them out of the Scope Items and included them as Miscellaneous Items. One reason is that their budget is so detailed and there is limited space on Grant Tracker to list them all. They

were, therefore, lumped together as Miscellaneous. The items included there are eligible Scope Items, however.

Ms. Stewart stated she has a hard time voting for \$67,000 of Miscellaneous Items when she doesn't have a clue as to what they are and how that figure was arrived at. She asked staff for that information.

Ms. Pulsifer responded that they are part of exterior renovations. They are small types of items.

Ms. Stewart noted that the exterior renovations are included in the \$95,000. She took the items staff listed (exterior renovations, roof, and HVAC) and what they have doesn't add up to the \$95,000. She is hesitant to vote on something where the information she is provided doesn't seem to be consistent.

Ms. Pulsifer responded that perhaps further clarification is needed on some of these. Perhaps those that are being questioned should be pulled and vote on those that have no problems.

Chairman Porter noted that Ms. Bonnie Bariola, Florence Preservation Foundation, indicated a desire to speak to this Agenda item.

Ms. Bonnie Bariola, Grants Manager and Secretary of the Florence Preservation Foundation, stated she writes most of the grant requests for Florence. She was going to wait until later to see how the Board decided. She agrees with Ms. Stewart's recommendation. She realizes that her grant was cut back for the same reason. She had also asked for more A&E charges than was allowed. Once she saw this, she accepted the fact that, yes, the guidelines do say 10% - and she accepted that. However, she wanted to agree that if someone gets more than 10% she could have taken that other \$6,250 and allocated it to another line item if in fact they are only allowed the 10%.

Chairman Porter asked Counsel if the Board can properly approve all of the other grant applicants except the grants Ms. Stewart has a problem with and bring those grants back to the next Board meeting.

Ms. Hernbrode responded that she couldn't think of a legal problem that would cause. It may cause practical difficulties for staff that she's not aware of. She is not sure if the Grant Manual says the Board must approve the grants this month.

Mr. Ziemann noted that the policy is clearly in place. There are difficulties where the Miami, Florence, and Peoples Valley were reduced appropriately but Buckeye was not. This is a discussion that should probably go on with HPAC first. HPAC should first review this, look at all these items (including Miscellaneous, Scope, etc.). He suggested that this issue be tabled for a month. He doesn't believe it will greatly impact anyone. The Board should urge HPAC to call a meeting during that month and review all the documentation and come back with a more cogent recommendation for the Board at its next meeting.

Mr. Travous added that this item should not have been on the Consent Agenda.

Chairman Porter asked Counsel if there is a problem with the Board tabling the entire issue until the April meeting.

Ms. Hernbrode referred a flow chart (Item #9 on page 38 of the Board Packet). It simply says that the recommendations will be submitted to the Board this month. She does not see any problem with the Board tabling it and having staff resubmit it at a later time.

Chairman Porter noted that Mr. Robert Mawson, Town Manager of Miami, had requested to address the Board on this issue.

Mr. Mawson, Town Manager, Town of Miami, addressed the Board. He stated that they, too, had an application submitted that was also affected by the A&E 10% limitation. He stated that they are not overly concerned about it. They would accept the grant even if they received a minor cut. They understood the guidelines were in place and believed that the Board's grant staff were doing as the guidelines instruct. He is concerned about postponing this issue for a month. They are trying to get this project under way. He doesn't know about the other 12 or 13 projects that are not affected by this discussion. There may be other options to deal with. He suggested putting off those particular grants that are in question or allowing staff to take a look at a revised budget allotment at some point in the future. He recommended and requested that the Board take action on those items that are not included in this discussion.

Mr. Cordasco stated that he believed the Board should draw the line with the 10% limit as written in the policies. He is not clear why all this has happened. He appreciates that there are some who have said there was a 10% limit and are grateful for the grants and want to move forward. There are others who aren't quite sure how that 10% impacted them but understand it was in the manual. He believes the Board needs to stick to their guns on this issue and move forward.

Mr. Hays asked what is being proposed.

Chairman Porter responded that he will take Mr. Cordasco's comments as a request to find the correct wording for a motion to try to accomplish what he just stated.

Ms. Stewart stated that the Mesa Alston House application (where the Board does not know what the Miscellaneous Costs are) needs to be held. She has a problem with the Slide Rock request and would like to discuss that separately.

#### **Board Action**

Ms. Stewart: I move that the Board approve all grants as recommended by staff with the exception of the Buckeye Main Street Coalition, the Mesa Alston House, and the Slide Rock State Park Orchard Restoration.

Mr. Cordasco seconded the motion.

Mr. Hays stated that, as a representative of the Peoples Valley grant, he could say they are quite happy with the 10% reduction. The process says they must include A&E fees, but they don't need them. They are grateful for the grant and would like to have it.

Chairman Porter added that he understood from Ms. Bariola's and Mr. Mawson's comments that they are comfortable with the Board approving their grants as recommended by staff. He noted that the impact of the motion on the floor is to pull the three named requests back and deal with them separately. There being no further discussion, he called for a vote on the motion on the floor.

The motion carried unanimously.

**Board Action**

Ms. Stewart: I move that the Board table the Mesa Alston House and that it go back to staff or HPAC (whichever is appropriate) to sort out what exactly it is that the Board is voting on.

Ms. Chilton seconded the motion. The motion carried unanimously.

**Board Action**

Ms. Stewart: I move that the Board approve the Buckeye Main Street Coalition project in the amount of \$92,529.

Ms. Chilton seconded the motion. The motion carried unanimously.

Ms. Stewart stated her concern with the application for the Slide Rock State Park Orchard Restoration. Although the applicant was Northern Arizona University (NAU), the beneficiary and the real party in interest is the state park. The Board, as a matter of policy, has a set-aside that goes to ASP for state park projects. There have been complaints about having to compete with ASP on these projects. Although there is someone else who applied for it, she noted that in reading through the file this is a restoration for the benefit of a park. She thinks it's an excellent project and would like to see it go forward. However, she doesn't believe it's appropriate as a grant and that the Board should use its set-aside money for it. If staff feel that there is not enough set-aside money, then the percentage should be changed.

**Board Action**

Ms. Stewart: I move that the Slide Rock grant request be denied.

Ms. Chilton seconded the motion.

Mr. Travous noted that staff did not initiate this grant and are not touching the grant. While it's happening on the Board's property, it is people outside the agency who wanted to improve the Board's property and are making the match.

Mr. Cordasco stated that Mr. Gary Nabhan is doing a sustainable environment project at NAU. His efforts at the university are food sources and how to create the production of those food sources. He understands that they have found this to be a unique opportunity for the students at the universities to study those orchards at Slide Rock State Park and learn from them for other applications well beyond ASP. It just happened that ASP owns that resource. The benefit to ASP is more indirect than it is direct. He does not see a conflict such as Ms. Stewart described in this particular case. He also believes it is a good project.

Chairman Porter called for a vote on the motion on the floor. He reminded the Board that a "Yes" vote would deny this grant.

The motion failed unanimously.

