PUBLIC MEETING NOTICE
of
NATURAL AREAS PROGRAM ADVISORY COMMITTEE
(NAPAC)
of
THE ARIZONA STATE PARKS BOARD

Notice is hereby given pursuant to A.R.S. §38-431.02 to members of the Natural Areas Program Advisory Committee (NAPAC) and the general public that the Committee will hold a meeting open to the public on Tuesday, June 2, 2015 beginning at 10:00am at Arizona State Parks, in the Board Room located in the basement of 1300 West Washington, Phoenix, Arizona 85007. Attendance to this meeting is available via telephone by calling 1.877.820.7831 and entering the participant passcode 522515. Items on the Agenda may be discussed out of order unless they have been specifically set for a time certain. Public comment will be taken. The Committee will discuss and may take action on the following:

AGENDA
(The Chair reserves the right to set the order of the agenda.)

A. CALL TO ORDER AND ROLL CALL

B. CALL TO THE PUBLIC – The Chair will recognize those wishing to address the Committee. It is probable that each presentation will be limited to one person per organization and the time allotted by the Chair. Action taken as a result of acknowledgment of comments and suggestions from the public will be limited to directing staff to study or reschedule the matter for further consideration at a later time.

C. ACTION ITEMS

1. NAPAC Will Discuss Recommendations for San Rafael State Natural Area (SRSNA) – Staff will update NAPAC members on the agency direction for SRSNA. A motion may be developed to identify a Chair of the SRSNA subcommittee. NAPAC will outline a general direction the subcommittee will take and provide recommendations to address the current situation.

2. NAPAC Will Discuss Recommendations for Verde River Greenway State Natural Area (VRGSNA) – NAPAC members and staff will discuss the recent activities and current direction of VRGSNA. A motion may be developed to identify a Chair of the VRGSNA subcommittee. NAPAC will outline a general direction the subcommittee will take and provide recommendations to address the current situation.
3. **NAPAC Will Receive a Briefing on Fencing Laws and Consider Recommendations for Sonoita Creek State Natural Area (SCSNA)** – Assistant Attorney General, Eddie Slade, will present to committee members and staff his findings on fencing laws. NAPAC members and staff will discuss the fencing laws relevant to the activities taking place on and around SCSNA. A motion may be developed to identify a Chair of the SCSNA subcommittee. NAPAC will outline a general direction the subcommittee will take to protect the resources and provide recommendations to address the current situation.

E. **REPORTS** – Committee and Staff Reports May be Verbal.

1. **Member Recruitment** – Staff will report on the current members whose terms end December 2015.

F. **MEMBER’S SUMMARY OF CURRENT EVENTS** – NAPAC members will provide a verbal report on current activities and events of interest to the resource conservation community and/or the status of any projects with which they may be involved. Members will provide factual information relating to specific events and will not propose, discuss or take any action on any matter unless specifically placed on the agenda for the next NAPAC meeting.

G. **PROPOSE MEETING DATES**
- NAPAC Meeting – Late July
- SRSNA Subcommittee –
- VRGSNA Subcommittee –
- SCSNA Subcommittee –

H. **ADJOURNMENT**

****

A copy of the agenda background material provided to the Committee is available for public inspection at Arizona State Parks, Partnerships Division, 1300 W. Washington, Phoenix, Arizona 85007. Additional information may be obtained by contacting Dawn Collins at 602.542.7128.

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 acting 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.

[Signature]

Kent Ennis, Deputy Director
Arizona State Parks

Posted at: Arizona State Parks
1300 W. Washington, 1st Floor, Phoenix, Arizona
And at: [http://azstateparks.com/committees/NAPAC.html](http://azstateparks.com/committees/NAPAC.html)
Recommended Motion:
A motion may be developed based on discussion.

