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U.S. DEPARTMENT OF THE INTERIOR

Bureau Of Land Management

SUMMARY OF PROCEEDINGS

ARIZONA STATE MULTIPLE USE

ADVISORY BOARD

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APRIL 23, 1974
MEETING
PHOENIX, ARIZONA

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DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT

Summary of Proceedings

ARIZONA STATE MULTIPLE USE ADVISORY BOARD

Meeting

April 23, 1974 - Phoenix, Arizona

AGENDA

ARIZONA STATE MULTIPLE USE ADVISORY BOARD MEETING

April 23, 1974

Granada Royale Hometel
2333 E. Thomas, Phoenix

9:00 a.m.	-	Call to Order	Ted Lee, Chairman
		Welcome and Introductions	Joe T. Fallini, State Director
9:10 a.m.	-	Election of Officers and Selection of Livestock Members, N.A.B.C.	
9:30 a.m.	-	Provisions of Federal Advisory Committee Act of 1972	Joe T. Fallini
9:45 a.m.	-	District Reports - Status of Land Management Planning	District Managers
10:45 a.m.	-	Break	
11:00 a.m.	-	Off-Road Vehicle Regulations	Harold Ramsbacher, BLM
12:00 Noon	-	Lunch	
1:00 p.m.	-	Aravaipa Canyon Access	Joe T. Fallini
1:15 p.m.	-	Lower Colorado River Land Selection	Glen Collins - BLM and Sam Morse, - State Land Department
1:45 p.m.	-	Range Management Program	District Managers
2:30 p.m.	-	Changes in Branding Regulations	Virgil L. Hart, BLM
2:45 p.m.	-	Policy regarding Annual Licenses and permits	Harold Ramsbacher, BLM
3:00 p.m.	-	Discussion and Recommendations	

There will be a 10-15 minute discussion period following each agenda subject.

ATTENDANCE AT STATE ADVISORY BOARD MEETING

Members of State Advisory Board

Lee Esplin	-	Livestock
Vard Heaton	-	Livestock
Fermin Echeverria	-	Sheep
A. J. Bryce	-	Livestock
Ted Lee	-	Livestock
Henry H. Haws	-	County Government
Dr. David B. Thorud	-	Education and Research
Howard A. Twitty	-	Mining
Tom Wardell	-	Outdoor Recreation
Ben Avery	-	Wildlife

Bureau of Land Management

Joe T. Fallini	-	State Director
Harold H. Ramsbacher	-	Chief, Divn. of Resources, ASO
Riley E. Foreman	-	District Manager, Phoenix Dist.
Virgil L. Hart	-	Natural Resource Specialist, ASO
Melvin J. Wilhelm	-	Wildlife Biologist, Az. Strip Dist.
Garth M. Colton	-	District Manager, Az. Strip Dist.
Max H. Bruce	-	District Manager, Yuma Dist.
Hall F. Susie	-	Chief, Branch of Minerals, ASO
William S. Earp	-	District Manager, Safford Dist.
Glendon E. Collins	-	Chief, Divn. of Tech. Serv., ASO
Robert B. Whitaker	-	Public Affairs Officer, ASO
Reinard B. Okeson	-	Wildlife, Divn. of Resources, ASO
Paul F. Yull	-	Wildlife, Biologist, Safford Dist.
Gary J. Ferrier	-	Wildlife Management Biologist, Yuma Dist.

Guests

James E. Kvoool	-	Arizona Association of Earth Science Clubs
Thomas E. Flynn	-	Four Wheelers
Vernon G. Paige	-	State Land Department
Phil Cosper	-	Arizona Game & Fish Dept.
Wayne Kessler	-	State Land Department
Sam Morse	-	State Land Department
DeWayne Smith	-	Phoenix Gazette
Jack Gray	-	Arizona Wildlife Federation
Robert D. Curtis	-	Arizona Game & Fish Dept.

Summary of Proceedings

ARIZONA STATE MULTIPLE USE ADVISORY BOARD

Phoenix, Arizona - April 23, 1974

The meeting of the Arizona State Advisory Board was called to order by Chairman Ted Lee at 9:15 a.m. Chairman Lee asked State Director Joe T. Fallini to proceed with agenda items. Mr. Fallini introduced members of the Board and guests in attendance.

ELECTION OF OFFICERS AND LIVESTOCK MEMBER TO N.A.B.C.