**Board Action**

Mr. Cordasco: I move that the Board approve the Gary Nabhan/NAU grant request.

Mr. Hays seconded the motion. The motion carried unanimously.

#### D. ACTION ITEMS

1. **Grazing Policy** – Staff recommends that the Parks Board approve NAPAC’s recommendation to develop and adopt a policy and implementation guidelines for livestock grazing on Natural Area properties with provisions. Staff also recommends that the adopted policy and guidelines be an addendum to Section 2. of the approved Natural Area Program Criteria and Guidelines (5/20/1999).

Mr. Dan Shein, Chief, Resources Management, reported that this policy is the result of a few meetings in 2004 and 2005, as well as a lot of hours of discussion regarding this issue and how to formulate the language and present it to the Parks Board. The recommendation basically boils down to conceptual provisions that would be in the policy and guidelines. If the Board supports the staff recommendation, staff would go back to NAPAC. NAPAC has a Management Guidelines subcommittee who would work further on developing the actual policy and guidelines and then bring it back to the Board for final approval. Conceptually, NAPAC was extremely focused on having some scientific process to determine if grazing is compatible and to make an evaluation. Ms. Hernbrode was present at some of NAPAC’s meetings on this issue which were rather long and drawn out in terms of having the data. He reiterated that if the Board passes this recommendation it will go back to NAPAC to develop a policy incorporating these concepts that will be brought back to the Board.

Mr. Hays asked what natural areas are included for livestock grazing and how many natural areas properties there are besides Lake Patagonia and San Rafael.

Mr. Shein responded that there are three areas at this time: Sonoita Creek State Natural Area, the Verde River Greenway, and the San Rafael property. There are issues at Sonoita Creek with cattle that would require some fencing. Those three areas are under the purview of NAPAC.

Ms. Hernbrode added that there have been some minor problems with trespassing at the Verde River Greenway as well.

Mr. Cordasco noted there currently is a lease at San Rafael with a livestock operator.

Mr. Hays responded that the rancher bought the ranch for grazing.

Ms. Stewart added that the Board holds a Conservation Easement on that property.

Mr. Cordasco asked if the rancher has been grazing on the river differently than in the past.

Mr. Hays responded that he is not familiar with the current situation.

Mr. Travous explained that when the entire exchange took place, restrictions were placed on the property that explained how he could graze to the river. Those restrictions are included in the Conservation Easement. There is a mile on either side of the river where he cannot take cattle in during times in the year when the cottonwoods are coming up. It’s all written in the Conservation Easements the agency holds over that part of the ranch. The other parts that are being discussed here are the southern 3,000 acres that the Board owns outright.

Mr. Cordasco asked if the rancher has a lease with the Board’s 3,000 acres.

Ms. Hernbrode responded negatively. She stated that, as she understands this policy, it would only affect property that is owned by ASP – not the Conservation Easement. There are no legal livestock grazing leases on any piece of ASP property at this time. The only cattle that are on ASP property are trespass cattle. This policy is starting from scratch. Before the Board is presented with a situation, NAPAC wanted to think through what the Board should do and what kinds of guidelines should be in place.

Ms. Stewart noted that part of this is for future acquisitions so that the Board has a policy in place that directs how to go about making those decisions when those issues arise.

Chairman Porter noted that he had confusion on this issue as well. He thought it dealt with the Easement as well.

Mr. Hays stated that, regardless of whatever else happens, he would like at least a token herd of Hereford cattle on San Rafael Ranch State Park because it is supposed to be a park that represents very early-day ranching in Arizona. It has had cattle for 200 years; that is where the Hereford breed began. It should have at least 20 head of cattle on this park, which is historical. That's where the modern day English breeds of cattle all began.

Ms. Stewart noted that, as she understands this recommendation, it doesn't prohibit cattle. It merely sets up a framework for scientifically evaluating and making the best possible decision and discusses how to go about making such decisions.

Mr. Cordasco suggested that, when further discussions occur about this, the one thing to avoid is making it so complicated that no one can ever do anything about it. Everyone gets excited in talking about all these different things and have ideas about science, management, etc. It's more of an art than it is science in the end. There needs to be flexibility to do that.

### **Board Action**

Mr. Cordasco: I move that the Arizona State Parks Board approve NAPAC's recommendations to develop and adopt a policy and implementation guidelines for livestock grazing management in monitoring on natural area properties with the stated provisions. I further mover State Parks staff, with the assistance and guidance of NAPAC, develop those guidelines for adoption of an Agency Livestock Grazing Management and Monitoring Policy as an addendum to Section 2 of the Natural Area Program Criteria and Guidelines (5/20/99).

Ms. Stewart seconded the motion.

Ms. Stewart stated that it was her understanding that the policy will be developed and brought back to the Board for final adoption.

Mr. Shein responded that Ms. Stewart is correct.

Chairman Porter called for a vote on the motion on the floor. The motion carried unanimously. He stated that, for the Record, the Chair joins with the Vice Chair in urging that NAPAC make the policy simple.

### **2. Consider Request for Modification to the Current Heritage Fund Historic Preservation Grant #640208 Historic Sites at District Park – Town of**

**Marana** – Staff recommends that the Preservation Conservation Easement Deed (PCED) boundaries be modified to include only the archaeological site and the historic Aguirre Ranch building sites; Arizona State Parks develop a modified PCED for recordation; for those archaeological features that fall outside the new PCED and inside the right of way (features on the south end of trench 8 and 9), Marana conduct the same data recovery as was done for the other sites within the right of way; Town of Marana be allowed to create a “Yuma Wash Archaeology Site” for public interpretation and future scientific data recovery studies; the Town of Marana be allowed to create an “Aguirre Ranch Historic Site” with a Ramada over the historic Aguirre Ranch building and other recommended features; the Town of Marana nominate the Yuma Wash Archaeology Site and the Aguirre Ranch Historic Site for listing on the National Register; and any ground-disturbing activities (even those previously approved under the current PCED) will require written SHPO approval. HPAC unanimously approved the staff recommendation at their December 5, 2005 meeting.

Ms. Lisa Duncan, representing the Town of Marana, addressed the Board. She thanked ASP staff for working so closely with them on figuring out the best way to approach these issues. She was not with the Town when the original conservation easement was made for this. In talking with others, she can only ascertain that an error was made by putting an entire parcel that was donated to the Town for the purpose of a park into a conservation easement without noticing that the majority of the historic Aguirre Ranch was not included in that parcel. She referred to a map and pointed out the original parcel and the parcel covered under the conservation easement. The proposed easements will be two included in one legal document. That area encompasses the main concentration of the Yuma Wash Archaeological Site and the other area encompasses the historic Aguirre Ranch building.

Mr. Cordasco asked if the conservation easements are with the Town itself.

Ms. Duncan responded affirmatively.

Ms. Stewart noted that in paragraph II it says, “Participant shall not engage in any ground disturbing activities, including activities previously authorized by other agreements, with . . .” She believes that should be “without”.

Ms. Hernbrode responded that on her copy it says “without”; on the Board’s copy it says “with”. That word should be “without”.

