

Exhibit E

1. Resolution 2011.01.11.A published March 9, 2011 in the *Arizona Daily Star*: ASSERTING LEGAL STANDING AND FORMALLY ASSERTING COORDINATION STATUS WITH ALL FEDERAL AND STATE AGENCIES MAINTAINING JURISDICTION OVER LANDS AND/OR RESOURCES LOCATED WITHIN PIMA NATURAL RESOURCE CONSERVATION DISTRICT

2. Pima Natural Resource Conservation District Long-Range Plan and Conservation Strategy, 2019-2023 Source: Pima NRCD website:

<https://pimanrcd.org/district-actions/resolutions-and-policies/plans/long-range-plan/>

Exhibit E.1. RESOLUTION 2011.01.11.A

OF THE BOARD OF SUPERVISORS OF PIMA NATURAL RESOURCE CONSERVATION DISTRICT

ASSERTING LEGAL STANDING AND FORMALLY ASSERTING COORDINATION STATUS WITH ALL FEDERAL AND STATE AGENCIES MAINTAINING JURISDICTION OVER LANDS AND/OR RESOURCES LOCATED WITHIN PIMA NATURAL RESOURCE CONSERVATION DISTRICT

- WHEREAS,** Pima Natural Resource Conservation District (“NRCD”) is a public unit of the State of Arizona and a 5 member board serves as its chief governing authority; and
- WHEREAS,** the Pima Natural Resource Conservation District (NRCD) is organized under Chapter 6, Arizona Revised Statutes Title 37, Public Lands. Locally elected and appointed officials govern the Pima Natural Resource Conservation District and evaluate the conservation needs of their respective areas;
- WHEREAS,** the citizens of Pima Natural Resource Conservation District historically earn their livelihood from activities reliant upon natural resources on land and waters which produce natural resources and those activities are critical to the economy and protection of the environment, natural and human, of Pima Natural Resource Conservation District; and
- WHEREAS,** the economic base and stability of Pima Natural Resource Conservation District is significantly dependent upon commercial and business activities operated on federally and state owned, managed, and/or regulated lands that include, but are not limited to recreation, tourism, mining, livestock, grazing, and other commercial pursuits; and
- WHEREAS,** as state and federal management polices not only impact the economic base and stability of Pima Natural Resource Conservation District but also the health of the environment that supports a sound natural resource base for the Pima NRCD; and
- WHEREAS,** Pima Natural Resource Conservation District desires to assure that federal and state agencies shall inform the NRCD Board of Supervisors of all pending or proposed actions affecting local communities and Citizens within Pima Natural Resource Conservation District and coordinate with the Board of Supervisors in the planning and implementation of those actions; and
- WHEREAS,** the National Environmental Policy Act (NEPA), is intended to ensure that Federal agencies effectively and consistently coordinate with the NRCDs in the

NEPA processes. The CEQ regulations also require the agencies to involve local governments such as Pima NRCD early in the NEPA planning process;

WHEREAS, The Intergovernmental Cooperation Act contains specific coordinated planning requirements for local, state and federal agencies. Presidential Executive Order 12372 requires federal agencies to coordinate actions and projects with local governments so that local impacts arising from federal projects may be identified; and

WHEREAS, Title 36 of the Code of Federal Regulations, sets forth the administration of the Forest Transportation System. The Transportation Plan set out at 36 C.F.R. § 212.53 requires the responsible official to “coordinate with appropriate ...District, and other local government entities when designating National Forest System roads...”. 36 CFR § 212.6(a) provides that National Forest System Roads shall grant appropriate access across National Forest and other lands for ingress and egress to assure effective utilization of lands administered by the Forest Service and intermingled and adjacent private and public lands, and for the use and development of the resources upon which communities within or adjacent to the National Forests are dependent. Sub§ (c) provides that “roads and trails shall be permitted for all proper and lawful purposes subject to compliance with rules and regulations governing the lands and the roads or trails to be used.”

WHEREAS, coordination of planning and management actions is mandated by federal laws governing land management including the Federal Land Policy and Management Act, 43 US § 1701, and 43 U.S.C. § 1712, regarding the coordinate status of a District engaging in the land use planning process, and requires that the "Secretary of the Interior [Secretary] shall...coordinate the land use inventory, planning, and management activities...with the land use planning, and management programs of other federal departments and agencies and of the state and local governments within which the lands are located"; and

WHEREAS, the coordination requirements of 43 USC, Section 1712 provide for special involvement by government officials who are engaged in the land use planning process; and

WHEREAS, Section 1712 makes it clear that the coordination requirements set local governments apart from the regular public involvement provisions, establishing a higher duty for federal agencies to coordinate with local elected and appointed officials as opposed to simply accepting public comments from the general public; and

WHEREAS, Section 1712 also provides that the "Secretary shall... assist in resolving, to the extent practical, inconsistencies between federal and non-federal government plans" and gives preference to those counties which reengaging in the planning process over the general public, special interest groups of citizens, and even counties not engaging in a land use planning program; and

WHEREAS, the requirement that the Secretary "coordinate" land use inventory, planning, and management activities with local governments, requires the assisting in resolving inconsistencies to mean that the resolution process takes place during the planning cycle instead of at the end of the planning cycle when the draft federal plan or proposed action is released for public review; and

WHEREAS, Section 1712 further requires that the "Secretary shall... provide for meaningful public involvement of state and local government officials... in the development of land use programs, land use regulations, and land use decisions for public lands"; and, when read in light of the "coordinate" requirement of Section 1712, reasonably contemplates" meaningful involvement" as referring to on-going consultations and involvement throughout the planning cycle, not merely at the end of the planning cycle; and

WHEREAS, Section 1712 further provides that the Secretary must assure that the federal agency's land use plan be "consistent with state and local plans" to the maximum extent possible under federal law and the purposes of the Federal Land Policy and Management Act and distinguishes local government officials from members of the general public or special interest groups of citizens; and

WHEREAS, the Environmental Protection Agency, charged with administration and implementation of the National Environmental Policy Act (NEPA), has issued regulations which require that federal agencies consider the economic impact of their actions and plans on local government as well as impacts on the environment, human and natural; and

WHEREAS, NEPA requires federal agencies to consider the impact of their actions on the customs, beliefs, and social forms, as well as the "material traits" of the people; and

WHEREAS, it is reasonable to interpret NEPA as requiring federal agencies to consider the impacts of their actions on those traditional and historical and economic practices, including commercial and business activities, which are performed or operated on federally and state managed lands (including, but not limited to recreation, tourism, timber harvesting, mining and grazing of livestock; and

WHEREAS, federal agencies implementing the Endangered Species Act, the Clean Water Act, the Clean Air Act, and the Outdoor Recreation Coordination Act (16 U.S.C. § 460I-1(c) and (d)) are required by Congress to consider local plans and to coordinate and cooperate directly with plans of local government such as Pima Natural Resource Conservation District

NOW THEREFORE BE IT RESOLVED that the Pima Natural Resource Conservation District Board of Supervisors does hereby assert legal standing and formally asserts coordination status with all federal, state and municipal agencies main-

taining jurisdiction over lands and/or resources located within Pima Natural Resource Conservation District;

BE IT FURTHER RESOLVED that the Clerk of the Board shall cause a copy of this Resolution to be transmitted to local, regional, state, and/or national offices of all federal and state agencies maintaining jurisdiction of lands and/or resources located within Pima Natural Resource Conservation District and to all federal and state elected representatives serving Pima Natural Resource Conservation District.

BE IT FURTHER RESOLVED that the Clerk of the Board is authorized and hereby directed to publish a copy of this Resolution in the *Arizona Daily Star*, a newspaper of general circulation printed and published in the District of Pima Natural Resource Conservation District, State of Arizona.

PASSED AND ADOPTED this 11th day of January 2011 by the Board of Supervisors of the Pima Natural Resource Conservation District by the following polled vote:

AYES: Stu Bengson, Cindy Coping, John King, James Chilton, Supervisors

NOES: None

ABSENT: None

Andrew McGibbon, Chairman, Pima NRCD Board of Supervisors
Publish March 9, 2011
Arizona Daily Star



Pima Natural Resource Conservation District
NRCS Plant Materials Center
3241 N. Romero Road
Tucson, AZ 85705
www.PimaNRCD.wordpress.com

*Long Range Plan
And Conservation Strategy
2019-2024*



Table of Contents

Introduction.....	3
The Mission of the Pima Natural Resource Conservation District.....	4
Overarching Goals of the Pima Natural Resource Conservation District.....	4
District Strategies to Achieve Goals and Objectives	5
Land Ownership in the District.....	7
Figure 1. District Surface Management Responsibility. Source: USDA-NRCS	8
Table 1. Ownership of the Lands within the District.....	9
Multiple Use of Federal Lands	9
Grazing.....	10
Farming.....	12
Mining.....	12
Altar Valley Conservation Alliance.....	13
Ironwood Forest National Monument.....	14
Table 2. Land Ownership within the IFNM and Pima NRCD	15
National Environmental Policy Act.....	15
National Data Quality Act	16
Endangered Species Act	16
Listed Endangered and Threatened Species	16
Table 3. Listed Species That Have Occurred or May Occur Within the District (as of 3/26/2018).....	18
Sonoran Desert Tortoise Best Management Practices.....	19
Wolf Introduction and Management.....	19
Jaguar Critical Habitat and Management.....	21
Endangered Species Act Impacts on the United States/ Mexico International Boundary	23
Warm Water Fish Management.....	25
Impacts of the Endangered Species Act on Rural Communities	25
Endangered Species Act Decisions Must Be Based <i>Solely</i> on Sound Science.....	26
Appendix A.....	29
Statutory Powers and Duties of the Pima NRCD	29
Mission of the Pima NRCD	31
History of the Pima NRCD.....	31