State Director Fallini then called for election of officers and livestock representative to the National Advisory Board Council.

Ted Lee was unanimously elected as Chairman of the State Advisory Board, and Ben Avery as Vice Chairman.

Mr. Fallini stated that the National Advisory Board Council had been restructured during the past year. The restructured Council consists of ten livestock members, six wildlife members, and twenty members representing other interests. Livestock members of each State Advisory Board select one member to represent "livestock" on the N.A.B.C. The selected Wildlife member on the Arizona State Advisory Board serves on the N.A.B.C. in odd-numbered calendar years. The State Wildlife members serve on the N.A.B.C. as follow: odd-numbered years - Arizona, Colorado, Idaho, Montana, California, and Alaska; even-numbered years - New Mexico, Utah, Wyoming, Oregon, Nevada, and Alaska.

The Advisory Committee Act does not provide for alternate members on the State Advisory Boards or the National Advisory Board Council.

PROVISIONS OF FEDERAL ADVISORY COMMITTEE ACT OF 1972

Mr. Fallini explained the main provisions of the Federal Advisory Committee Act. The Congress found that many Advisory Committees have been established to advise Government agencies and that there was a need for a continuing review to determine whether they should be terminated or continued under the new Act. The Act requires that the membership of the Advisory Committees is to be fairly balanced in terms of points of view represented. Advisory Committee charters must be filed and approved, and meetings are to be kept open to the public.

Particular attention was directed to Section 14 of the Act which provides that "each Advisory Committee which is in existence on the effective date of this Act shall terminate not later than the expiration of the two-year period following such effective date unless (A) * * * (B) In the case of an Advisory Committee established by an Act of Congress, its duration is otherwise provided for by law." Mr. Fallini explained that the Solicitor

had interpreted this to mean that the statutory provision of Section 18 of the Taylor Grazing Act will terminate January 5, 1975. Therefore, unless the law is changed in the meantime, if District Advisory Boards are to be continued they must be established by the Secretary of the Interior subject to the conditions in the Federal Advisory Committee Act.

The question was asked whether this law was specifically directed to Taylor Grazing Advisory Boards. Mr. Fallini explained that the Act pertained to all advisory committees, Government-wide. Mr. Avery suggested that it might be a good idea to appoint a committee to prepare recommendations for continuing District and State Advisory Boards. Chairman Lee asked the Board members to consider recommendations to be made during the afternoon session.

DISTRICT REPORTS - STATUS OF LAND MANAGEMENT PLANS

Safford District Manager William Earp reported that at the present time MFPs are completed for the San Simon and the Geronimo Planning Units. The San Simon Planning Unit includes the Dos Cabezas to the Black Hills, west of Clifton, Morenci, and across the San Simon Valley. The area encompasses a little over one-half million acres, or about 35 percent of the Federal lands in the Safford District. The Geronimo Planning Unit encompasses the Winkelman and Mammoth area, totaling 304,000 acres of Federal land. The Safford District is now working on the Black Hills Planning Unit which includes 400,000 acres. In the Gila area about 200,000 acres in the Winkelman Planning Unit are scheduled for completion by the end of June. MFPs consist of three main steps: Step 1 is completed and during the month of May and part of June, public participation is planned and recommendations are to be completed by July 1. It is planned that by the end of June, over 90 percent of the Safford District will be under Management Framework Plans. This will leave 9-10 percent without MFPs (these are mainly isolated Section 15 lands in Cochise County), however it is planned that these will be included within the next 2-3 years.

Phoenix District Manager Riley Foreman reported that his District, which covers approximately 8-million acres, is included in eighteen Planning Units. Public meetings for the Cerbat Unit are scheduled during May. The Vulture Planning Unit will be completed within the 1974 Fiscal Year. The Phoenix District has completed Unit Resource Analyses on the Black Mountains; three Planning Units are scheduled for completion by the end of June, and there are an additional nine Planning Units in various states of completion - with all eighteen Planning Units to be completed within the 1978 deadline.

Arizona Strip District Manager Garth Colton reported that the Arizona Strip District has two Resource Areas and that public impact is light in most areas. The District is divided into five Planning Units, two of which are cooperative management units with the National Park Service. Planning on the Arizona Strip has involved all three planning phases, viz. URA, MFP, and Activity Plans. Activity Plans for the

Paria Canyon Primitive Area have been completed. A Habitat Management Plan for the Black Rock-Virgin Mountain area is expected to be completed this year. Watershed, Phase 1, is near completion. The Bureau recently acquired Mount Trumbull from the Kaibab National Forest, with an inventory estimate of 10-million board feet of timber.