Ms. Stewart noted the proposed motion is fairly detailed. In looking at the easement modification, most of those things are not captured. She thought they would be in Exhibits A and B. In talking to counsel, the only things in Exhibits A and B are the legal descriptions. She asked whether any of these other items should actually be in the Deed Modification. She has no problem with what’s been agreed that will happen; she’s looking at preventing the Board from being involved in litigation down-the-road.

Ms. Hernbrode noted that the modified easement is there. The provision for Marana conducting the same data recovery has already been done. For the town of Marana to create a Yuma Wash Archaeology Site – it would be the red piece as shown on the map. It is the archaeology easement.

Chairman Porter asked if counsel has looked at the proposed motion.

Ms. Hernbrode responded affirmatively.

Chairman Porter asked if the Board needs to add anything to the easement.

Ms. Stewart noted that the Board had all of this last time and discussed that they wanted it turned into the actual document the Board would vote on. She is concerned that a few years down-the-road people will lose track of what went on.

Ms. Hernbrode responded that everything on page 105 is in fact in the preservation easement. They just don't look like they're in it. She offered to walk the Board through it.

Chairman Porter stated that if Ms. Stewart wished counsel to walk through it, that would be fine. However, he did not need counsel to go further. He is comfortable with that assurance.

Mr. Winkleman noted that this issue includes an individual, the Town of Marana, and ASP. He asked who holds what.

Ms. Hernbrode responded that the Town of Marana is the property owner. They want to put a public recreation park on this property. ASP will hold the conservation preservation easement. The Town of Marana is referred to as the Participant in the document because that's how they were referred to in the original Deed. The Town holds the land and are granting a conservation easement to ASP in exchange for a grant they were given a while ago.

Ms. Stewart added that one part that was crucial was locked out and there were areas included that were not critical and are now being excluded so the development project can proceed. She added that she's a little concerned that the Board is making a motion but that's not being signed. All that's being signed is what is in the Board Packet. The only thing there besides what the Board has in front of them are the two legal descriptions.

Chairman Porter noted that Ms. Stewart's original question to counsel was whether those things are included in the easement and she has stated that they are.

Ms. Hernbrode noted that, in her discussions with the State Historic Preservation Office (SHPO) and the Grants staff, they have said that staff do not want to authorize anything that was authorized before. If Marana wants to do anything else to this property they need to come to the Board with a specific proposal for the Board's authorization.

Ms. Stewart asked for an explanation of the historic ranch house and the ramada.

Ms. Hernbrode responded that the document is referring to the historic site being the easement. The ranch historic site is the L-shaped piece on the map. Regarding the ramada, they would need written approval from SHPO prior to moving forward.

Ms. Stewart noted that the preservation of the bunkhouse appears to be a mandate to do something.

Ms. Hernbrode responded that Marana originally said they did not want to preserve the bunkhouse and it was not within any of the easements. It is now within that L-shaped easement.

Ms. Stewart asked if they are now required to preserve it without specifically saying it in the document.

Ms. Hernbrode responded that it is in the original conservation easement (historic properties that are nominated for the National Register will be preserved).

### **Board Action**

Mr. Hays: I move that the Board approve the request for modification to the current Heritage Fund Historic Preservation Grant #640208, Historic Sites at District Park – Town of Marana.

Mr. Cordasco seconded the motion. The motion carried unanimously.

Chairman Porter called for a Recess at 10:15 a.m.

Chairman Porter reconvened the meeting at 10:29 a.m.

## **E. DISCUSSION ITEMS**

### **1. Protection of Los Robles Archaeological District and Cerro Prieto Peak**

Chairman Porter noted that a number of people requested to be heard on this issue.

Ms. Linda Mayro, Pima Co. Cultural Resources and Historic Preservation Office, addressed the Board. She stated that she was here to provide information about the Los Robles District and to hear the Board's discussion on consideration or possible consideration of this as a state park. She referred to a map that shows how multi-jurisdictional this District is (Pima County, Pinal County, State Trust Lands, BLM, private, Ironwood National Monument, Los Robles Archaeological District). She distributed an aerial map of the area to the Board. She noted that it is near the Red Rock exit of I-10.

Ms. Mayro noted that the Los Robles District contains 14 sq. mi. of State Trust Land, 10 sq. mi. are roughly within the Ironwood National Monument; 2 sq. mi. are outside the Monument in Pinal Co.; and about 2 sq. mi. are in Pima Co. The site of Cerro Prieto was essentially authorized to be established as a state park in 1986 (41.11). The legislation was passed by the legislature and signed by the Governor and gave the state authority to acquire, develop, and operate the Homolovi Archaeological Site of Cerro Prieto. There was an appropriation of about \$900,000 for the entire area at that time. Since 1986 (20 years ago) the Los Robles Archaeological District was placed on the National Register of Historic Places. It is an incredible complex of nearly 200 archaeological and historical sites. Pima Co. has an interest in conservation. Pima Co. adopted the Sonora Desert Conservation Plan and began that effort in 1998. The Ironwood National Monument was established in 2001. The Ironwood National Monument contains a good portion of the Cerro Prieto site. However, the Los Robles Mound (for which this archaeological district is named) is located on State Trust Land outside the Monument.

Ms. Mayro stated that they are beginning to see incredible growth in this area. Development actually damaged part of the Ironwood National Monument. She shared a copy of a map depicting proposed development and the Los Robles Archaeological District and the Ironwood National Monument.

Chairman Porter noted that the damage being referred to was the recent infamous bulldozing.

Ms. Mayro responded affirmatively. That land clearing impacted State Trust Land and part of the Monument. It is an example of how population growth and development pressure is detrimental to this area. She believes that if an effort can be made now to preserve some of these lands, there is an opportunity to set some of these lands aside. Growth is coming. Those people will require recreation. It is better to regulate that recreation, or at least manage it, by having certain land set aside for recreation purposes. She stated that it is known that open space enhances land values. If this were to become a future state park or a conservation or natural area with grass hiking trails, and/or low impact recreational use, adjacent State Trust Lands would probably increase in value as well. There is quite a bit of State Trust Land surrounding the proposed Los Robles development. She sees this as an opportunity. She came to bring information to the Board. Pima Co. has also applied under the Arizona Preserve Initiative for certain State Trust Lands for conservation purposes, but have not been able to realize any of them.

Ms. Mayro suggested that perhaps the Board consider what partnerships might be brought together for the preservation and acquisition of these State Trust Lands for conservation purposes. Pima Co. has been very successful in passing open space bond elections for both historic preservation and habitat conservation and natural areas conservation. She stated she is sure they would be a partner in any effort the Board might put forth in this area.

Mr. Winkleman asked what portion of this area is being proposed as a state park.

Ms. Mayro responded that the authorization in the 1986 legislation authorizes an area within Ironwood National Monument. She referred to the map and noted 2 sq. mi. in Pima Co. and the 2 sq. mi. in Pinal Co. are not within the Ironwood National Monument. She proposed the Board consider, if possible, the entirety of the archaeological district listed on the National Register of Historic Places.