Appendix B. Pima NRCDC Policies and Resolutions	33
Resolution 2011.01.11.A: Of The Board Of Supervisors Of Pima Natural Resource Conservation District Asserting Legal Standing And Formally Asserting Coordination Status With All Federal And State Agencies Maintaining Jurisdiction Over Lands And/Or Resources Located Within Pima Natural Resource Conservation District	33
Resolution 2011.01.01. B. Policy 1 – Jaguar	36
Resolution 2011.02.22. Policy 2-Toxic Rotenone and/or Antimycin A.....	37
Resolution 2011.01.11.D. Policy 3- Affirmation of Water Rights and Policy	38
Resolution 2013.06.25 Securing the United States-Mexico Border at the International Boundary.....	38
Resolution 2014.01.26 Possession, breeding and proliferation of wild/domestic hybrid carnivores in Arizona.....	39
Resolution 2014.07.22 Asserting Legal Standing and Formally Requesting Coordination With The U.S. Fish and Wildlife Service For Mexican Wolf §10 (j) Rule, Expansion of the Non-essential Experimental Population of the Mexican Wolf Within the Pima Natural Resource Conservation District in Arizona	40
Resolution 2014.11.05 Predator Depredation on Domestic Livestock.....	42
Resolution 2015.05.26-A, Sonoran Desert Tortoise Protection	43
Resolution 2017.05.30: Opposing Reauthorization of the Land and Water Conservation Fund	44
Resolution 2018.03.27: Recognizing Arizona Authority for Wildlife Management.....	45
Long Range Plan Authorization by Pima NRCDC Board of Supervisors	45
Bibliography	45

Introduction

The Pima Natural Resource Conservation District (District) encompasses 2.14 million acres in Eastern Pima County and a small part of Pinal County near Red Rock, including more than one million acres of grazing lands owned by the Arizona State Land Trust. The Arizona State Legislature established the Conservation Districts in 1942. Authorization for the District is codified in the Arizona Revised Statutes under A.R.S. § 37 Chapter 6. The State of Arizona recognizes the Natural Resource Conservation Districts, “as local units of state government with special expertise in the fields of land, soil, water and natural resources management within the boundaries of the district.” (A.R.S. 37-1013 (A)(5) and A.R.S. § 37-1054 (A))

The Mission of the Pima Natural Resource Conservation District

The mission of the Pima Natural Resource Conservation District is to provide for the restoration and conservation of lands and soil resources in the District area, the preservation of water rights and the control and prevention of soil erosion, and thereby to conserve natural resources, conserve wildlife, protect the tax base, protect public lands and protect and restore rivers and streams and associated riparian habitats, including fish and wildlife resources that are dependent on those habitats, and in such manner to protect and promote the public health, safety and general welfare of the people. (A.R.S. § 37-1001).

Appendix “A” describes the history, authorities, powers and duties of the District and its Board of Supervisors. Appendix “B” includes policies and resolutions passed by the District Board of Supervisors.

Overarching Goals of the Pima Natural Resource Conservation District

- Promote soil and water conservation through prescribed fire, brush management, and coordinated resource management planning of water distribution systems.
- Protect sovereign Arizona authority over water rights against federal government overreach.
- Protect the local tax base in accordance with the mission and the statutory authorities and duties of the District.
- Participate in the public planning processes for federal, state and county land use projects.
- Establish judicial standing on proposed regulations through timely submission of comments under federal laws such as the National Environmental Protection Act, Endangered Species Act and other federal laws.
- Protect the District cooperators’ livelihoods, unique heritage, culture and lifestyle from regulatory overreach and junk-science.
- Promote the idea that the Endangered Species Act needs to be carefully viewed from the perspective of all species in an ecosystem including the all-important human species.
- Educate the public on the basic principles of soil and water conservation and the environmental benefits of science based cropland farming and grazing management.
- Establish a public record of the impacts to ranchers from the past and present Mexican wolf 10(j) program, Jaguar Critical Habitat designation, Pima Pineapple regulations, and other regulations that impact District cooperators.

- Continue existing working partnerships with the USDA Natural Resources Conservation Service and Arizona Association of Conservation Districts.
- Train district cooperators in the voluntary Best Management Practices for ranching.
- Enter into coordination, if appropriate, with the U. S. Bureau of Land Management, U. S. Forest Service, Arizona Game and Fish Department, Arizona State Land Department, other relevant state and federal agencies, the County of Pima and other municipalities.
- Enter into coordination with appropriate state and federal agencies to address ecological impacts of border security infrastructure projects and policies.
- Support environmental education programs together with funding Altar Valley Conservation Alliance research, public education and conservation projects.



University of Arizona Extension Agent George Ruyle discusses planned grazing with District ranchers

District Strategies to Achieve Goals and Objectives

The Conservation District model has proven itself over the last 75 years to be the most effective approach to achieving sound management of natural resources. Importantly, the District has authority to enter into agreements with private landowners, state and federal agencies, tribes, and others to implement local conservation programs to promote the District goals and objectives.

The District is an organization of District Cooperators - farmers, ranchers, land owners, land managers, business owners and private individuals who voluntarily join together to protect, conserve and practice wise use of the natural resources. Furthermore, the District advocates that managed grazing and rangelands help protect and enhance habitat for a diverse array of wildlife. Today's grazing practices, widely implemented due to the work of conservation

districts, universities and the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS), maintain and improve the health of rangeland soils while also allowing producers to meet the nation's need for food and fiber.

Multiple state and federal agencies and local governments have responsibilities for farming, grazing, recreation, wildlife, water rights, water and air quality, mining, land use planning and zoning, border safety and other laws and regulations that impact local conservation efforts.

Conservation strategies include coordination with State and Federal agencies (together with the legal authority for commenting on federal and state issues) in order to attain the aforementioned District overarching goals. (*See Appendix B: Resolution 2011.01.11.A: Of The Board Of Supervisors Of Pima Natural Resource Conservation District Asserting Legal Standing And Formally Asserting Coordination Status With All Federal And State Agencies Maintaining Jurisdiction Over Lands And/Or Resources Located Within Pima Natural Resource Conservation District; and Resolution 2014.07.02, Asserting Legal Standing and Formally Requesting Coordination on the Mexican wolf 10 (j) rule*)

As recognized local units of Arizona state government, the Natural Resource Conservation Districts possess the unique legal authority to bring large private landowners, our cooperators, into coordination or cooperation with federal agencies during inventories, at the initiation of, and throughout land planning processes, and during federal land management activities.

Coordination under federal law occurs with the District as a local unit of government working on an equal rather than subordinate footing to the federal government. Non-governmental organizations (NGOs), which lack the transparency and accountability of local units of government, do not possess this legal authority.

The U.S. Congress recognizes the District's coordination authority. The Federal Lands Policy and Management Act (FLPMA, 43 U.S.C. §§1701-1784), National Forest Management Act (NFMA, 42 U.S.C. §§1600-1614), the National Environmental Policy Act (NEPA, §§ 4321–4370e), the rules of the Council on Environmental Quality (CEQ) implementing NEPA (40 C.F.R. §§ 1500–1508), and their corresponding regulations, and the Travel Management Regulations (36 C.F.R. §212) all require federal agencies to coordinate planning, inventories, and land management activities with state and local governments.

Coordination is a process that requires federal agencies to resolve policy conflicts with State and local plans, policies and programs, for the purpose of reaching consistency. It recognizes that the responsibilities of State and local governments –to protect the health, safety and welfare of the people–must be harmonized with the federal position in order to ensure effective governance.

Coordination and cooperation provide pathways to resolve conflicts with federal agencies that might otherwise curtail the productive use of federal lands and proper stewardship of those lands.

Moreover, Section 2(c)(2) of the Endangered Species Act (16 U.S.C. § 1531(c) (2)) requires that “federal agencies *shall* cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species.”

The District will file litigation, when and if appropriate, to protect the interests of cooperators, agriculturalists and citizens of the District.

The District uses its website at www.PimaNRCD.wordpress.com to keep the public informed at least 24 hours in advance of all meetings, in addition to agendas, minutes, District comments on proposed regulations, and announcements of conservation related news and events. In addition, the District publishes a quarterly newsletter that we email and/or mail to District cooperators through the U.S. Postal Service. Anyone interested in becoming a new cooperator can find the cooperator agreement form and necessary information on the website as well.

Land Ownership in the District

The land ownership within the District is a tapestry of private, county, state and federal land. Most of ranches in the District include multiple types of land ownership but are managed under a single coordinated plan. See Figure 1- a map of the Pima Natural Resource Conservation District Surface Management Responsibility. Critical habitat designations for the jaguar (*Panthera onca*) within the Pima NRCD and other relevant areas along the southern Arizona border with Mexico are outlined in red. (Source: USDA-NRCS)

Table 1 shows the ownership of the 2,136,533 acres within the District. (Data sources: BLM, Pima County, NRCS as of July 2015)