Status to Date:
On July 25, 2014 NAPAC members were informed that Arizona State Parks (ASP) Executive team was interested in the possibility of pursuing a long-term grazing lease at San Rafael State Natural Area (SRSNA). At their meeting on February 5, 2015, NAPAC members were asked to utilize the recently approved SRSNA Management Framework decision-making tool (see Attachment C1A) to assess how a long-term grazing plan might impact the natural and cultural resources within the SRSNA. The Management Framework will also aid ASP in identifying what baseline information is needed to provide recommendations for the proposed inclusion of a longer term grazing permit, if issued. In addition, if a Request for Proposals (RFP) was to be drafted, NAPAC was asked to participate in identifying what monitoring and data collection would be necessary to assess the impacts of grazing, and subsequently, the mitigation measures that would be appropriate to protect the natural and cultural resources at SRSNA.

Upon the recommendation of NAPAC to consider development of a Habitat Conservation Plan (HCP), ASP staff, legal counsel, a NAPAC member and staff from Fish & Wildlife Service met in September 25, 2014. The purpose of this meeting was to initiate discussion about the process, timing, and proposed management actions on the SRSNA, as well as, answer questions about an HCP.

Because of the lengthy process required to draft an HCP, it was decided that ASP would pursue an HCP only after a Park Management Plan - which ensures that a basic foundation for decision making has been developed between the agency and interested stakeholders - has been finalized. Until this time, any proposed activities at SRSNA expected to result in "take" of threatened or endangered species as defined under the Endangered Species Act (ESA) will require an HCP from any partner benefiting from the approval of the activity.

On February 5, 2015 NAPAC members proposed having a recommendation that ASP or a partner entity have an HCP in place prior to permitting actions on the SRSNA that had the potential to unlawfully impact ESA listed species. Members discussed ASP’s ability to apply the HCP to current and future activities that will occur on the land, if ASP were to assume the management entity role.

Time Frame:
Natural Areas Program Advisory Committee  
Agenda Item C1

NAPAC will identify subcommittee members at their June 2, 2015 meeting and schedule subcommittee meetings. The subcommittees will provide NAPAC an action plan and recommendations throughout December 2015.

Staff and Financial Resources:  
Staff will work with NAPAC and interested partners to utilize the SRSNA Management Framework decision-making tool to propose potential uses of SRSNA, consistent with best resource management practices.

Relation to Strategic Plan:  
To provide sustainable management of our natural, cultural, recreational, economic and human resources. To provide safe, meaningful and unique experiences for our visitors, volunteers and citizens. To build lasting public and private partnerships to promote local economies, good neighbors, recreation, conservation, tourism and establish sustainable funding for the agency.

Relevant Past Board Actions:  
The ASP Board approved the implementation and use of the SRSNA Management Framework on May 21, 2014.

Attachments:  
C1A – SRSNA Management Framework  
C2B – Fish & Wildlife Service Working Statement
The email below was generated by Doug Duncan, an employee of Fish & Wildlife Service in Tucson, AZ.

Dawn Collins provided edits based on her recollection of the discussion. To our knowledge, Arizona State Parks Executive Team has not provided edits.

From: "Duncan, Doug" <doug_duncan@fws.gov>
Date: September 30, 2014 10:53:29 AM MST
To: *Collins, Dawn* <dcollins@azstateparks.gov>, Scott Richardson <Scott_Richardson@fws.gov>, Tom Skinner <t.skinner05@comcast.net>
Subject: draft call notes

These are draft notes, bullets really, to identify the main points we discussed. Please edit.....

We had a conference call with Arizona State Parks 25 September about their doing an HCP. They want to move forward, but it will be as they work on the master plan for the natural area, so they have more specific actions to consider. Probably about two years.