Mr. Winkleman asked how she would deal with the private land.

Ms. Mayro responded that the boundary reflects culturally what has been a place of recurrent human occupation. There are ways to incorporate some of these places into the historic district.

Chairman Porter asked how the Board gets involved in including a national monument in a proposed state park.

Ms. Mayro responded that she did not know if there are any cooperative agreements between the state and the owners of those lands.

Ms. Hernbrode responded that the red line on the map is the authorized boundaries of the Ironwood Forest National Monument. That means that, should they have the money, BLM is authorized to acquire lands within that red line. Lands they have not yet acquired and do not have a recreation or other lease with the Land Department might not be part of the monument currently.

Chairman Porter asked how much of that area has already been acquired.

Ms. Hernbrode responded that the yellow would be lands that have been acquired by the BLM. She understands that the BLM does not have a public purposes lease over any of this property.

Mr. Winkleman noted that the Land Department has about half-a- million acres that are "captured" because they did things like this but no one wants to fund acquiring them.

Chairman Porter noted he heard something about in the aftermath of the incident with the developer there was some kind of process by which there has been a substantial amount of money ordered paid in some sort of mitigation. He asked what the status of that is. He also asked whether there is any possibility of the funds somehow becoming available to be utilized in this mix.

Ms. Hernbrode responded that there is an ongoing lawsuit against Mr. Johnson and the entities that he controlled. It is in the very early stages. It is a complex litigation. It will be 3-4 years out before any sort of award would be made. The Arizona State Museum and the State Land Department were estimating approximately \$8 million in damage to the archaeological sites. There are quite a few other damages as well.

Chairman Porter asked whether those funds would in some way be earmarked where they would have to go into mitigation on that damage.

Ms. Hernbrode responded that she is not certain that that determination has been made or that she is free to discuss it in this forum.

Ms. Stewart noted that there are T-21 moneys available to not only purchase land but to build museums that show the story of migration. Obviously, this is how a good deal of the west was settled. There are various sources of funding to look at.

Mr. Winkleman stated that he would not assume funds will be available from this lawsuit. It will take years. In general, one could say the claims are for damages that occurred. Presumably, they would go to restoration in those specific areas or compensation to the Trust or others for damages done. He wouldn't urge ASP to sit back and hope for money.

Mr. Bill Doelle, Center for Desert Archaeology, addressed the Board. He distributed information to the Board. He stated that he is based in Tucson. The center has been around since 1982. They are a non-profit group involved in archaeological research, public outreach, and site preservation. He stated that he wanted to provide some archaeological background. There was mention of the Los Robles Mound. He referred to the first map that was provided. The major occupation in this vicinity around Cerro Prieto is from 1150 AD up to about 1350 AD. The Los Robles Mound was a ceremonial structure in the center of a community providing both ceremonial leadership and probably political leadership. There was a community centered in that area. There is a line on the map that points to where the Los Robles Mound is located.

Mr. Doelle noted that there was also mention to the degree of development that is moving into this area. There are rumblings of imminent development in that area. In looking at the distribution of mounds on the map in the Phoenix area there is a concentration of these former sites. On the back of the publication he distributed to the Board it shows one of the two remaining mounds in urban Phoenix (Mesa Grande in the center of Mesa). This kind of development is now heading out into what has been

open space around Picacho Peak. He stated that everyone can see the development coming. We can sit back and do nothing or recognize that this seems to be an opportunity to take that mandate from 1986 when the first discussion of the park came up and revisit it in the present. A lot has changed out there. Ironwood Monument has been established. Development is going on. The BLM is a potential new partner. There are striking visual resources in the area. The natural setting is stark and the vegetation is impressive. There are opportunities for recreation. It's not just the cultural resources that are important in that area.

Mr. Doelle stated that it appears that it might be appropriate to try to get the various parties who might have an interest in that area together and revisit the opportunities that exist today for a state park. He suggested that the Board form a task force to look, relatively quickly, at bringing together the appropriate Native American Tribes, BLM, university researchers who have worked in that area as well as developers who are moving into that area to form a partnership. It was a good idea in 1986; before the opportunity is lost it should be revisited.

Ms. Stewart asked how significant this site is compared to other sites within the state.

Mr. Dowlle responded that the sites in that area have the potential to tell an interesting story. They were occupied up until about 1300-1350. Some researchers see that as a creation of a no-man's land between the Tucson Basin and the Greater Phoenix Area. Even though this is a somewhat remote site, it tells the story of early conflict between Tucson and Phoenix. There is a lot of information in the ground out there. Cerro Prieto is a hillside site built into terraced hillsides that can be walked over. There is visual potential in terms of interpreting these sites as well. They have information potential as well as interpretation.

Ms. Stewart asked if this is a significant enough site with enough interesting visuals to be a tourist destination and be embraced by local people as a recreation area.

Mr. Doelle responded that there is the ability to mesh with the recreation potential. The Casa Grande is in Coolidge. He doesn't believe this site would be a tourist destination; it's not big enough to spend a week's vacation at. But it would be a good day trip. It would tie into the Casa Grande and the AZ Sonora Desert Museum.

Mr. Winkleman noted that, in looking at ASP as a whole, the agency is currently operating 30 parks, all of which are in need of financial resources for operations. As meritorious as this may be, he believes the Board cannot ignore the financial reality that they can't even afford what they have. Unless there is a legislative champion who will lead efforts for an appropriation to do this, he doesn't believe it will result in anything. He noted reference was made to losing this site. He asked how it will be lost. The State Trust Land will not be lost. SHPO guards the archaeology sites. Laws are in place to protect it.

Mr. Doelle responded that he believes when the density of occupation is increased in that area, there will be attrition. The representative from the Site Stewards can discuss the damage that is occurring there today. He believes it is already a threatened resource. He has worked with staff at Catalina State Park. The Romero Ruin there now has a trail running through it. Right now there is open access. It is a remote area and

will become increasingly less remote. It is an attractive place to hike and carry off artifacts.

Ms. Carol Brown, Assistant Coordinator, Tucson Region of the AZ Site Stewards, addressed the Board. Ms. Brown noted that she is a volunteer. The Site Stewards monitor archaeology sites around the state. This is an area that is monitored by 20 people. It is a significant site. It is a confluence of several washes and is where people migrated up from Mexico for trade. It is important in terms of understanding what the Hohocom did regarding trading. They followed water courses in this way.

Ms. Brown noted that most of it is State Trust Land. The Site Stewards work with a lot of different land managers. State Trust Lands are the most problematic areas. Site Stewards can go and observe, but there is no way to protect. The context is important. If they say "State Parks" people think it's a park. If they say "State Trust Land" they believe it is a free-for-all. There is a need for more protection. Cerro Prieto is gorgeous. Los Robles was a significant community site. In the archaeological district, more than 1,750 petroglyphs have already been counted. They believe there's more to be found. It needs to be studied further. She is thrilled that the Board had this item on the Agenda.