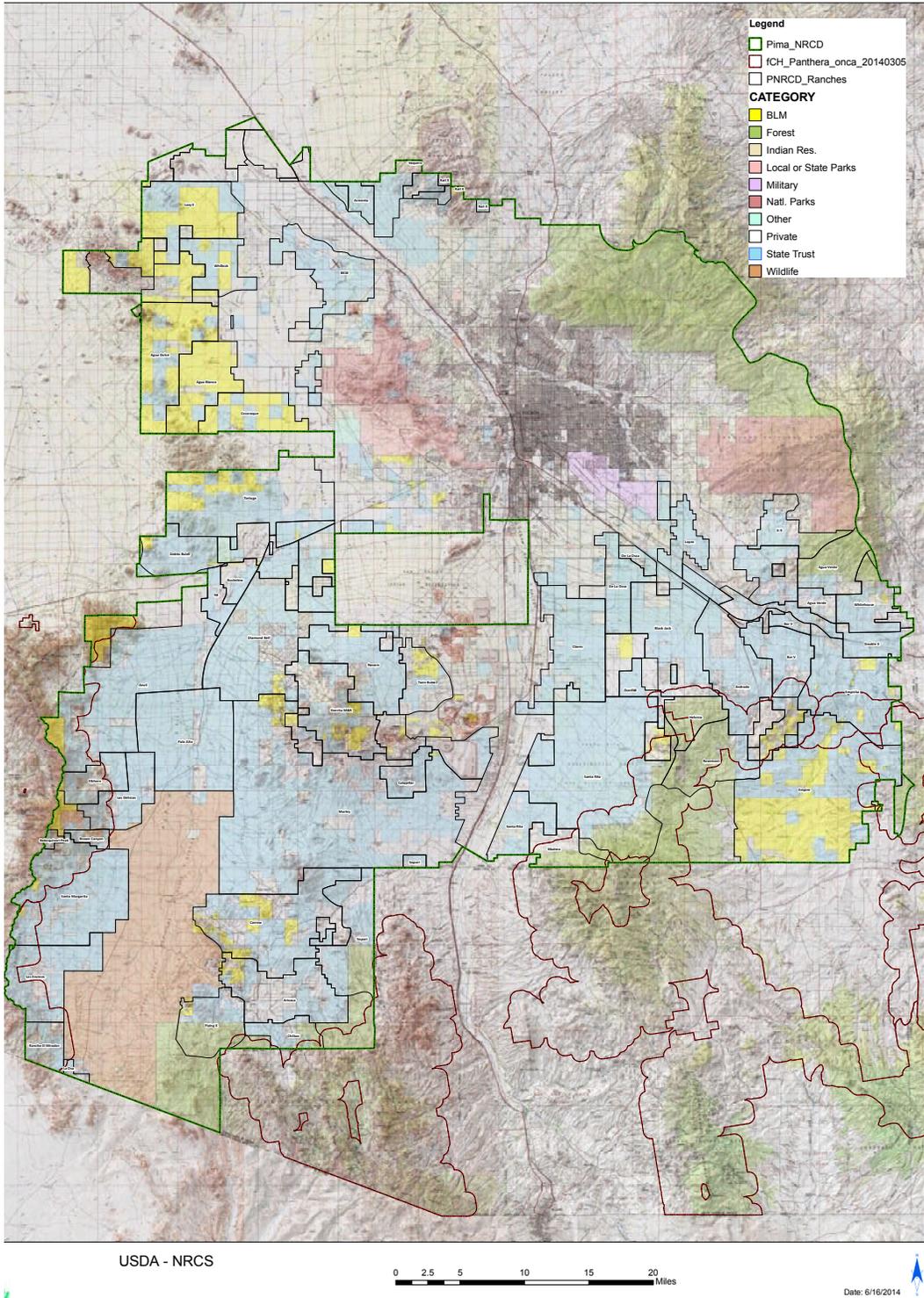


Figure 1. District Surface Management Responsibility. Source: USDA-NRCS

Table 1. Ownership of the Lands within the District

Surface management responsibility of the 2,136,524 acres within the District. (Acres from Figure 1 map are updated to reflect lands purchased by Pima County for the Sonoran Desert Conservation Lands system.)

CATEGORY	Acres	Percent of Pima District
Bureau of Land Management	177,528	8.3%
Bureau of Reclamation	5,650	0.3%
Pima County	80,753	3.8%
Tohono O’Odham Lands	Excluded	0.0%
Military	11,036	0.5%
National Park Service	76,870	3.6%
Private	673,883	31.5%
Arizona State School Trust	785,962	36.8%
Arizona State Wildlife Area	1,567	0.1%
USDA Forest Service	209,548	9.8%
U.S. Fish and Wildlife Service (Buenos Aires National Wildlife Refuge)	113,676	5.3%
Other	51	0.0%
TOTAL AREA	2,136,524	100.0%

Multiple Use of Federal Lands

The District Plan supports the United States Federal Multiple Use and Sustained Yield Act. In 1960, Congress passed the Multiple Use and Sustained Yield Act directing the U.S. Forest Service to manage federal lands for their multiple uses. The Federal Land Policy and Management Act (FLPMA) extended that mandate to the BLM in 1976.



American Kestrel



Full lunar eclipse

Multiple Use is defined as management for simultaneous benefits such as grazing of livestock, recreation, hunting, fishing, bird watching, star gazing in dark skies, mining, timber production and water production. The District strongly

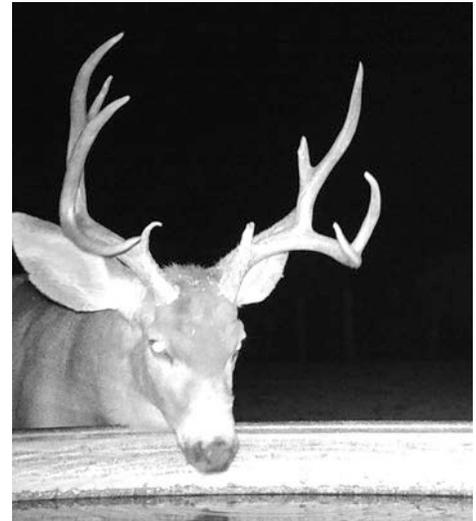
supports the multiple use concept because it assembles a wide range of beneficiaries who advocate for conservation and economically productive public policy. Throughout this plan are photos of wildlife and other uses that share land and ranching infrastructure with livestock.

Grazing

The U.S. Forest Service, Bureau of Land Management and the Arizona State Land Department all have grazing management authority. Grazing allotments are managed in collaboration between the relevant agency and producers, many of which have achieved many decades—and, in cases, centuries—of sustained production on these same lands.

Continued production and informed management practices are increasingly under the microscope of regulatory agencies and activist organizations. The public benefits from reliable and current information assuring them that livestock grazing is an important tool to properly manage habitat and to achieve economic and resource management goals. The Pima Natural Resource Conservation District is committed to increasing public awareness of the conservation advances supported by university research and implemented on rangelands.

Livestock grazing should continue to be managed for multiple benefits including the availability of high quality protein, conservation of open, undeveloped space, the conservation of the unique historic southwestern ranching culture (another irreplaceable threatened resource), and the advancement of economic productivity.



Mule deer buck

The following is the abstract of a peer reviewed and published grazing science literature review titled, “Impacts of Controlled Grazing Versus Grazing Exclusion on Rangeland Ecosystems: What We Have Learned” by Jerry 'L. Holechek, Terrell T: "Red" Baker, and Jon C. Boren.

“Abstract- This paper examines the impacts of carefully controlled livestock grazing versus grazing exclusion on rangeland ecosystems, focusing on arid and semi-arid areas. Eighteen studies were found that evaluated the effects of controlled grazing versus grazing exclusion on rangeland vegetation. These studies provide evidence that controlled

livestock grazing may enhance rangeland vegetation by altering plant succession, increasing plant diversity and productivity, and reducing plant mortality during drought. These positive impacts of livestock grazing are most likely to occur when grazing intensities are light to conservative. Although more than 30 studies consistently show that controlled grazing adversely impacts soils through increased compaction, reduced infiltration and increased erosion, these impacts are minor and are ameliorated by natural processes that cause soil formation, soil deposition and soil loosening. Livestock treading can increase plant seedling establishment and mineral cycling. Research from the Chihuahuan Desert indicates that moderately grazed mid seral rangelands support a higher diversity of wildlife species than those lightly grazed in near climax condition. Riparian habitat improvement has occurred under carefully timed grazing at light to conservative intensities. The impacts of controlled grazing on fish populations have not been well studied. In conclusion, there is limited scientific evidence that controlled grazing can play an important role in managing and maintaining rangelands in arid and semiarid regions for a variety of uses and ecosystem services. However, more and better designed research is needed on this subject.” (Holechek et al., 2005)

The District Plan includes grazing consistent with historic land use and ranching practices, and modern grazing science. Any grazing restrictions or conservation measures implemented through a grazing permit must rely solely on documented range conditions and current science, specific to that permitted grazing allotment.

The District supports grazing monitoring carried out in cooperation with the property owner, permittee, NRCS and/or other government agencies. If current monitoring data on ranches inside the District document an increase in forage production that can support additional livestock, then additional grazing should be considered and prescribed to achieve environmental and economic objectives.



Site-specific allotment management changes must be tailored to address ecologically attainable goals using the best available science. Processes outlined to achieve goals set for conditions on the ground should include the flexibility to increase or decrease the number of livestock and to change the designated period of grazing time and season of use through collaboration between professional range conservation scientists and individual ranch owners.

Range productivity and conservation goals may be facilitated by site appropriate interventions for brush removal and grass seeding when monitoring data indicate that these or other management tools may be beneficial. Unintended consequences of reduced grazing regimes can include increased risk of wildfire, erosion,

decreases in plant vitality, invasion of undesirable species and decreases in vegetative and fauna diversity.

The District highly encourages grassland restoration projects including brush control and fire management, experimental aerially applied chemical mesquite removal, and other locally appropriate and carefully designed interventions to advance District resource conservation and long-term productivity goals.

Farming



Irrigation agriculture is a major economic contributor to the economy within the District. The contribution of agriculture to the economy extends beyond the commodities directly produced on District farms. According to a University of Arizona report, “there are industries in Arizona that almost exclusively provide goods and services as inputs to agricultural production. These agricultural service and input-supply industries, such as fertilizer manufacturers, farm equipment

manufacturers, pest management consultants, provide jobs and wages for local residents and contribute to the overall economic activity. Secondly, industries that process and pack agricultural products, or agricultural processing industries, also contribute to the economic activity of Pima County and the State of Arizona.”

The great majority of farms located within the District are family-run operations and partnerships.