Yuma District Manager Max Bruce reported plans to establish a District Advisory Board for the Yuma District under the new Federal Advisory Committee Act. Mr. Bruce made special comment regarding the public participation program that the District has developed, referring to ten successful, well-attended meetings held in both California and Arizona. He stated that about 1000 issues and problems considered important to the area had been "summarized". A draft MFP on the three Planning Units in the Yuma District are scheduled for internal review by August and September, after which it is planned to again refer the proposals to the public in late fall or early winter.

OFF-ROAD VEHICLE REGULATIONS

Final rulemaking on BLM's ORV regulations was published in the Federal Register on April 15, with an effective date of May 15, 1974. The regulations provide for designating the national resource lands into three categories for ORV use: "open," "closed," and "restricted". All NRL's open to ORV use now will remain open until designated as "restricted" or "closed" to ORV use by the BLM. These designations will be based on information gathered in the Bureau's planning system.

The regulations also require the mining industry to obtain permits from the authorized Bureau officer prior to entering closed or restricted areas for prospecting purposes. Oil and gas lessees do not have to apply for a permit to enter closed or restricted areas. The lease from BLM will specify the area open to their activity and the stipulations necessary to protect other resource values.

Mr. Twitty expressed the concern of the mining industry over the industry's inclusion in the purview of the regulations to the effect that ORV closures could hinder mining exploration because of the large number of people who become involved in the Bureau's planning process and the tendency of agencies to accept the view of the numerically larger groups. If NEPA statements are required, then the 1½ year preparation period and the public involvement will seriously delay exploration. The public can also challenge NEPA statements or the lack of statements in the courts. The courts have been reluctant to say that an NEPA statement is not required.

Mr. Avery expressed concern over the lack of a definition of a "trail" in the regulations and leaving of the licensing of ORV operators to the State. Arizona State legislation on ORV licensing is not likely to be passed in this session of the Legislature.

Mr. Kvoool, a member of the public, asked the Chairman and was granted permission to express some views. Mr. Kvoool represents the Arizona Association of Earth Sciencies and spoke of the need for a broader spectrum, including recreationists, on the State Advisory Boards. In addition, he expressed opposition to Instruction Memo No. 74-60 which calls for permits and fees for non-commercial user groups of 25 or more persons, and he also proposed that the 80-day processing period on applications should be reduced to 30 or 45 days. Mr. Kvoool said he saw no proposed budget increases in Interior's program for regulating ORV and recreation use. BLM has to have more people to take care of its recreation workload.

Mr. Ramsbacher explained that Instruction Memo No. 74-60 was not discussed before the Board because unofficial word from the Washington Office indicated that it would be revised.

Mr. Kvoool asked if the Department of the Interior has come up with a system to monitor or control the vast number of ORV users who are covered by the ORV regulations. Mr. Kvoool also feels that ORV use areas will have to be monitored before and after use by each group so that one group is not blamed for another group's misuse or littering. Mr. Ramsbacher explained that Arizona's program would include only four ORV positions during FY 1975. Mr. Riley Foreman explained procedures that were used to assess conditions of the course before and after the Dam 500 race.

ARAVAIPA CANYON ACCESS

Fallini reviewed the status of negotiations between BLM and DOW to acquire easement for realignment of road from Salazar's to the Primitive Area boundary and to provide for parking and public access to the Canyon. Numerous meetings over the past several years at this level with DOW directors and members in Tucson, and DOW attorney Putnam Livermore have failed to produce a satisfactory agreement. The negotiations reached an impasse because of the conditions DOW insists be included in any easement that have a regulatory affect on the management of the national resource lands. Therefore, last fall we recommended to the Director that necessary action be taken to acquire the easement. Since that time a number of meetings have been held between Mr. Livermore and the Director and Solicitor in Washington. No agreement has been reached and it appears that the only course remaining is to obtain the easement through condemnation procedures.

The injunction obtained by Graham County against DOW in closing the road remains in effect. The case has not been heard or a court determination made whether the road is private or public. Avery mentioned that amended legislation is being considered in the State Legislature which would declare that any road maintained by public funds for seven years is a public road. Ted Lee explained the important and far-reaching effect the outcome of the suit in Graham County will have because of the many roads that have been maintained by the County but have not been dedicated.