Ms. Brown stated that, in terms of this being a good site for a park, she believes that it is. Picacho and Catalina State Parks and Saguaro National Park are all maxed out for recreation. This is an area that is really beautiful; there's lot to see. It's only 6 miles off the Interstate to Cerro Prieto. They are concerned about the pressure being exerted to develop State Trust Lands. This is a valuable resource. She doesn't want to see it go away. There is a huge opportunity for archaeological and natural areas education. There is an opportunity to protect a place that has both historic and prehistoric value.

Chairman Porter thanked Ms. Brown and the others involved in the Site Stewards program. He believes that they are on the cutting edge of a lot of these things. They are to be commended and congratulated for the tremendous amount of time they put into this program.

Mr. Travous stated that, as a result of litigation against the Johnson Ranch, there will be some mitigation. It would be nice if it could be negotiated that it go into the Site Steward program to make them more effective. That program is run on a shoestring.

Mr. Travous also stated that Section 41.511.11 was modified in 1988. Empire Ranch, the Hualapi Mountain, and Cerro Prieto were all declassified. This was the same bill that created Kartchner Caverns State Park. Those areas are no longer considered to be statutorily part of the State Parks System.

Mr. Travous added that there's a lot more than putting a fence around a property and calling it a State Park.

Chairman Porter noted that no one can question that he has an absolute love for history; that's his thing and everyone know that. He also has to agree with Mr. Winkleman. The money side of things is unfortunately a tremendous issue. This kind of park, in fact, requires much more than putting a fence around it. Setting up and running a park like this is a very complicated and very expensive proposition that usually does not result in a huge influx of money back in. Homolovi is a prime example, yet it is a wonderful operation and he's glad to have it. He would love to see this developed as a park. However, he has the same concerns as Mr. Winkleman. He doesn't know where,

any time in the near future, that the Board would be able to do it. Having said all that, he asked if this might be one of those areas where the Board cannot own, buy, manage, or operate but could act as an enabler to bring people who have an interest to the table.

Mr. Travous responded that he honestly did not believe staff have the capability to take the lead on much more right now. Considering what staff are doing at Lake Havasu, Tam O'Shanter, and all the other things they are doing now, he can't see staff taking the lead. He would like to give Mr. Jim Walker, the head of the Archaeological Conservancy in New Mexico, a phone call and let them take the lead in putting something together. He added that he is getting feedback from his staff that the agency is running thin. Staff are frazzled.

Ms. Stewart responded that she understands that Executive Staff have a lot on their plate. It seems to her, however, that this is an important resource; there are potentials for funding with T-21 funds; there are a number of agencies and organizations that might be impacted by this. Perhaps SHPO could at least convene one or two preliminary meetings to see if they can get a group of people here in AZ to talk about this. It may be that someone in the group will then take the lead. The Board is trying to establish itself as the leader in conservation and preservation. She thinks that SHPO already have a lot of materials on this and are fairly familiar with it. She thinks SHPO should have a couple of meetings on this and report back to see if it's something the Board can be further involved in or not. A couple of meetings is not that onerous.

Mr. Travous responded that he stands by his statement.

Chairman Porter thanked the speakers for their input. He asked the Executive Director to, at a minimum, make the phone call to New Mexico and to follow-up with Ms. Stewart's suggestion to at least check with SHPO to see if they feel they would have some time within the scope of what they are doing to take a look at it.

Mr. Travous responded that he knows staff will break their backs for anything the Board wants them to do. At the same time, when they get that "thousand mile stare" he has to step in on their behalf.

Ms. Stewart questioned whether we should be calling New Mexico at this point. This is in AZ. There may be other people in AZ who can be called. Perhaps the Center for Desert Archaeology would like to take the lead with the Board participating. She doesn't know that we should be calling another state.

Mr. Travous responded that they are a national organization.

Chairman Porter stated that he did not see where it would hurt to at least alert them to the existence and get them thinking. He doesn't see the harm in it.

### **3. Vision and Design Update**

Chairman Porter noted that the information in the Board Packet has been revised. The Board requested more information on some of these items.

Mr. Travous noted that information was added, not knowing if there was specific information the Board was looking for. He pointed out that there is one area where no progress has been made. He referred to page 121 of the Board Packet – 2.1C. (Recognize and post on the agency website efforts made by each park or section to enhance the

agency's conservation/partnerships/excellence.). That goal has fallen through the cracks. Part of the reason is that the agency does not have a webmaster at this time.

Ms. Stewart noted that this seems to be operating off an earlier version. There were a number of things the Board amended. The old version keeps reappearing. On page 120 of the Board Packet item 2:2B was amended to say "and some applicants and grant recipients". On page 121, under December 2005, 2:4A. It says "In addition to protection of Santa Cruz and Verde River projects, initiate invasive species program". The Board separated it into three separate items under Goal 2:4. It was "Pursue establishment of conservation program projects", "Initiate invasive species program by December 2005", and then "Continue to acquire properties along the Verde River Greenway consistent with the Board's expansion of the project area to Beasley Flats". The part regarding the Santa Cruz was "Establish geographic working group on Santa Cruz by the end of 2006 to assist other entities in protecting the Santa Cruz River properties".

Mr. Travous responded that he was using an old version to update the Board. He will go back and update the Board.

Chairman Porter noted that it will be important to have the correct version of the Vision and Design with a sharp, in-depth update on those items, at the May meeting. At that meeting the Board will set aside some time for a brainstorming session to come up with a plate of things the Board really needs to address and deal with at the July meetings.

Ms. Stewart noted that it would be helpful at that time to have a timeline for implementation of the PAMS. She stated that the Board is getting close to that time where they will expect something more definite.

Chairman Porter noted that where we are is certainly high on the Agenda. Perhaps part of the discussion in July has to be "Beyond PAMS – Where Next?".

## **F. EXECUTIVE STAFF UPDATES**

### **1. Update on Management Plan for San Rafael Ranch**

### **2. Update on Security at San Rafael Ranch**

Mr. Ream reported that the update on the Management Plan for San Rafael Ranch begins on page 123 of the Board Packet and the update on Security at San Rafael Ranch begins on page 124 of the Board Packet.

Ms. Stewart stated that, as she understands this, the only thing that's happened since the Board met in July 2005 is the discussions with the U of A and receipt of information on what it would cost. She asked where we are on this.

Mr. Travous responded that we are on a two-year budget. This would be included in a budget request for next year.

Mr. Hays asked if we're talking about a University of Arizona proposal for the 3,000 acres or for the entire property including the conservation easement.

Mr. Travous responded that it is just for the Board's property.

Mr. Hays asked if they want \$369,000 for just 3,000 acres.

Mr. Ream responded that the only thing staff can do under the Conservation Easement is monitoring.

Mr. Hays noted that's a lot of money to just monitor 3,000 acres.

Ms. Stewart noted it is more than that.

Mr. Cordasco noted that at Babbitt Ranches they monitor themselves in-house. He stated that he cannot stress how complicated this can become. He added that he didn't know what the Board expected to get over a three-year period of time from \$369,000. Monitoring in AZ is really only beneficial over a great period of time. There could be a situation where there is no rain over the next three years. It really doesn't tell much.