There were 855 farms within the District, according to the United States Department of Agriculture in 2012, a 37% increase over 2007. The market value of products sold was \$97,287,000. The average market value of production per farm was \$113,786.

Mining

In the late 1600s, Spanish explorers, in what is now the District, began the hunt for metallic deposits with special focus on gold and silver. By the late 17th Century, Spanish prospectors had engaged in extensive mining in the mountains bordering the Santa Cruz River and its tributary Sonoita Creek. Within what is now the District, there were rare finds of sheets or “planchas” of silver – one sheet reportedly weighted about 2,700 pounds. Hence, such finds fired the imaginations of several generations of miners.





Many desert bighorn sheep live in the Silverbell Mining District. High cleared spaces help the sheep see and avoid predators from a distance. Looking east with El Tiro waste dumps in the background. Photo credit: David F. Briggs, geologist

The mining industry stimulated early growth in the District. By the 1870's, a plethora of hardrock mines yielded prodigious volumes of gold, silver, lead, zinc and copper ore. Recent copper discoveries within the District continue to indicate an enormous and world-important resource still waiting to contribute to the economy of this District.

The District has and will continue to support modern mining that ensures production of new wealth and gainful employment along with state-of-the-art conservation practices.

Altar Valley Conservation Alliance

In 1995, two Altar Valley ranchers attending a cattle sale talked about the valley's future. The chances of keeping the valley open for agriculture in the next generation seemed slim. Development pressures loomed. Some land was suffering from excessive erosion and the loss of grassland to woody species. Social conflict was paralyzing resource management. The two ranchers invited their valley neighbors over for a visit and to hear what ranchers from southeast Arizona, working together as the Malpai Borderlands Group, were doing. The Malpai vision was inspiring, and their methods were convincing.



Coordinated resource management plans in the Altar Valley ensure the ecosystem and the wildlife and family owned ranches that depend on it remain ecologically and economically sustainable.

From the beginning, the newly formed alliance of neighbors reached out to land and resource agencies with responsibilities in the watershed, many of whom were also stymied by conflict. People found common ground, and worked to respect differences. Finally, these concerned parties agreed to take on collaborative projects to protect the land and lifestyles they loved.

A prescribed natural fire plan was the first big project. Then the ambitious Altar Valley Watershed Resource Assessment was completed in 2000, concurrent with establishment of the Alliance as an official tax-exempt organization. Over the next 17 years, partnerships and project ideas evolved and the Alliance steadily worked to become an effective well-respected watershed-based organization.

The District plans to continue to work with the Altar Valley Conservation Alliance to promote conservation in the Altar Valley south and west of Tucson.

Ironwood Forest National Monument

On March 21, 2000, the Pima County Board of Supervisors passed a resolution, witnessed and signed by Interior Secretary Bruce Babbitt, requesting a National Monument designation for the 6,400 acres surrounding Ragged Top peak in the northwestern corner of the District. (Pima County Board of Supervisors, 2000) On June 9, 2000, Proclamation 7320 of President William J. Clinton established the Forest National Monument, enclosing 129,000 acres of federal land and

an additional 60,000 acres of State and private lands within its boundaries. (Administration of President William J. Clinton, 2000)

Within the District's boundaries, the Ironwood Forest National Monument (IFNM) overlaps 148,939 acres of land as identified in Table 2.

Table 2. Land Ownership within the IFNM and Pima NRCD

Surface Management	Number of Parcels	Acres
BLM	26	92,752
County Lands	1	641
Military	1	326
Private	55	4,476
State	31	50,744
TOTAL		148,939

The Pima NRCD has engaged, and will continue to engage, in the public commenting process at every opportunity. The Pima NRCD unsuccessfully attempted to exercise its right under the Federal Land Policy and Management Act to invoke coordination with the BLM during the Monument resource management planning process.

On June 21, 2000, several District cooperators with ranching operations impacted by the National Monument Proclamation were working together with the NRCS, BLM, Arizona State Land Department, Arizona Game and Fish Department and other agencies to create scientifically designed Coordinated Resource Management Plans that would improve distribution, intensity and timing of livestock grazing on their ranches. Such plans would involve dividing allotments into pastures planned around soil types and vegetation, which the NRCS has already mapped.

On March 21, 2000, the BLM brought this planning process to an abrupt halt and has not yet allowed it to resume, although somewhat routine range monitoring has continued. The District intends to reach out to the BLM and establish a better working relationship to resume Coordinated Resource Management Planning on grazing allotments enclosed in the Ironwood Forest National Monument.

National Environmental Policy Act

The Federal Council on Environmental Quality Regulations implements the Procedural Provisions of National Environmental Policy Act (NEPA). The NEPA procedures insure environmental information is available to public officials and citizens before decisions are made and before actions are taken on federal lands. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA. Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail. (U.S. Code §1500.1)

To better integrate environmental impact statements into the state or local planning processes, statements shall discuss any inconsistency of a proposed action with any approved state or local plan and laws. Where an inconsistency exists, the statement should describe the extent to which the Agency would reconcile its proposed action with the local Conservation District Plan or with State law. (U.S. Code §1506.2(d))



91F33C 06-16-2017 19:49

Bobcat

Agencies are required to integrate the NEPA process with other State and local planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts. (U.S. Code §1501.2)

Federal Agencies are required to study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources as provided by section 102(2)(E) of the Act. (U.S. Code

§1501.2(c))

National Data Quality Act



Vermillion Flycatcher

When federally related issues impact District Cooperators, the District plan to call for Federal agencies to follow the Data Quality Act (DQA) or Information Quality Act (IQA), passed by the United States Congress in Section 515 of the Consolidated Appropriations Act, 2001 (Pub.L. 106-554). The DQA and IQA direct the Office of Management and Budget (OMB) to issue government-wide guidelines that "provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical

information) disseminated by Federal agencies". Other federal agencies are also required to publish their own guidelines for information quality and peer review processes.

Endangered Species Act

Listed Endangered and Threatened Species

Under the Endangered Species Act (ESA), between 1967 and February 2018, the U.S. Fish and Wildlife Service listed 1,780 species as threatened or endangered, including 405 new listings in the most recent decade. As of February 2018, 81 "species" have been delisted. Among the

delisted species, 11 went extinct; 20 were listed erroneously; and 13 are not entire species but mere Distinct Population Segments, of which nine are Distinct Population Segments of the humpback whale. Three of the “recovered species” are subspecies of the Channel Islands fox.

Within the District, 22 presently listed threatened or endangered species include 19 animals and 3 plants. Two large predators—the jaguar and the Mexican wolf—are among the listed and protected fauna for the District. Table 3 shows listed species historically or presently occurring within the District, and/or which may be introduced into the District. (U.S. Fish and Wildlife Service, 2016)



Coryphantha scheeri var. *robustispina* (Pima pineapple cactus).
Photograph by Julie Crawford, March 2015.

The Pima Pineapple Cactus (PPC) occurs throughout the southern third of the District. Its endangered listing complicates grassland restoration practices such as prescribed fire. Studies underway currently suggest grazing may help maintain the patchy grassland habitat needed by PPC seed-dispersing jackrabbits.

Table 3. Listed Species That Have Occurred or May Occur Within the District
(as of 3/26/2018)

Animals		
	Status	Species/Listing Name
1	E	Bat, lesser long-nosed, wherever found (<i>Leptonycteris curasoae yerbabuena</i>)
2	E	Bobwhite, masked (quail), wherever found (<i>Colinus virginianus ridgwayi</i>)
3	E	Chub, Gila; wherever found (<i>Gila intermedia</i>)
4	T	Cuckoo, yellow-billed Western U.S. DPS (<i>Coccyzus americanus</i>)
5	E	Flycatcher, southwestern willow; wherever found (<i>Empidonax traillii extimus</i>)
6	T	Frog, Chiricahua leopard; wherever found (<i>Rana chiricahuensis</i>)
7	T	Gartersnake, northern Mexican; wherever found (<i>Thamnophis eques megalops</i>)
8	E	Jaguar; wherever found (<i>Panthera onca</i>)
9	E	Minnow, loach; wherever found (<i>Tiaroga cobitis</i>)
10	E	Ocelot; wherever found (<i>Leopardus (=Felis) pardalis</i>)
11	T	Owl, Mexican spotted; wherever found (<i>Strix occidentalis lucida</i>)
12	E	Pronghorn, Sonoran; wherever found, except where listed as an experimental population (<i>Antilocapra americana sonoriensis</i>)
13	E	Pupfish, desert; wherever found (<i>Cyprinodon macularius</i>)
14	E	Spikedace; wherever found (<i>Meda fulgida</i>)
15	E	Tern, California least; wherever found (<i>Sterna antillarum browni</i>)
16	E	Topminnow, Gila (incl. Yaqui); wherever found (<i>Poeciliopsis occidentalis</i>)
17	T	Tortoise, desert; wherever found, except AZ south and east of Colorado R., and Mexico (<i>Gopherus agassizii</i>)
18	E	Turtle, Sonoyta mud; wherever found (<i>Kinosternon sonoriense longifemorale</i>)
19	E	Wolf, Mexican; wherever found, except where listed as an experimental population (<i>Canis lupus baileyi</i>)
Plants		
	Status	Species/Listing Name
20	E	Blue-star, Kearney's (<i>Amsonia kearneyana</i>)
21	E	Cactus, Nichol's Turk's head (<i>Echinocactus horzonthalonius</i> var. <i>nicholii</i>)
22	E	Cactus, Pima pineapple (<i>Coryphantha scheeri</i> var. <i>robustispina</i>)

Sonoran Desert Tortoise Best Management Practices

The areas where the Sonoran Desert Tortoise (*Gopherus agassizii*) is currently listed as Threatened exclude the District, where it also occurs. Nonetheless, to protect the Sonoran Desert Tortoise from further decline, the District has adopted the *Best Management Practices for Ranching in Sonoran Desert Tortoise (Gopherus morafkai) in Arizona*, which the Winkelman NRCD developed in coordination with the U.S. Fish and Wildlife Service and the Arizona Game and Fish Department. (See: Resolution 2015.05.26 (A), Sonoran Desert Tortoise Protection)

Wolf Introduction and Management

Little, if any, suitable Mexican wolf habitat exists within the District. The presence of wolves threatens the personal safety of cooperators, their families, employees and visitors, as well as their working dogs and livestock

In addition, there is a strong probability that the scientifically designed, coordinated resource management plans that have been developed for District cooperators will become moot whenever cattle must be moved in an unplanned emergency action to avoid wolf depredations. Such unplanned cattle management can, contrary to the mission of the District, interfere with the scientifically and cooperatively developed local site plan geared to accomplishment of the site soil and water conservation objectives. Such emergency actions can also threaten the economic viability of the ranch production program by requiring unanticipated additional operating costs.