An HCP for the SRSNA may consider grazing, maintenance of current infrastructure, construction of new infrastructure, and recreation. In addition, Arizona State Parks

Discussed potential funding from FWS for Habitat Conservation Planning Assistance. Non-traditional Section 6 grants that go through AGFD. Should wait to apply for any grants until you know what actions and activities would be included.

http://www.fws.gov/endangered/what-we-do/hcp-overview.html#


ASP discussed covering any grazing requests made in the interim (prior to the SRSNA management plan being completed or implemented) in an HCP to be completed by the lessee. Therefore, any future contracts between Ross Humphrey's and ASP for grazing on the SRSNA would need to be covered in Ross' HCP. However, these activities would be covered in their own HCP later. A grazing lease between ASP and Ross is the mechanism that allows that action to be covered by Ross's HCP. ASP may not allow grazing on the SNA until Ross' HCP is complete.

Dawn Collins is the POC for Arizona State Parks. They wish to be apprised of significant developments with Ross' HCP. Doug Duncan is the SPOC for both HCPs.
Natural Areas Program Advisory Committee
Agenda Item C2

Title: NAPAC Will Discuss Recommendations For Verde River Greenway State Natural Area
Staff Lead: Dawn Collins, Chief of Resources & Public Programs
Date: June 2, 2015

Recommended Motion:
A motion may be developed based on discussion.

Status to Date:
Verde River Greenway State Natural Area (VRGSNA) is a 36-mile river segment that flows through the Town of Clarkdale, Town of Camp Verde, and City of Cottonwood, in Yavapai County. There are many public and private partnerships with many various interests focused around the river. The “Verde Front Planning” is a cross-jurisdictional, multi-stakeholder effort to develop a long-term and comprehensive sustainable recreation management approach. The efforts began in 2008 and went stagnant as the economy slowed but is now starting back up again with the Forest Service taking a renewed lead role.

Management and planning for VRGSNA is challenging because of all of the various stakeholders and interests. Opponents are worried about the damage being done by the recreation development around the river, yet other stakeholders praise the economic benefits the surrounding areas receive.

During the February 5, 2015 meeting, NAPAC received an update from Max Castillo, Verde River Coordinator, who explained the need for bringing together the various property owners on VRGSNA and to streamline a cohesive recreation process so that everyone is aware of what is being planned along the river and what the rivers limitations are.

VRGSNA staff recommended that NAPAC review and provide updates to the 1998 Verde River Greenway Statement of Management and the Rockin’ River Ranch Management Plan (see Attachments) to ensure the plans coincide and reflect the goals of the “Verde Front Planning.” In doing so, ASP and NAPAC can acquire a better understanding of the recreational issues within the community.

Time Frame:
NAPAC will identify subcommittee members at their June 2, 2015 meeting and schedule subcommittee meetings. The subcommittees will provide NAPAC an action plan and recommendations throughout December 2015.

Staff and Financial Resources:
Staff will work with NAPAC to identify appropriate short-term goals for VRGSNA subcommittee, such as updating natural resources information in park management plan.
Natural Areas Program Advisory Committee
Agenda Item C2

Relation to Strategic Plan:
To provide sustainable management of our natural, cultural, recreational, economic and human resources. To provide safe, meaningful and unique experiences for our visitors, volunteers and citizens. To build lasting public and private partnerships to promote local economies, good neighbors, recreation, conservation, tourism and establish sustainable funding for the agency.

Relevant Past Board Actions:
In April 2014, ASP issued their first Special Use Permit for a commercial outfitter to operate guided hikes, tours, river trips, canoeing, bicycling, and hiking on roadways and trails within the Tuzigoot River Access Point and other ASP properties.

Attachments:
C2A – Verde River Greenway Statement of Management
C2B – Rockin’ River Ranch Management Plan
Natural Areas Program Advisory Program
Agenda Item C3

Title: NAPAC Will Discuss Recommendations for Sonoita Creek State Natural Area

Staff Lead: Dawn Collins, Chief of Resources & Public Programs

Date: June 2, 2015

Recommended Motion:
A motion may be developed based on discussion.