Twitty mentioned a Federal statute (Unlawful Enclosure Act) enacted many years ago which precludes private land owners from blocking access to public lands. Mr. Twitty indicated that this law, which is still on the Books, may have some applicability to Aravaipa Canyon.

LOWER COLORADO RIVER LAND SELECTION TASK FORCE REPORT

Glen Collins explained that an Intra-Agency Field Task Force (National Park Service, Bureau of Sport Fisheries and Wildlife, Bureau of Indian Affairs, Bureau of Outdoor Recreation, Bureau of Reclamation, and Bureau of Land Management) was set up by the Secretary of the Interior in November 1973 to work jointly with the Arizona State Land Commissioner to identify Federal lands near the Colorado River that may be transferred to the State, and also to identify State lands that may be needed for Federal purposes.

The Task Force tentatively identified about 149,000 acres of Federal lands for further study and possible selection by the State of Arizona. These areas are reasonably near the Colorado River and may have a long-range potential for urban development. In addition, the Task Force identified about 100,000 acres of State lands in Federal management areas that may be needed for Federal purposes. For the purpose of this Study, State lands were confined to western Arizona - in effect, the Phoenix and Yuma Districts. No proposals were made in the Study affecting lands in the Arizona Strip or Safford Districts.

The Task Force work was an initial identification process and no decisions were made. If the State decides to file for any of the lands, the public review, Environmental Analysis, coordination with local government entities, and the classification processes will be required.

Mr. Collins explained that the State still has the right to select about 183,000 acres under their remaining lieu selection entitlements.

Sam Morse discussed the State Land Department's interest in lands along the Colorado River. Long term growth is expected near the Colorado River. It is one of the very few remaining river corridors not effected in some fashion by urban development.

Mr. Morse expressed his appreciation for BLM's cooperation in carrying out the Task Force Study. He explained that the State Land Department included the "Report of the Intra-Agency Field Task Force" as a part of their report to the State Legislature. This report was required by Senate Bill 1331 and also included the State Land Department's recommendations. The report is now being reviewed by the State Legislature.

RANGE MANAGEMENT PROGRAMS

William S. Earp, District Manager, Safford, commented on the uncertainty associated with public access across private lands to NRL because of the lack of dedicated county roads. There is one dedicated county road in the Safford District. It is on the north side of the Gila River between Safford and Pima.

DM Earp briefed the Board on the Range Program in the District. He said the District now has 33 allotment management plans signed by the ranchers and in various stages of implementation. All are a cooperative effort between the rancher and BLM. The total number of plans consist of six coordinated plans covering 80,000 acres and involving BLM, USFS, SCS, and the rancher; of 15 AMPs in the San Simon RA; and 12 AMPs in the Gila RA over an area of 828,000 acres. The Forest Service or SCS usually take the lead in developing cooperative plans when BLM's lands consist of only a minor part of the total acreage. The present table of organization and funding will limit the District to a total of 50 AMPs.

Riley Foreman, District Manager, Phoenix District, briefed the Board on the problems associated with administering more than eight million acres of desert ranges under the first adjudication and the 10-year desert permit system. These early systems entitled the permittee to the forage in a service area ranging from 5-7 miles around base waters, and gave BLM little or no control over livestock numbers. In 1973 the District Advisory Board adopted the proposal that livestock numbers for each allotment be based on an average of the past ten years licensed use with the use in the extreme drought or wet years not being included in the average. This average number of livestock will be used as a starting point and will be adjusted to reflect changes in range condition trend. The Phoenix District Range program is run with six Range Specialists, or about 1 1/3 million acres per man.

Garth Colton, District Manager, Arizona Strip District, described the progress in the Strip District Range Program. He said the Strip has completed 32 percent of the number of AMPs needed and these cover 40 percent of the acreage suitable for grazing systems. The District now has 1½ million acres under approved AMPs. DM Colton said livestock waters and livestock distribution were other major problems, but that good progress was being made.

Mr. Ben Avery questioned Mr. Colton about the advantages of having a representative of the Arizona Game & Fish Department help the District in the design of AMPs from a wildlife viewpoint. Mr. Colton agreed that AG&FD help would be welcome.

Chairman Lee spoke to the Board about the report "Livestock Grazing on Federal Lands in the Eleven Western States", which was prepared by a task force of prominent Range Management, Economists, and other Scientists in the western universities for the Council for Agricultural Science and Technology (CAST). Chairman Lee urged everyone to read the report.