Studies of Mexican wolf introduction in Eastern Arizona and Western New Mexico demonstrate wolf introduction decreases agricultural profitability by decreasing conception rates, reducing weight gains, making livestock constantly on the alert and nervous and often forces ranchers out of business with major losses in their property and ranch production value. In some cases wolf introduction in the District can threaten water rights, as retention of water rights under Arizona law depends on documented beneficial use. Consultations for prescribed fires and new water developments will become more costly and require more mitigation if Mexican wolves are present inside the District boundaries.

The U. S. Fish and Wildlife Service has failed to consider and document the Mexican wolf prey base or make any forecast of how many wolves might eventually occupy the District. This leaves the District's cooperators with the unanswered question of whether the federal agency actually intends to rely on livestock belonging to the District's cooperators as a significant element of the Mexican wolf's primary prey base. (See: Resolution 2014.01.26 Possession, breeding and proliferation of wild/domestic hybrid carnivores in Arizona; Resolution 2014.07.22 Asserting Legal Standing and Formally Requesting Coordination With The U.S. Fish and Wildlife Service For Mexican Wolf §10 (j) Rule, Expansion of the Non-essential Experimental Population of the Mexican Wolf Within the Pima Natural Resource Conservation District in Arizona; and Resolution 2018.03.27: Recognizing Arizona Authority for Wildlife Management)

Furthermore, an Oregon State University (OSU) scientific study found that cows that have witnessed wolf attacks display physical signs associated with post-traumatic stress disorder (PTSD). (Cooke et al., 2013)



Figure 2. Experts believed this male founder of Ghost Ranch Mexican “wolf” lineage was half dog.

PTSD is a psychological disorder that develops in some people who have experienced a shocking, frightening or dangerous event. The OSU study is the first study of its kind to reveal PTSD biomarkers in cattle.

The *Journal of Animal Science* published a recent study of the effect of previous wolf attacks on cattle physiology. (Cooke et al., 2017b) In discussing this study, lead researcher Dr. Reinaldo Cooke told a reporter,



This Mexican wolf shows no fear of human presence.

“Wolf attacks create bad memories in the herd and cause a stress response known to result in decreased pregnancy rates, lighter calves and a greater likelihood of getting sick.” (Branam, 2017)

In this study, cows at the Eastern Oregon Agricultural Research Center in Burns were exposed to a simulated wolf encounter and their brain and blood were analyzed for biomarkers, in this case, expression of genes, associated with stress-related psychological

disorders, including PTSD.

The research builds on a 2014 study showing that cows that had been exposed to wolves showed more fearful behavior even when they had not been attacked. The latest findings confirmed the researchers' hypothesis: The cows' stress response was expressed in certain biomarkers in their blood and brain cells that are linked to PTSD in humans and other mammals. Similar research has been conducted with rodents exposed to potential predators. (Branam, 2017)

In multiple studies, researchers have established a link between cow stress and poor performance traits that can add to the expenses of ranchers and result in decreased profitability. (Cooke et al., 2017a) (Burdick et al., 2011) (Dohms and Metz, 1991) (von Borell et al., 2007) (Brown and Vosloo, 2017) (Ramler et al., 2014, Widman et al., 2017)

Multiple additional studies have linked stress in cattle with lower beef product quality, darker, less appealing meat, greater cutout losses, and consequent price discounts. (Warriss, 1990) (Njisane and Muchenje, 2017) (Mpakama et al., 2014)

Therefore, the District plans to continue to advocate removal of all introduced wolves and their offspring from the District and to seek Mexican Wolf delisting following the procedures outlined in the Endangered Species Act or legislatively.

The District strongly advocates for Fifth Amendment protections through full compensation of District cooperators for financial losses incurred as a result of the Endangered Species Act, as well as "pay for presence" policies to compensate for financial losses that are significant but difficult to measure. (*See*: Appendix B, Resolution 2014.11.05 Predator Depredation on Domestic Livestock)

Jaguar Critical Habitat and Management

The District encompasses varied ecological system types including Chihuahuan grasslands, Sonora desert uplands, Lower Colorado River valley bursage-creosote, some deciduous forest, and minor mixed conifer forest. The U.S. Fish and Wildlife Service stated in its jaguar critical habitat designation that, "the jaguar exists in warm, wet, tropical climates, including swampy savannas and the tropical rain forests."

Since *no* tropical climates, swampy savannas or tropical rainforests exist within the District, the District opposes the federal agency's inexplicable and self-contradictory decision that jaguar critical habitat—meaning habitat "essential" to the jaguar—is present within the District. (*See*: Appendix B, Policy 1-Jaguar, January 11, 2011; Resolution 2011.01.11.D., Policy 3- Affirmation of Water Rights and Policy)

The jaguar critical habitat designation will cause significant delays, or could stop altogether, actions such as road construction, border fencing, and increased law enforcement at the international border. The absence of effective border control at the present means floods of Cartel-directed drug packers cross through border agricultural lands unimpeded leaving injured and dead persons, literally tons of discarded trash, and countless cross-country erosion-promoting wildcat roads and trails.

Furthermore, ranch cooperators within "jaguar critical habitat and in all near-border portions of the District are subject to home invasions, robberies, kidnapping, murders, and other threats, especially from south-bound drug packers returning to Mexico to be paid for delivering meth,

heroin, cocaine, marijuana, fentanyl and any illicit drug for which the burgeoning American drug crisis market exists. We advocate for effective border control to reduce the impact of this traffic on our producers and on the Nation. (See: Resolution 2013.06.25 Securing the United States-Mexico Border at the International Boundary)



Human smuggling in a remote area of the District 68 miles north of Mexico

Additionally, District producers have been subject to new federal permitting based on species listings and on over-broad definitions of “navigable waters of the United States.” The constitutional term “navigable waters” has been stretched beyond any accepted meaning to include dry washes on private land when a federal nexus such as a grazing permit exists. Both of these unsupportable claims (jaguar critical habitat and “navigable waters”) have directly and negatively impacted our District Cooperators in their economic operations and in their scientifically supported efforts to continually improve the productivity and condition of their rangelands.

Endangered Species Act Impacts on the United States/ Mexico International Boundary



Congressman Gosar on a tour of border ranches. Should American lands be safe to visit?

A significant portion of the southern boundary of the District is adjacent to the United States/Mexico International Boundary. District cooperators suffer serious problems with drug smugglers, human trafficking, and related violence and other smuggling-related criminal activities across District farms and ranches. The safety of Cooperators and ranchers in general, threatened as described in the previous section, is at issue all across the District. To avoid serious safety issues, it is imperative that the federal government secure the international border with Mexico at the international boundary.



Surveillance image of a drug smuggler carrying marijuana and wearing carpet booties to conceal tracks

In 2014, the U.S. Fish and Wildlife Service designated 653,268 acres along the Arizona and New Mexico southern border as “critical” to the survival of jaguars as a species. 170,880 of those acres are within the District and overlap 16.7% of the District’s grazing lands. These designated critical habitat areas are outlined in red on the map in Figure 1.

The jaguar critical habitat designation lists the threats to the survival of the jaguar as a species on Earth as including a border fence (wall), roads, lighting and human activity. As a consequence, the U.S. Fish and Wildlife Service deems and demands that there must be wildlife connectivity by way of permanent porosity of our border with Mexico on behalf of jaguars.



When crime, habitat destruction, wildcat roads and trash piling up on the federal agency’s own land became problematic, however, it requested construction of an impenetrable wall to separate the Buenos Aires National Wildlife Refuge (BANWR) from Mexico—diverting all those problems onto our District cooperators’ ranches.

Due to its impenetrable border wall, the 113,676 acre National Wildlife “Refuge” is ironically excluded from any jaguar critical habitat designation. Before its wall was built, the southern border of the BANWR was closed to visitors for safety reasons.



25 miles of Arizona’s border with Mexico is this remote 4-strand barbed wire fence that requires 3 hours’ travel from the nearest Border Patrol station. Numerous Pima NRCDC cooperators are unsafe on their own ranches.

resulting from prioritizing an artificial and scientifically fraudulent designation of critical habitat for the species over the substantial, well-documented threats to life and safety that result from leaving the border unsecured as at the present. The District believes cooperator safety, national



Trash in the Altar Valley. The average illegal border crosser leaves behind eight pounds of litter.

The District opposes the designation of jaguar critical habitat and the regulatory authority

security and a secure United States/ Mexico Border are realistic and higher priorities for our Cooperators and for the Nation.

Therefore, the District continues to advocate for repeal of jaguar critical habitat and for effective measures to secure the United States International Boundary and thereby prevent drug smuggling, human trafficking, criminal entry and other illegal traffic through the currently unsecured rural border immediately south of our producers' lands.