Mr. Ream responded that it would set up the processes for future monitoring. A plan of this scope would not just do the initial baseline assessments. It would set up the monitoring for well into the future and how it's done, what the limits of acceptable change are, etc.

Mr. Cordasco responded that he has 750,000 acres to monitor, and he would never do this. This only means that after 3 years are up the Board had better come up with this again. He asked how much PAMS can do to help out ASP with \$369,000 as opposed to some monitoring for 3 years that data is collected on that means nothing if it doesn't rain. He appreciates that paradigm everyone is in from the general public's perspective on monitoring and science. However, there is a practicality to it that is a long ways away from what everyone wishes it could be and all the activity associated with it. By spending this much money the Board is making an investment in a very large program that will require spending that much more down the road. In this particular case, not only are we are not putting a hole in the bucket, there's not even a bottom to the bucket. A hole in the bottom of the bucket can be sealed up. But, don't have no bottom at all. That's what this is.

Ms. Stewart asked if this is more than monitoring. Rather, isn't this coming up with the whole alternative management and getting the baseline documentation that wasn't done before, coming up with the Master Plan, and protocols for monitoring in the future which she assumed would be done by staff.

Mr. Ream responded affirmatively and negatively. It would be sponsored by staff. AZ Game and Fish is performing most of the monitoring being done now. There are other partnerships down there as well, including the US Forest Service and AZ Game and Fish. Staff are doing everything they can to keep up with the monitoring. There are time limits on the Conservation Easements. He stated that this is the RFP staff came up with. This is how the agency does its master planning. Public meetings are a part of this. There are a number of reasons why it's on hold. One is a lack of money to implement this plan as the RFP with the U of A was written. Another is that staff cannot ensure the safety of those researchers as they come down onto the ground. With the current state of affairs between the nation of Mexico and the United States, staff would not want to open that park to the public at this time. Work is being done on updating biological and ecological processes.

Mr. Travous noted that this is science-driven and is expensive.

Chairman Porter asked what the other alternative is.

Mr. Travous responded that the other alternative is to get a cowboy, a historian, someone from The Nature Conservancy, and a staff member to sit down and determine what needs to happen – a framework to talk about. Then we try to implement that framework. Then the science will tell us whether or not what we're doing is jeopardizing the values we're trying to get. It doesn't have to be this complicated on the inside. Because it is public land and because it is large, there is pressure to ensure no mistakes are made. A good example would be the archaeological artifacts that are probably around some of the springs.

Mr. Cordasco asked, from the Executive Director's perspective, if this is an appropriate path.

Mr. Travous responded that, when he saw how much money it costs, his response was that this is crazy.

Chairman Porter noted that, in the long run, he wants to see San Rafael (as quickly as possible and when the safety issue is resolved) as a functioning park. It has the potential of being a magnificent jewel in our crown if it's done right. It has so much potential. He understands that something has to be done about the crossing issue by people armed with guns. He wants to see the agency moving down the road to where we are ready when we can do something down there.

Mr. Hays added that the security issue is much more important right now than anything else. That's not something the Board can do anything about. The pressure is building in Washington DC and in AZ. To spend this much money for 3,000 acres on a Master Plan doesn't make any sense at all to him. That money would be much better spent getting ready to open a park.

Mr. Cordasco requested input from Mr. Shein.

Mr. Shein noted he was reading through the materials from the July Board meeting. He read a paragraph from that material that said staff was "preparing a Request for Proposal to go out to bid for the development of a Master/Management Plan for San Rafael. A comprehensive management plan for a natural area identifies the resources, current conditions, how to manage in order to maintain and/or enhance those natural elements. It also includes detailed development and operational components, management policies, visitor management, and recreational activities. It includes area-specific protection strategies and detailed ecological monitoring program that includes site-specific actions and time frames in order to meet and maintain the desired resource conditions." He noted that that was the overall parameter when staff put the RFP together that went to the U of A. The U of A's response is contained on page 123 of the Board Packet. That's how the proposal was developed.

Mr. Cordasco noted that there were four phases that were outlined. He asked what the first priority would be.

Mr. Shein responded it would probably be the data inventory. It's hard to decide where to go or what to do unless one has a good handle on what's there.

Mr. Cordasco noted that costs could come down even more if the necessary level of detail could be determined. There have been discussions on PAMS and how it could be a wonderful resource for the parks. Perhaps this PAMS program can't handle it; then

this would be data it could collect and integrate into the system at some level and bring the price down and provide benchmarks to start working on over time.

Ms. Stewart asked whether the NAPAC members indicated they were willing to help with some of the inventory and analysis.

Mr. Shein responded that one of NAPAC's subcommittees deals with San Rafael. They were going to focus on the biological program. The ecological resources were an inter-management plan. They were going to take a portion of it and try to work through it. They still have a ways to go.

Ms. Stewart asked if they thought they could do some initial legwork to refocus and streamline this a little. They would need some money down the road.

Mr. Shein responded that that was for the biological/ecological resource portion. It wouldn't necessarily be the cultural or master plan aspects.

Ms. Stewart asked if the part they are doing relates to some aspects.

Mr. Travous noted that some of the problems might really be overarching types of considerations. The land was purchased with Natural Areas money. The Natural Areas people feel very tied into what happens there. At the same time, it has historic ranches on it. It has some historic use as being the mother lode to interpreting ranching in AZ. There needs to be discussion as to what it will be managed for. There are overarching discussions the Board needs to have as to what types of things the Board wants to see happen.

Chairman Porter asked how soon staff could be ready to bring information to the Board in order to have that discussion.

Mr. Travous responded that after the legislature goes home, he would need a month or two to go to San Rafael and spend some time there. He could bring some critical mass to that discussion and then bring it back to the Board.

Chairman Porter requested staff bring something to the Board in July.

Mr. Travous noted that he will take this issue on himself with some key people.

Chairman Porter noted that the security issue speaks for itself.

Ms. Stewart noted she is still concerned about that issue. As she expressed at the last meeting, the burden to protect staff seems to be placed on them. She believes that anyone reading the newspapers knows that rangers and staffs of agencies are becoming targets.

Chairman Porter asked for specific suggestions.

Ms. Stewart stated she believes that the Board is requiring its rangers to do things that are not safe. She believes that more than one law enforcement ranger is needed on that property. Other agencies have two law enforcement people going together. She doesn't think it's enough given what the Board is asking them to do and the level of danger there. Perhaps we need to stop mending those fences.

Mr. Travous responded that the staff at San Rafael Ranch told Executive Staff that they don't feel any less safe than they have in the past. If they're telling the Board something

different, the Executive Staff need to know. When Executive Staff asked them if they felt unsafe, they said, "No."

Mr. Hays noted that the primary danger would be intercepting vehicles at night.

Mr. Travous responded that they know not to intercept vehicles; that's up to the Border Patrol. He noted that staff have talked to the Governor's Office about getting more help down there and have told her what our specific needs are down there. It's in her talking points to get other troops down there. He has made it known they are welcomed to use the bunkhouse. We are doing all we can. We only have so many people.