Status to Date:
Sonoita Creek State Natural Area (SCSNA) has been brought to NAPAC’s attention through recent reports from staff and members of Friends of Sonoita Creek. These reports have been comprised of land degradation and/or inadequate fencing, along with cattle grazing impacts. As a result, SCSNA has experienced both public complaints and management challenges. The management challenges can largely be attributed to the staff reductions Arizona State Parks (ASP) experienced in FY2010. Therefore, SCSNA has struggled to maintain a consistent monitoring process of the land.

Time Frame:
NAPAC will identify subcommittee members at their June 2, 2015 meeting and schedule subcommittee meetings to address issues at SOCSNA. The subcommittees will provide NAPAC recommendations and an action plan throughout December 2015.

Staff and Financial Resources:
Staff will work with NAPAC members to identify appropriate short-term goals for SOCSNA subcommittee, such as accessing the type of information needed to establish a monitoring baseline. Staff and NAPAC members will also explore the option in utilizing partnerships to help collect baseline information.

Relation to Strategic Plan:
To provide sustainable management of our natural, cultural, recreational, economic and human resources. To provide safe, meaningful and unique experiences for our visitors, volunteers and citizens. To build lasting public and private partnerships to promote local economies, good neighbors, recreation, conservation, tourism and establish sustainable funding for the agency.

Attachments:
C3A – Friends of Sonoita Creek Letter
C3B – State Land Department Letter
Feb. 13, 2015
Sonoita Creek State Natural Area & Patagonia Lake State Park and grazing in Santa Cruz County

To: Bob Casavant, Arizona State Parks Natural Resource-Science Manager
Heidi Lauchstedt, Park Ranger, Kartchner Caverns & SCSNA, NAPAC
Colt Alford, Manager, Patagonia Lake State Park & Sonoita Creek State Natural Area
David Pawlik, Manager San Rafael Ranch, District Manager
Dawn Collins, NAPAC Coordinator, Chief of Resources and Public Programs
John Maynor, Santa Cruz Co. Supervisor Dist. 3 and Board Chairman
William Schock, National Resource Conservation District, Nogales, AZ

Since the de-funding of the Sonoita Creek State Natural Area by State Parks in 2008, and new fencing adjacent to the Natural Area in Rio Rico, and transfer of cattle from private land into the State Trust Land surrounding Patagonia Lake State Park and the adjoining Natural Area, the number of cattle on State Parks' land has increased.

Rebecca Davidson, Natural Areas Program Advisory Committee (NAPAC), Committee Chair, asked me to provide material regarding other states' responses to their State Trust Lands' grazing lease laws and conflicts with natural resource protection. My research revealed that after 100 years each state has its unique State Trust Land legislation and comparisons are not relevant to Santa Cruz Co., Arizona.

Also, I think it is common to confuse State Trust Lands with "Open Range". "Although you may hear or read about Arizona's open range law, there is no actual law in Arizona that defines open range." (See below)

Each county Board of Supervisors determines boundaries and ways of handling conflicts of safety, property use, enforcement, and liability.


Clarification of leases, an understanding of Santa Cruz County’s open range policy, and answers to questions that impact SCSNA are necessary before management decisions can be made. Friends of Sonoita Creek (a non-profit organization dedicated to the education about, and protection of, Sonoita Creek), visitors, and county residents have our own experiences and questions. (I am including observations described by Colt Alford, Manager of Patagonia Lake State Park and the Natural Area and hope that I understood his comments correctly.)

The attached document describes clarifications that would inform management, officials, and taxpayers. Friends of Sonoita Creek would like to assist NAPAC and Arizona State Parks in the effort to protect Sonoita Creek. Uncontrolled grazing is degrading the Sonoita Creek State Natural Area (and State Trust Land). At the same time, the land is increasing in value as a rare riparian habitat area hosting several Federal listed species in an arid region.

Sincerely,
Livestock are still an important part of rural life in Arizona. As more and more homes have been built adjacent to areas traditionally used for cattle grazing, the potential for conflict between livestock owners and homeowners has increased. Regardless of whether you yourself own large animals, you must be aware of your responsibilities towards your neighbors' livestock. The details of your responsibilities—and your liability—depend in large part upon where you live and whether you have a suitable fence around your property.