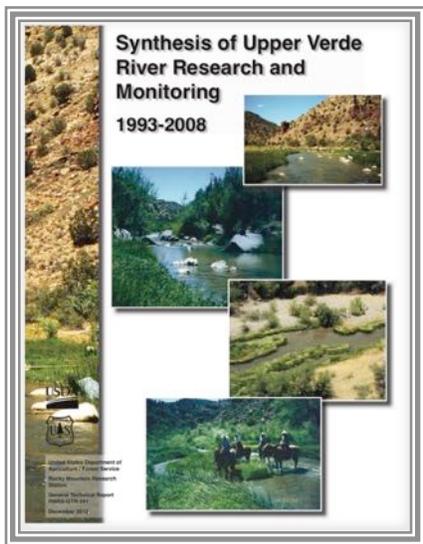
Warm Water Fish Management

The District plans to continue to rely on the latest and best science relating to native warm water fish. Prominent warm water fish experts include Al Medina, John Rinne and Daniel Neary.

Al Medina and his colleagues are well known for their peer-reviewed papers that provide

information for riparian research and long-range biological assessment of semi-arid habitats and warm water fish.

Their study titled "*Synthesis of Upper Verde River Research and Monitoring 1993-2008*" has revolutionized warm water fish research in the southwest. The District plans to use the *study* to advocate for scientific warm water fish management. (Neary et al., 2012)



The Pima Natural Resource Conservation District is concerned about potential human, livestock, wildlife and environmental impacts of the use of rotenone and other aquatic poisons within the District's watersheds. Every

state and federal agency currently planning to use – or in the future deciding to use – various formulations of rotenone and/or antimycin A for the purpose of killing all native and all non-native fish and all macroinvertebrates in the District's rivers and streams is on notice that the Pima Natural Resource Conservation District requests the right to object and to coordinate with any such agency. (See: Resolution 2011.02.22. Policy 2-Toxic Rotenone and/or Antimycin A)

Impacts of the Endangered Species Act on Rural Communities

The Endangered Species Act, with its easily abused present structure, has been hijacked by individual and nonprofit corporate activists. Dr. Alexander J. Thal, Ph.D., Western New Mexico University, in a well-documented paper, found that one such organization has had grave adverse direct and indirect impacts on rural communities in Arizona and New Mexico. (Thal and Brown, 2011)

Major adverse impacts include the following:

1. A loss of over 3,000 jobs in 13 rural communities that lost their major employer displacing thousands of families;
2. A loss of \$60,000,000 annual gross receipts from cattle production in Arizona alone, forcing many small family ranches into financial insolvency; and,

3. Devastation of community social bonds, destabilized families with increased emotional turmoil and resulting mental health issues, severely reduced public services and public works, lost educational programs in local schools, displaced ethnic minorities, and out-migration of youth when productive well-paid employment was eliminated.

The District plan acknowledges the Endangered Species Act has failed to achieve recovery of species. With 1,780 species listed as threatened or endangered since 1967 and fewer than 50 recovered, the ESA has only piled up new listings while failing to achieve recovery goals.

Instead of recovering species, listings have become tools for purposes unintended by Congress, such as controlling uses of land, and usurping authority over sovereign state water rights without compensation. The present structure of the ESA rarely helps species and is continuously co-opted to damage the social and economic future of District cooperators. More specifically, the Act has resulted in creating a genuinely endangered species: the western ranching culture.

Endangered Species Act Decisions Must Be Based *Solely* on Sound Science

Although Congress intended that all Endangered Species Act decisions and determinations rely *solely* on the best scientific information available, for a variety of reasons such has proven not to be the case. Those reasons range in spectrum from inherent flaws in the Act itself to judicial standards placed on its interpretation by the courts. Here, four specific measures are identified that, if adopted, would aid in returning the implementation of the ESA into accordance with Congress's stated and actual intent.

First, the striking of a single word – “negative” – in Section 4(b)(3)(C)(ii) of the ESA, relative to 90-Day petition findings, would ensure that solely the best scientific information available guides all findings made at the initial step of the ESA decision making process. Presently, the law allows judicial review of negative findings, while denying review of positive findings that are based on “junk” science. By omitting this single word, all findings made at this initial threshold level of ESA implementation would be subject to legal challenge, thus providing necessary incentive to both the USFWS and NMFS to ensure that all 90-Day petition findings are based solely on the best scientific information available as the ESA plainly requires.

(C)(i) A petition with respect to which a finding is made under subparagraph (B)(iii) shall be treated as a petition that is resubmitted to the Secretary under subparagraph (A) on the date of such finding and that presents substantial scientific or commercial information that the petitioned action may be warranted.

(ii) Any ~~negative~~ finding described in subparagraph (A) and any finding described in subparagraph (B) (i) or (iii) shall be subject to judicial review.

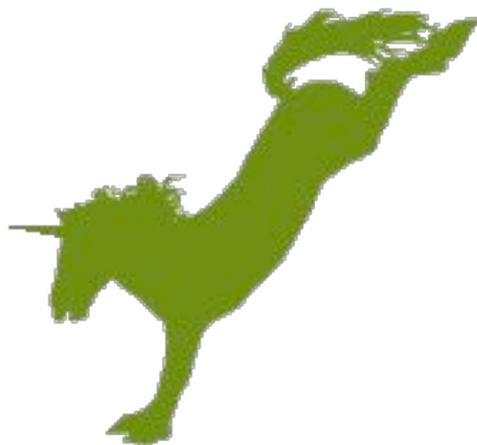
Second, the Federal Rules of Evidence (FRE) should be made applicable to all ESA actions brought under the umbrella of the Administrative Procedures Act (APA). This change would not

only further the ESA's "solely the best scientific information available" evidentiary standard, but would have the added benefit of diminishing the magnitude of *Chevron* deference currently extended to the USFWS by the courts in the absence of FRE applicability.

Third, rules governing agency interpretation of critical habitat under the ESA must be returned to their 1984 status. Erroneous courts have made such rules so broad as to be virtually limitless in application and scope (and have spawned litigation in response by no less than 26 states). In 1984, Congress clearly stated its intent that critical habitat designations made under the ESA are to be narrow and limited in scope of application. In expanding the scope of critical habitat, the courts incorrectly overstepped their authority and overrode the intent of Congress. (James, 2012) (James and Ward, 2016)

Fourth, and finally, current "Interim Endangered and Threatened Species Recovery Planning Guidance," developed by the NMFS and adopted by the USFWS in 2010, should either be withdrawn in its entirety or amended to remove the use of the "principles" of conservation biology. This is because the "principles of conservation biology" are neither scientific data nor scientific information but are, in fact, entirely dependent on philosophical /theological, speculative constructs open to wide-ranging interpretation and based on personal and arbitrary beliefs. (Nelson, 2007) (Chan, 2008) (2004) (Odenbaugh, 2016)

"Conservation biology is confronted with pitfalls such as: lack of exploration in underlying mechanism, too few or no field experiment, no control experiment in the field; consequently the theoretic frame of the science branch is not sound."



Although the ESA of 1973 demands that science specify when a species is in need of federal protection, "[t]hirty years later, a haphazard mix of science and societal values continues to drive biodiversity conservation (Czech and Krausman 2001), and setting quantitative objectives for imperiled species remains contentious, even for well-studied species like Pacific Salmon (Peery et al. 2003)." (Tear et al., 2005)

"Conservation biology is confronted with the pitfalls such as: lack of exploration in underlying mechanism, too few or no field experiment, no control experiment in the field; consequently the theoretic frame of the science branch is not sound." (Jiang and Ma, 2009)

Therefore, these principles must be stricken from further use in the planning or development of recovery plans because they represent the antithesis of both sound scientific practice and Congress's clearly stated intent.

While many other measures doubtless exist that would aid in returning the ESA to its Congressionally mandated, sound science evidentiary intent, implementation of the four measures specifically identified here would substantially aid in the realization of this goal.



Appendix A

Statutory Powers and Duties of the Pima NRCD

The Arizona Revised Statutes (A.R.S. §37-1001) outlines the District's powers and authorities. In addition, the following is the District's Board of Supervisors powers and duties. (53rd Arizona State Legislature, 2018a)

The Pima Natural Resource Conservation District Board of Supervisors Powers/Authorities are defined by the Arizona Revised Statutes in Title 37 Chapter 6 Article 4 as follow:

37-1053. Powers and duties of supervisors

A. The supervisors shall:

1. Provide for the keeping of a record of all proceedings, resolutions, regulations and orders issued or adopted.
2. Furnish to the commissioner copies of such ordinances, rules, regulations, orders, contracts, forms or other documents adopted or employed, audits of the district or education center and such information concerning their activities as the commissioner requests.

B. The supervisors may appoint additional advisory members to the district governing body and delegate to the chairman or any member, or to any agent or employee, such powers and duties as they deem proper.

C. District supervisors shall require and provide for the execution of a corporate surety bond in suitable penal sum for, and to cover, any person entrusted with the care or disposition of district funds or property.

D. The compensation of the district supervisors shall be determined by the supervisors meeting as the governing body of the district but shall not exceed the compensation prescribed by section 38-611, plus actual and necessary expenses of attending district meetings, and a per diem subsistence allowance and actual and necessary expenses while engaged in official business by order of the supervisors.

37-1054. Powers of district

A. This state recognizes the special expertise of the districts in the fields of land, soil, water and natural resources management within the boundaries of the district. A district is empowered to:

1. Conduct surveys, investigations and research relating to the character of the soil, soil erosion prevention within a farm or ranch, methods of cultivation, farm and range practices, seeding, eradication of noxious growths and any other measures that will aid farm and range operations, disseminate information pertaining thereto, and carry on research programs with or without the cooperation of this state or its agencies or the United States or its agencies.