CHANGES IN BRANDING REGULATIONS

Virgil Hart, Range Management Specialist, SO, gave the Board copies of the proposed rulemaking and reviewed these proposed changes to the Federal Register code concerning the branding of animals using the national resource lands.

POLICY REGARDING ANNUAL LICENSES AND PERMITS

Mr. Ramsbacher presented the current Bureau policy regarding term permits and annual licenses embodied in Instruction Memo No. 74-35. Long term permits may be issued when:

- (a) Resource planning utilizing the Bureau's planning system has been completed and a long term intensive livestock management program (AMP) is in effect; or
- (b) It has been determined that public resource values are minimally affected by livestock grazing and the public land acreage is small in comparison to the total area of the allotment.

In those cases where the District Manager feels it is desirable to accommodate a livestock operator who has requested a term permit, the following policy will apply:

- (a) Pending the completion of planning for the allotment involved, term permits may be issued not to exceed a three year period. Such term permits will carry the stipulation that they are subject to implementation of a grazing system pending the completion of planning.
- (b) A long term permit may be granted after completion of an EAR. Granting of the permit would be subject to the land use program eventually adopted as a result of the planning.
- (c) No term permit will be issued in those cases where the resources data clearly indicates deteriorated range conditions, over-stocking or a downward trend because of the continuous use by livestock.

DISCUSSION AND RECOMMENDATIONS

The Board discussed the need for State and District Advisory Boards and the type of representation needed to meet the present and emerging problems the Secretary will need advice on in administering the NRL.

Mr. Avery expressed the need for some recommendations at this meeting on Advisory Boards and representation since the next regular District Boards' meetings would be held after the deadline. Other board members believed that this should be discussed by the District Boards and then brought back to the State Board. It was the consensus of the Board that a recommendation should be made at this meeting for continuance of State and District Advisory Boards and that the District Advisory Boards meet and submit additional recommendations to the State Board by early September. It was then proposed that the State Board meet in September and submit any further recommendations.

RESOLUTIONS AND RECOMMENDATIONS

The following resolutions were adopted by the Board.

Resolution No. 1 - Federal Advisory Board Act

The Arizona State Advisory Board, U.S. Bureau of Land Management, in regular session on April 23, 1974, voted to adopt the following resolution:

WHEREAS, the District Boards expire January 1975

RESOLVED, that the Congress, or the Secretary, if Congress fails to act, be requested to renew the existence of the Grazing District Advisory Board with representation to be broadened to represent the basic resources of land, water, and wildlife (and the users of those resources), grazing, mining, hunting, fishing, and local government; and other recreation and lumbering, where they exist,
and

BE IT FURTHER RESOLVED that the Secretary be requested to continue the State Multiple Use Advisory Boards with representation from the elected members of the District Advisory Boards, and that further recommendations as to Board composition will be prepared and recommended at a further date.

Resolution No. 2 - ORV Use on National Resource Lands

The Arizona State Advisory Board, U.S. Bureau of Land Management, in regular session on April 23, 1974, voted to adopt the following resolution:

BE IT RESOLVED that licensing of off-road vehicles by the State of Arizona would materially assist in the administration of off-road vehicle regulations on the Federal lands.

Resolution No. 3 - Aravaipa Canyon Primitive Area

The Arizona State Advisory Board, U.S. Bureau of Land Management, in regular session on April 23, 1974, voted to adopt the following resolution:

BE IT RESOLVED that the Secretary of the Interior and the Department of Justice proceed without delay to acquire the right of access to the Aravaipa Canyon Primitive Area and to the surrounding Federal and State lands.

Resolution No. 4 - Predator Control

The Arizona State Advisory Board, U.S. Bureau of Land Management, in regular session on April 23, 1974, voted to adopt the following resolution:

BE IT RESOLVED that the Department of the Interior seek reinstatement of the Arizona Game & Fish Department and the U.S. Fish and Wildlife Service management program for predators to reduce the damage to livestock and wildlife as unusually high losses are cutting into the food supply of our Nation.

I certify that I attended the State Advisory Board Meeting herein reported and that these summary proceedings are an accurate account of the matters discussed and the conclusions reached.

APPROVED:

Ted Lee, Chairman
Arizona State Advisory Board

Joe T. Fallini, State Director