### **3. Update on Legislation**

Mr. Ziemann distributed an update on legislation of interest to the Parks Board. He noted that HB 2031 (AORCC Continuation) made it through the House and will now go to the Senate. SB 1086 is the Reservation Surcharge bill. It is through its committee in the House and needs to be considered on the House floor and voted on. It is unamended in the House, and if it is approved it will go directly to the Governor. Staff do not anticipate any problems on this bill.

Mr. Ziemann reported that SB 1468 (Arizona Trail) is a \$500,000 appropriation out of General Fund for the Arizona Trail. That bill needs to go to House Appropriations. If it is ultimately approved there, it would go into a "box" to compete with funding for any number of things.

Mr. Ziemann reported that SB 1508 (Regulation of OHVs) is a prime concern. He has spent untold hours dealing with this bill. It was amended on the Senate floor Tuesday. The bill now would transfer all of the Board's OHV funds to the Game and Fish Department. It would impact our operating budget by more than \$1 million and place 13 ASP FTEs funded out of the OHV fund in jeopardy. That includes most of Resources Management, all of the Development Section, and most of the Operations staff in Phoenix. Staff are on record as opposing SB 1508.

Chairman Porter asked if that would take all of the responsibility for OHV out of ASP and place it in Game and Fish.

Mr. Ziemann responded that the existing program stays as is; the priorities for the project go to Game and Fish. The money all goes to Game and Fish. There are problems.

Chairman Porter asked if the legislature are aware that, because of their machinations in the past, all of these staff members would go by the wayside.

Mr. Ziemann responded that the two sponsors of this bill are Senator Flake and the President of the Senate, Senator Bennett. Senator Bennett asked why ASP is being funded with OHV funds. Staff's response was, "Yes – you're right. Why are we doing that?" That's the budget we have. The operation of Kartchner Caverns State Park is being funded with State Lake Improvement Fund (SLIF) dollars. Just from a little over 2 years ago, the agency has lost more than \$11.5 million from its operating budget in cuts to various funds. An agency cannot withstand those kinds of cuts. This would just be another cut.

Mr. Ziemann noted that staff hoped that in SB 1550 (Rock Climbing State Park Authorization) they would have a platform to discuss those budget issues. Staff still hope that will be the case. SB 1550 left the Senate with a vote of 27-2. There is no money on that bill. The fiscal note on that bill notes that park revenues would sustain park operations. As far as the capital costs of the potential park, Resolution Copper Co. has pledged to build an access road and pay for those costs. Staff told the legislature that ADOT money within ASP's budget are available to construct campgrounds and roads within the park but there would still be a need for an additional \$3-\$4 million. Until the budget is fixed, there is no means for the agency to address those costs.

Mr. Ziemann noted staff dealt with a JCCR hearing a week-and-a-half ago. The plan before the committee at that time was to reduce the operating costs that were currently ascribed to SLIF. The Board is using all of the money that should be spent on capital projects in the SLIF on operating costs to keep staff employed and in place. They were considering cutting that fund by \$1 million. It appears week after week that they are looking for ways to reduce the agency's budget.

Ms. Stewart asked if Carolyn Allen sponsored SB 1468.

Mr. Ziemann responded affirmatively.

Ms. Stewart asked if they are proposing taking the Board's Heritage Area Trails money for the AZ Trail.

Mr. Ziemann responded that the proposal in the bill is for a continual appropriation of \$500,000 from the General Fund to support the continued maintenance of the AZ Trail. It just so happens that JLBC sees \$500,000 for trails and their proposal is to save the General Fund \$500,000 and potentially use the Heritage Fund money ASP has for a trails program. Staff have alerted JLBC that there are trails besides the AZ Trail throughout the state and that those moneys are distributed to grant recipients throughout the state.

Mr. Travous added that, if they didn't do that and still put \$500,000 a year for the maintenance of the AZ Trail, it represents one-fourth of the money ASP gets to operate the entire state parks system. Staff couldn't use any of that \$500,000 for the state parks; it will show up as a \$500,000 increase to the budget. They will then say that they just gave the Board an extra \$500,000 a year.

Mr. Ziemann pointed out that the AZ Centennial Appropriation, which has gone through the House and is now in the Senate, provides \$5 million for the General Fund in a matching capacity for projects for the AZ Centennial. That's a great thing. They can potentially do wonderful things with that money. However, that's more than two times the budget ASP gets from the legislature to operate its entire 30 state parks system.

#### **4. Update on Climbing Park**

Mr. Travous reported that two weeks ago he went to Washington, DC to meet with the AZ Congressional delegation (Senator Kyl's staff, Representative Renzi's staff, Senator McCain's staff), and both Minority and Majority staffs on the Natural Resources Committee in both the House and Senate. They are getting ready to re-introduce the bill with some changes. It appears that bill will be reintroduced Monday. He will meet

with Senator Kyl and Representative Renzi next week. They will try to do a roll-out of the whole climbing park over the next week. There may be some publicity on it in the next week or so. He will meet later today with Asarco. They continue to be a thorn in the side of this project. Resolution Copper is working hard to make this work. Asarco wanted some language that won't pass muster with the Governor's Office.

Mr. Travous added that staff took a number of staff archaeologists to the site recently. They are researching the site itself. Both the state and federal bills need to pass. There could be hearings on the federal legislation by the end of March. It has already passed the state Senate and is in the House. It will be amended several times in the state House. There are liability issues and issues relating the ability to add some lands. He noted that he will be meeting later today with people who are pushing this bill and will tell them that the way the bill stands now doesn't work. As former Land Commissioner and Board member, Jean Hassell, said, "You have to be able to walk away from a deal if it's killing you." If it gets to that point, the Board needs to let people know that, although we want to do it, we can't do it with the budget we have.

Chairman Porter asked if this is the sort of thing that once it gets to the point where it is virtually a reality the legislature will come to their senses and understand that if they want this they will have to put some money into it. The Board doesn't have the money; they don't have room within the budget to do anything with it. He asked if there is a likelihood that the legislature would be willing to put money into it, recognizing that this could be a big money maker for the agency just as Kartchner was.

Mr. Ziemann responded that his response would be that \$3-\$4 million to do the capital on this park is not what the Board needs. The Board needs its budget fixed; the Board needs its capital accounts back, some base level of support from the General Fund, and the Enhancement split again so that the Board can operate, build, and grow with the population and pay the employees the pay hike the legislature passed. There was a business plan three years ago. ASP was the model state park system from an economic standpoint for the country. That model was obliterated by this legislature.

Chairman Porter stated that he is not personally optimistic that the legislature will give the Board those budgetary fixes. He asked if Tam O'Shanter might be something the Board may need to walk away from unless the legislature is willing to recognize that if they really want the Board to even get into it they will have to be willing to put some money into it.

Mr. Hays asked if \$11.5 million is the figure the Board needs or if more is needed because of the increased activity. He asked what the figure is to make the agency healthy.