2. Conduct demonstration projects within the district on lands owned or controlled by the state or any of its agencies with the consent and cooperation of the agency having jurisdiction of the land, and on any other lands within the district on obtaining the consent of the landowner or the necessary rights or interests in the land, in order to demonstrate by example the means, methods and measures by which water, soil and soil resources

may be conserved and soil erosion and soil washing may be prevented and controlled.

3. Cooperate and enter into agreements with a landowner, an operator or any agency or subdivision of the state or federal government to carry on programs of watershed improvement, soil erosion prevention, methods of cultivation, cropping practices, land leveling and improvement on agricultural lands, and programs limited to methods of proper range use, reseeding and the eradication of noxious growth on grazing lands, all within the limits of an individual farm or ranch and subject to the conditions the supervisors deem necessary.

4. Acquire, by purchase, exchange, lease or otherwise, any property, real or personal, or rights or interest in any property, maintain, administer and improve any properties acquired, receive income from any property or right or interest in property and expend it in carrying out the purposes of this chapter, and sell, lease or otherwise dispose of any property or interest in property in furtherance of the purposes of this chapter.

5. Make available, on the terms it prescribes to landowners within the district, agricultural and engineering machinery and equipment, fertilizer, seed and other material or equipment as will assist the landowners to carry on operations on their lands for the purposes and programs authorized by this chapter.

6. Develop, publish and bring to the attention of landowners within the district comprehensive plans for the conservation of soil and water resources within the district that specify in such detail as may be feasible the acts, procedures, performances and avoidances necessary or desirable for the effectuation of the plans.

7. Apply for, receive and spend monies from the Arizona water protection fund pursuant to title 45, chapter 12 to be used in individual districts or in cooperation with other districts, persons, cities, towns, counties, special districts and Indian communities for projects consistent with title 45, chapter 12.

8. Employ agents, engineers, attorneys or other employees not readily available from existing state agencies.

9. Sue and be sued in the name of the district, have a seal, which shall be judicially noticed, have perpetual succession unless terminated as provided in this chapter, make and execute contracts and other instruments necessary or convenient to the exercise of its powers and make, amend and repeal rules not inconsistent with this chapter to carry into effect its purposes and powers.

10. Accept donations, gifts and contributions in money, services, materials or otherwise, and use or expend them in carrying on its operations.

11. Organize and establish an education center.

B. No provision of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to a district organized under this chapter unless specifically stated therein.

C. After the formation of any district under this chapter, all participation there under shall be voluntary, notwithstanding any provision of this chapter to the contrary.

D. A district may send to the Arizona water protection fund commission established by title 45, chapter 12 written recommendations for geographic areas to be emphasized, issues of concern and measures to implement title 45, chapter 12. A district that sends written recommendations to the commission shall request information from at least the following:

1. The director of the department of water resources and the state land commissioner.
 2. The federal and state fish, wildlife, recreation and natural resource agencies.
 3. County and municipal entities.
 4. The public.
- E. The district shall develop procedures to ensure adequate participation in the public involvement process prescribed by subsection D of this section.

Mission of the Pima NRCD

The mission of the Pima NRCD exactly echoes the statutory declaration of policy of the Natural Resources Conservation Division, as stated in the Arizona Revised Statutes Title 37 Chapter 6 Article 1, 37-1001:

It is declared the policy of the legislature to provide for the restoration and conservation of lands and soil resources of the state, the preservation of water rights and the control and prevention of soil erosion, and thereby to conserve natural resources, conserve wildlife, protect the tax base, protect public lands and protect and restore this state's rivers and streams and associated riparian habitats, including fish and wildlife resources that are dependent on those habitats, and in such manner to protect and promote the public health, safety and general welfare of the people. (53rd Arizona State Legislature, 2018b)

History of the Pima NRCD

Toward the end of the 19th century, concern was beginning to build about soil loss due to wind and water erosion. In 1898, the first soil survey of the United States was conducted. Soil scientist Hugh Hammond Bennett was so concerned that he published a pamphlet, "Soil Erosion, A National Menace", and testified before Congress. His testimony resulted in some of the first funding to fight the deteriorating natural resource base and established soil erosion experiment stations in various locations around the United States; however, no national program was established. In 1930, Bennett wrote a paper for the American Society of Agronomy (a non profit agricultural group focused on field-crop production and soil management) in which a national program was outlined.

Federal land management agencies (i.e. National Park Service, Bureau of Land Management, Forest Service, etc.) were well staffed with trained technicians to address resource management concerns on public lands but, Congress continued to be complacent on the need to address resource management concerns on private lands – until 1934. A national disaster, the great dust storms, moved millions of tons of soil across the Great Plains, destroying farms, ranches and many people's lives. The dramatic effects of the "Dust Bowl" gained national attention, partly fueled by the novel, "The Grapes of Wrath." All of this helped galvanize public interest in the plight of farmers and the food supply.

Mr. Bennett lobbied Congress to pass the Soil Conservation Act (Public Law 46) in 1935, which created the Soil Conservation Service. Known today as the Natural Resource Conservation Service (NRCS), an agency of the U.S. Department of Agriculture (USDA). Although these were giant leaps in conservation, it quickly became apparent that in order for conservation practices to be effective on private lands, decisions needed to be made at the local level by concerned citizens. Most importantly participation in government sponsored programs by private landowners had to be “voluntary” not “regulatory” in nature. Each state was provided model language and encouraged to draft and pass enabling legislation that established and provided certain authorities to local units of government known today as Natural Resource Conservation Districts. (Arizona State Land Department, 2018)

Arizona’s Soil Conservation District Law passed on March 17, 1941, authorizing landowners to organize and operate Soil Conservation Districts as legal subdivisions of state government. Initially, Soil Conservation Districts were authorized only to address cropland. The Pima Soil Conservation District received legislative authorization in 1942. The Legislature amended the law in 1945 to include other lands, including rangelands. (Arizona Association of Conservation Districts, 2017)

Today, the Arizona law authorizing and governing the Pima NRCD is ARS 37 Chapter 6, which authorizes the powers and duties of the Districts.

Appendix B. Pima NRCD Policies and Resolutions

Resolution 2011.01.11.A: Of The Board Of Supervisors Of Pima Natural Resource Conservation District Asserting Legal Standing And Formally Asserting Coordination Status With All Federal And State Agencies Maintaining Jurisdiction Over Lands And/Or Resources Located Within Pima Natural Resource Conservation District

WHEREAS, Pima Natural Resource Conservation District (“NRCD”) is a public unit of the State of Arizona and a 5 member board serves as its chief governing authority; and

WHEREAS, the Pima Natural Resource Conservation District (NRCD) is organized under Chapter 6, Arizona Revised Statutes Title 37, Public Lands. Locally elected and appointed officials govern the Pima Natural Resource Conservation District and evaluate the conservation needs of their respective areas;

WHEREAS, the citizens of Pima Natural Resource Conservation District historically earn their livelihood from activities reliant upon natural resources on land and waters which produce natural resources and those activities are critical to the economy and protection of the environment, natural and human, of Pima Natural Resource Conservation District; and

WHEREAS, the economic base and stability of Pima Natural Resource Conservation District is significantly dependent upon commercial and business activities operated on federally and state owned, managed, and/or regulated lands that include, but are not limited to recreation, tourism, mining, livestock, grazing, and other commercial pursuits; and

WHEREAS, as state and federal management polices not only impact the economic base and stability of Pima Natural Resource Conservation District but also the health of the environment that supports a sound natural resource base for the Pima NRCD; and

WHEREAS, Pima Natural Resource Conservation District desires to assure that federal and state agencies shall inform the NRCD Board of Supervisors of all pending or proposed actions affecting local communities and Citizens within Pima Natural Resource Conservation District and coordinate with the Board of Supervisors in the planning and implementation of those actions; and

WHEREAS, the National Environmental Policy Act (NEPA), is intended to ensure that Federal agencies effectively and consistently coordinate with the NRCDs in the NEPA processes. The

CEQ regulations also require the agencies to involve local governments such as Pima NRCD early in the NEPA planning process;

WHEREAS, The Intergovernmental Cooperation Act contains specific coordinated planning requirements for local, state and federal agencies. Presidential Executive Order 12372 requires federal agencies to coordinate actions and projects with local governments so that local impacts arising from federal projects may be identified; and

WHEREAS, Title 36 of the Code of Federal Regulations, sets forth the administration of the Forest Transportation System. The Transportation Plan set out at 36 C.F.R. § 212.53 requires the responsible official to “coordinate with appropriate ...District, and other local government entities when designating National Forest System roads...”. 36 CFR § 212.6(a) provides that National Forest System Roads shall grant appropriate access across National Forest and other lands for ingress and egress to assure effective utilization of lands administered by the Forest Service and intermingled and adjacent private and public lands, and for the use and development of the resources upon which communities within or adjacent to the National Forests are dependent. Sub§ (c) provides that “roads and trails shall be permitted for all proper and lawful purposes subject to compliance with rules and regulations governing the lands and the roads or trails to be used.”