Although you may hear or read about Arizona's open range law, there is no actual law in Arizona that defines open range. Rather, the concept came about as part of Arizona's ranching history. Large ranches owned by one person sometimes surrounded smaller parcels owned by another person. The owner of the large ranch would require the small landowner to put up their own fences to keep out the rancher's cattle. This saved the rancher from having to fence all the small parcels that existed inside his ranch lands. So it became the responsibility of the small landowner to fence out the rancher's cattle.

Although there may not be an actual open range law on the books, there are nine state statutes that pertain to livestock and fences (Arizona Revised Statutes (ARS) Title 3, Chapter 11, Article 8).

Key Points

- County Boards of Supervisors have the authority to designate No-Fence Districts. Contact your county's Clerk of the Board of Supervisors office (see contact info below) to find out if you live within a No-Fence District.

- If you do live in a No-Fence District, liability for property damage by stray livestock falls on the livestock owner.

- If, like most Arizona residents, you DO NOT live in a No-Fence District, it is your responsibility to fence out unwanted livestock using a "Lawful Fence," as defined in ARS 3-1426. This is especially important in areas on your property that contain gardens or ornamental plants that livestock love to munch. A lawful fence 1) has posts spaced no more than 30 feet apart; 2) has at least four strands of barbed wire; and 3) spaces the wires such that they are 18", 28", 38" and 50" above the ground, respectively.

- If you have constructed a lawful fence and livestock break through that fence to cause damage to your property, you are entitled to file with either your justice of the peace or your superior court to recover damages (see contact info below).

- Furthermore, if you kill livestock in an open range area, whether it is an accident or not, you may be liable to the owner to compensate for damages.

- Remember, even as a small-acreage landowner, if you own livestock that does damage to someone else's property and they either live in a No-Fence District OR have built and maintained a legal fence, you will be guilty of a class 2 misdemeanor and are liable for damages.

- If you are involved in an automobile accident with livestock, contact your county's Clerk of the Board of Supervisors office to find out if the particular location is a No-Fence District to see if you have any legal recourse. As mentioned previously, if an accident outside of a No-Fence District results in a dead animal, you are liable to the owner for his or her loss.

- Although it's technically not one of the nine statutes pertaining to open range and No-Fence Districts, it is important that landowners understand ARS 3-1311, as well. This statute explains that dog owners must not let their pets chase, wound or kill livestock. They are liable for damages, will be charged with a misdemeanor and their dog may be legally killed if it can be conclusively shown that it harassed or killed livestock.

Note: These points are intended for informational purposes only. They are not intended as a substitute for professional legal advice.

For more information on the Arizona Revised Statutes that deal with No-Fence Districts (Chapter 11, Article 8) and dogs harassing livestock (Chapter 11, Article 4), visit the Arizona State Legislature website at www.azleg.gov/ArizonaRevisedStatutes.asp?Title=3.
Attachment
To Whom It May Concern:

On behalf of Friends of Sonoita Creek I request a copy of the lease document between Mr. Robert Noon, rancher, and the State of Arizona. (The leased property surrounds Patagonia Lake State Park and shares a boundary with the Sonoita Creek State Natural Area (SCSNA).

And clarification of the following:

1. The number of animal units the lease allows - have there been any amendments since the Noon family acquired the lease? The Noon family first received leases on State Trust Land in 1914.
- Reference to the Noon family ranch: http://www.altarvalleyconservation.org/noon-ranch/

2. Does any document specify the legality, or right, for a neighboring, non-lease holder (Circle Z Guest Ranch) to deliberately move cattle owned by a third party onto ASTL land? (re conversation with Colt Alford)

3. What are the fencing requirements for leaseholder, adjacent private landowners, and State Parks?

Arizona State Trust Land Department website text

"Since the State Land Department’s Inception (1912), “its missions have been to manage the Land Trust and to maximize its revenues for the beneficiaries. All uses of the land must benefit the Trust, a fact that distinguishes it from the way public land, such as parks or national forests, may be used. While public use of Trust land is not prohibited, it is regulated to ensure protection of the land and reimbursement to the beneficiaries for its use.”