Mr. Ziemann responded that, in discussions with the Governor's Office, it was a flat \$10 million every year from the General Fund. It cannot, however, be once. They can't give \$3 million once to build a climbing park and then be back in the same rut. It would take about \$10 million from the General Fund to be flat. The agency could then fund its growth again from the revenues generated.

##### **5. Mabery Publicity in the Media**

Chairman Porter noted that the Board members received the articles relating to the Mabery issue. He noted that he received repeated contacts from the newspaper

wanting a quote or an interview. He refused because he felt there was too much of a risk of anything he might say being taken out of context or twisted. He thanked Mr. Hays for his comments. Coming from Mr. Hays as a "local" and with his stature, at least it was a modicum rebuttal.

Mr. Travous noted that the one thing the Board has done throughout this whole situation was be accountable to the public. One can disagree with the Board's action, but the Board has been unanimous. At every step of the way the Board said, "Don't interfere with the Maberys' business". That has been the history of the way the Board has dealt with this issue. From that standpoint, he has been proud to represent the Board.

- G. EXECUTIVE SESSION** – Upon a public majority vote, the Board may hold an Executive Session which is not open to the public for the following purposes:
- 1. To discuss or consult with its legal counsel for legal advice on matters listed on this agenda pursuant to A.R.S. §38-431.03 (A)(3), including:**
    - a. Mabery Easement Dispute Litigation**
    - b. Letter Received from Camp Verde Historical Society**
  - 2. To discuss or consult with its legal counsel in order to consider its position and instruct its attorneys regarding the Board's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation pursuant to A.R.S. §38-431.03 (A)(4)**
    - a. Mabery Easement Dispute Litigation**

Ms. Hernbrode advised the Board there was no need to go into Executive Session.

**H. ACTION ITEMS FROM EXECUTIVE SESSION**

**1. Mabery Easement Dispute Litigation**

There was no action taken.

- I. CALL TO THE PUBLIC** – Consideration and discussion of comments and complaints from the public. Those wishing to address the Board must register at the door and be recognized by the Chair. It is probable that each presentation will be limited to one person per organization. Action taken as a result of public comment will be limited to directing staff to study or reschedule the matter for further consideration at a later time.

All members of the public who wished to address the Board had done so.

**J. TIME AND PLACE OF NEXT MEETING AND CALL FOR FUTURE AGENDA ITEMS**

- 1. Staff recommends that the next Arizona State Parks Board Meeting be held in Tucson, AZ on April 27, 2006.**

Ms. Stewart requested the Agreement with the Historical Society be placed on the Agenda.

Chairman Porter responded that would be handled in part by how Ms. Woosley is doing. She has some medical issues. He would like to have a "signing ceremony" in April since both boards will be in Tucson.

Mr. Cordasco noted that many times the Board gets into discussions on very important issues. At the same time there is a beast that needs to be visited in more detail than an update. Lack of funding is a problem this Board should be doing something about rather than trying to figure out a 10% limit issue on grants. While that's important, shouldn't the Board be talking about doing something about the agency's funding? The Board should be having more discussions about the funding.

Mr. Travous noted that the Governor's budget recommendation keeps the agency from going in the red.

Mr. Cordasco noted that everyone on this Board was appointed by the Governor. He asked why the Board can't have a meeting with the Governor and flat out tell her what they think. She appointed them.

Chairman Porter noted that he wrote a letter to the Governor a month ago and expressly requested a meeting to discuss, among other things, the budget. He has not received the courtesy of a reply.

Mr. Cordasco reiterated that the Board is appointed by the Governor. He feels that an audience with the Governor for a few minutes is appropriate to remind her that she asked them to do this, here's what we have on our mind, and we want her to know what we're thinking.

Mr. Winkleman agreed that would be good, but the Board has to think about timing. The Governor's budget is already out. Meeting with her now won't get the Board \$10 million. That needs to be done next summer. This is an election year. That's not going to help get a budget increase. The Board needs to focus on first getting the Governor's budget next year because some of the pressure will be off, and then marshalling support as the Board goes to the legislative session. If the Board is going to meet with the Governor, it ought to be August-September.

Mr. Siegwarth responded that staff will submit the budget by September 1. He believes October is when they really start talking about the Governor's budget.

Mr. Cordasco asked when the Governor gets to be excited about 50 years' history with ASP. She needs to come out with something to support the 50<sup>th</sup> Anniversary. The Board has something they really need to talk about along with these other important things. He would like it to be on the Agenda more often.

Chairman Porter noted that Mr. Cordasco's point has been made. He and Mr. Travous will find a vehicle that enables the Board to visit some of these issues at Board meetings with fair regularity. He believes that Mr. Cordasco's point is well-taken. It is something the Board should at least have the option of dealing with at virtually every Board meeting in some form.

Mr. Hays asked if \$10 million would put the agency back at a new starting place. He wanted to be sure of the figure when he talks to Senator Flake's or President Bennett's people.

Mr. Ziemann responded that it would go a long way. He has no illusion of getting \$10 million from the legislature. Currently, the legislature won't even discuss our budget. They won't take up the Governor's proposal. Staff can't get a public hearing on the budget. The more he can talk and express staff's displeasure and the fact that the legislature will have to deal with the agency shortly because we are not going to make it in the short term the better.

Mr. Cordasco asked when the Board gets to tell the legislature that.

Mr. Travous noted that there used to be a system in the legislature where there were budget hearings. Staff were assigned to the agencies' budgets. They don't do that any more.

Ms. Stewart stated that she feels as though the Board ends up talking about the same thing every time the budget is discussed. She believes Mr. Winkleman is correct – timing is critical. The Board needs to come up with a new plan for dealing with the legislature. A lot of other agencies (Land Department and Game and Fish) have a program to educate the legislature before the budget process begins. Once it is started, if those relationships are not set up the agency is in a world of hurt. The focus needs to be not so much on how to get the budget increased but how to improve the relationship with the legislature and set up new ways to do business with them.

Ms. Chilton noted that prior to her coming on the Board, when there was talk of closing down parks the counties and locals went to the legislature to keep those parks open.

Mr. Hays noted this is an election year. There will be opportunities to discuss this and talk to groups who will be coming to meetings in the communities. The Board needs to get the word out at those meetings.

Chairman Porter noted that the Board will soon have to figure out where it stands with the ASP Foundation.

Mr. Hays noted he will not be able to attend the April Board meeting.

Chairman Porter noted that the Board meeting will be at the former Radisson Downtown (currently known as the Arizona Hotel at the Convention Center). There will be a meeting room available that meets all the public meeting requirements. It will be in the morning and the meeting will begin at 9:00 a.m.

## **K. ADJOURNMENT**

Chairman Porter adjourned the meeting at 12:07 P.M.

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Arizona State Parks Board  
Minutes  
March 16, 2006

Pursuant to Title II of the Americans with Disabilities Act (ADA), Arizona State Parks does not discriminate on the basis of a disability regarding admission to public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the ADA Coordinator, Nicole Armstrong-Best, (602) 542-7152; or TTY (602) 542-4174. Requests should be made as early as possible to allow time to arrange the accommodation.

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William C. Porter, Chairman

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Kenneth E. Travous, Executive Director