"Coordinated Resource Management
Rangeland management on Arizona’s State Trust land is a mutual effort between the Land Department and its grazing leasees. Livestock grazing takes place on more acres of State Trust land than any other use. This is due to the remoteness, aridity and lack of infrastructure, such a waterlines, roads, sewers and utilities that make land attractive for development. This reality is not expected to change to any great degree in the near future."
"Rangeland Management Responsibilities
- Developing Coordinated Resource Management Plans for grazing leases
- Conducting rangeland monitoring
- Conducting clearances on range improvement and land treatment projects to prevent or mitigate the impacts of these projects on protected plant, wildlife and cultural resources
- Providing recommendations to the Real Estate Division for preventing or mitigating the impacts of commercial, right of way and sales projects on State Trust rangeland
- Coordinating efforts with federal and private land managers
- Providing Land Department representation to various collaborative groups which are addressing rangeland management issues."

"Sources of Funding for Rangeland Management
The Arizona Legislature does not provide any funding for the Land Department to institute any agency initiated management practices on State Trust rangeland. The Land Department relies on its grazing lessees to expend their own money to initiate management practices on their leases.
Such management practices are water sources (such as wells and stock tanks), water distribution systems (pipelines), handling facilities (corrals), livestock control measures (fencing), and various types of land treatments to remove undesirable vegetation species or plant desired vegetation species (prescribed fire, grubbing, Agra-axe, root plowing, chaining, herbicides, reseeding).
Such management practices, when implemented as part of a Coordinated Resources Management Plan, can provide a grazing lessee more flexibility in planning grazing to insure plant health and stability, and proper nutrient and energy cycling."

4. How much is Arizona State Parks paying to the State Land Dept. now, for how long, and for what? How much does Mr. Noon pay for his lease? Has the amount ever been adjusted? When and why?

5. Has Mr. Noon invested any funds toward good land management practices on his lease surrounding Patagonia Lake State Park? If so, what was accomplished?

Friends of Sonoita Creek and visitors have photo documentation of damage by cattle, and tourists' in close proximity to them. Now is the time to evaluate the resource protection, legal, and safety aspects of grazing on these properties.

Thank you,

Allyson Armstrong
Pres. Friends of Sonoita Creek

End
July 19, 2011

Mr. Robert Bergier
General Partner
Bergier Family Limited Partnership
P.O. Box 73
Patagonia, Arizona 85624

Dear Mr. Bergier:

This correspondence is the result of information received at a recent meeting of Arizona State Land Department (ASLD) and Arizona State Parks Department (ASP) regarding ASP’s commercial lease at Patagonia Lake State Park.

ASLD received information about Bergier cattle grazing within the confines of the park, especially in the area adjacent to the lake and along Soncita Creek.

ASLD considers this use to be unacceptable since the Bergier family has no authorization whatsoever to graze its livestock on State Trust Land within the park. Your cattle are trespassing on State Trust land per Arizona Revised Statutes 37-501.

You are hereby instructed to remove your livestock immediately from the park, and report the number of animals and their duration of occupancy on the Actual Use form provided. Appropriate charges need to be assessed for this unauthorized use.

You are also reminded, per A.R.S. 37-322.03.A., that “a lessee of state land shall maintain all improvements that are pertinent to the lease in a serviceable condition for the term of the lease...” This pertains to your south boundary fence for that portion of your lease 05-103 which adjoins the park.

If you would like to discuss these matters please call me at 602-542-2693.

Sincerely,

Stephen M. Williams
Director
Natural Resources Division

Enclosure:

cc: 05-103 file

Jay Ream, Arizona State Parks Department
Robert Noon, Oro Blanco Ranch