WHEREAS, coordination of planning and management actions is mandated by federal laws governing land management including the Federal Land Policy and Management Act, 43 US § 1701, and 43 U.S.C. § 1712, regarding the coordinate status of a District engaging in the land use planning process, and requires that the "Secretary of the Interior [Secretary] shall...coordinate the land use inventory, planning, and management activities...with the land use planning, and management programs of other federal departments and agencies and of the state and local governments within which the lands are located"; and

WHEREAS, the coordination requirements of 43 USC, Section 1712 provide for special involvement by government officials who are engaged in the land use planning process; and

WHEREAS, Section 1712 makes it clear that the coordination requirements set local governments apart from the regular public involvement provisions, establishing a higher duty for federal agencies to coordinate with local elected and appointed officials as opposed to simply accepting public comments from the general public; and

WHEREAS, Section 1712 also provides that the "Secretary shall... assist in resolving, to the extent practical, inconsistencies between federal and non-federal government plans" and gives preference to those counties which reengaging in the planning process over the general public,

special interest groups of citizens, and even counties not engaging in a land use planning program; and

WHEREAS, the requirement that the Secretary "coordinate" land use inventory, planning, and management activities with local governments, requires the assisting in resolving inconsistencies to mean that the resolution process takes place during the planning cycle instead of at the end of the planning cycle when the draft federal plan or proposed action is released for public review; and

WHEREAS, Section 1712 further requires that the "Secretary shall... provide for meaningful public involvement of state and local government officials... in the development of land use programs, land use regulations, and land use decisions for public lands"; and, when read in light of the "coordinate" requirement of Section 1712, reasonably contemplates" meaningful involvement" as referring to on-going consultations and involvement throughout the planning cycle, not merely at the end of the planning cycle; and

WHEREAS, Section 1712 further provides that the Secretary must assure that the federal agency's land use plan be "consistent with state and local plans" to the maximum extent possible under federal law and the purposes of the Federal Land Policy and Management Act and distinguishes local government officials from members of the general public or special interest groups of citizens; and

WHEREAS, the Environmental Protection Agency, charged with administration and implementation of the National Environmental Policy Act (NEPA), has issued regulations which require that federal agencies consider the economic impact of their actions and plans on local government as well as impacts on the environment, human and natural; and

WHEREAS, NEPA requires federal agencies to consider the impact of their actions on the customs, beliefs, and social forms, as well as the "material traits" of the people; and

WHEREAS, it is reasonable to interpret NEPA as requiring federal agencies to consider the impacts of their actions on those traditional and historical and economic practices, including commercial and business activities, which are performed or operated on federally and state managed lands (including, but not limited to recreation, tourism, timber harvesting, mining and grazing of livestock; and

WHEREAS, federal agencies implementing the Endangered Species Act, the Clean Water Act, the Clean Air Act, and the Outdoor Recreation Coordination Act (16 U.S.C. § 460I-1(c) and (d)) are required by Congress to consider local plans and to coordinate and cooperate directly with plans of local government such as Pima Natural Resource Conservation District

NOW THEREFORE BE IT RESOLVED that the Pima Natural Resource Conservation District Board of Supervisors does hereby assert legal standing and formally asserts coordination status with all federal, state and municipal agencies maintaining jurisdiction over lands and/or resources located within Pima Natural Resource Conservation District;

BE IT FURTHER RESOLVED that the Clerk of the Board shall cause a copy of this Resolution to be transmitted to local, regional, state, and/or national offices of all federal and state agencies maintaining jurisdiction of lands and/or resources located within Pima Natural Resource Conservation District and to all federal and state elected representatives serving Pima Natural Resource Conservation District.

BE IT FURTHER RESOLVED that the Clerk of the Board is authorized and hereby directed to publish a copy of this Resolution in the Arizona Daily Star, a newspaper of general circulation printed and published in the District of Pima Natural Resource Conservation District, State of Arizona.

PASSED AND ADOPTED this 11th day of January 2011 by the Board of Supervisors of the Pima Natural Resource Conservation District by the following polled vote:

AYES: Stu Bengson, Cindy Copping, John King, James Chilton, Supervisors

NOES: None

ABSENT: None

Andrew McGibbon, Chairman, Pima NRCD Board of Supervisors

Publish March 9, 2011

Arizona Daily Star

Resolution 2011.01.01. B. Policy 1 – Jaguar

The Endangered Species Act requires the U.S. Fish and Wildlife Service to make decisions based solely on the “best scientific and commercial data available.” Furthermore, the Endangered Species Act forbids the U.S. Fish and Wildlife Service from making its findings based on speculation. The U.S. Fish and Wildlife Service must rely upon credible journal published, rigorously peer-reviewed, relevant and reliable scientific research.

The Pima Natural Resource Conservation District request the U.S. Fish and Wildlife Service reevaluate and reverse its determination that the designation of critical habitat is prudent for the jaguar in areas of Arizona and New Mexico along the Mexican border since the best scientific and commercial data available clearly and convincingly shows that males of this species occur

only as transients and breeding does not occur, and habitat “essential” to this species’ survival does not exist under any scientific definition of that term.

Since the listing of the Jaguar, new information formally submitted to the Service reveals that there is no scientific evidence supportive of the contention that the introduction of livestock in Arizona 300 years ago by Father Kino, Spanish and American pioneers contributed to any decline in either jaguar range or numbers. Neither species records (apart from questionable illegal introductions for hunting or resulting from baiting) nor habitat features support the position that a tropical and semi-tropical species would be likely to choose habitat so atypical of its preferences.

Decreases in property values, serious constraints on property rights and scientifically unsupportable limits on land use or use of natural resource on the land should not be placed on individuals and productive entities.

Passed and adopted this 11th day of January 2011, by the following vote:

AYES: 4 NAYS: 0 ABSENT: 0

Andrew McGibbon, Chairman

Resolution 2011.02.22. Policy 2-Toxic Rotenone and/or Antimycin A

The Pima Natural Resource Conservation District is concerned about potential human, livestock, wildlife and environmental impacts of the use of rotenone and other aquatic poisons within the District’s watersheds. Every state and federal agency currently planning to use – or in the future deciding to use – various formulations of rotenone and/or antimycin A for the purpose of killing all native and all non-native fish and all macroinvertebrates in the District’s rivers and streams is on notice that the Pima Natural Resource Conservation District requests the right to object and to coordinate with any such agency.

There is scientific evidence that rotenone and/or antimycin A and similar poisons are hazardous to human health. Recent research reports raise the possibility that rotenone can trigger the onset of Parkinson’s disease, especially in persons with a genetic susceptibility to the disease. No one can deny that the internet site “Web of Science” presently lists at least 210 scientific papers connecting rotenone and Parkinson’s disease.

The Arizona Game & Fish Department working together with federal agencies (Fish and Wildlife Service, Forest Service, Bureau of Land Management, and Bureau of Reclamation) is reported to be involved in over 100 projects in Arizona, many of which include using rotenone. If any sites within the jurisdiction of the Pima Natural Resource Conservation District are part of a planned project involving application of rotenone and/or antimycin A, it is the District’s policy to request that an Environmental Impact Statement be prepared by nationally recognized independent scientists and that the Pima Natural Resource Conservation District be accorded its legal authority to coordinate with the agency or agencies planning to poison streams and rivers within the District.

AYES: 4 NAYS: 0

DATE: February 22, 2011

Andrew McGibbon, Chair

Resolution 2011.01.11.D. Policy 3- Affirmation of Water Rights and Policy

By vote of the Supervisors, the Pima Natural Resource Conservation District asserts that:

- A. It opposes use of the Endangered Species Act, Wilderness Act, Clean Water Act and/or any other federal laws by federal agencies to usurp, seize, restrict, impede or take State-distributed, granted, assigned or treaty water rights owned by individuals, partnerships, corporations or municipalities.
- B. When a private or municipal water right is located on Federal or State land, that right must be deemed to include the holder's right of access to the source of the water and to any element of the distribution system necessary for delivery including wells, springs, streams, rivers, stock ponds, agricultural ditches, U.S. canals, pipes, and other conveyance mechanisms for maintenance purposes because denial of such access effectively constitutes an illegal, de facto, taking of the water right.
- C. Congressional legislation is needed to guarantee Arizona's premier authority to issue and protect water rights within the State and, additionally, legislation is needed to clarify that the right of access as described above is inherent in State-issued water rights owned by individuals, partnerships, corporations and/or municipalities on federally managed land.

Passed and adopted this 11th day of January, 2011 by the following Vote of the Board of Supervisors:

AYES: 4 NAYS: 0

Andrew McGibbon, Chair
Pima Natural Resource Conservation District

Resolution 2013.06.25 Securing the United States-Mexico Border at the International Boundary

WHEREAS, there is a tragic human cost to would-be workers, especially women, entering the United States which includes traveling as much as a week across our deserts, dying of thirst, suffering with other medical issues, rapes, cartel smuggler abuse and bandits;

WHEREAS, there is monumental environmental damage currently being permitted by allowing crossers to tramp across National Forests, Wildlife Refuges, Wilderness areas, National Conservation areas, and private ranches since the current Border Patrol "choke-point strategy" results in an average of 8.5 pounds of trash left by each crosser and miles of paths beaten out through environmentally sensitive habitat;

WHEREAS, thousands of U.S. citizens living between the border and attempted apprehension sites 5, 10, even 100 or more miles north of the international boundary are currently living in no-man's land, subject to violence and burglaries;

WHEREAS, Mexican Cartel scouts operate high-tech surveillance posts on our mountain tops inside the United States north of the international border and are guiding "human mules" carrying culturally destructive drugs into the U.S. through hundreds of square miles of southern Arizona currently de facto ceded to their operational control;

WHEREAS, the Government accountability Office estimates that the Border Patrol apprehends only about 64% of the undocumented border crossers and a Los Angeles Times report reveals that an analysis of Predator Drone Vader surveillance data showed "Border Patrol Agents apprehended fewer than half of the foreign migrants and smugglers,"

BE IT THEREFORE RESOLVED that the Pima Natural Resource Conservation District advocate that the current Border Patrol strategy must be changed because it allows drug packers and undocumented immigrants to travel from five miles to as much as a hundred miles into the United States prior to attempts to apprehend them;

BE IT FURTHER RESOLVED that the Pima Natural Resource Conservation District support Congressional action to exempt the Border Patrol from the multi-year delays resulting from current environmental law compliance processes to enable effective patrolling of rural areas of the actual international boundary north of and adjacent to the southwestern international boundary in order to secure the border at the border.

PASSES AND ADOPTED this 25th day of June 2013, by the Board of Supervisors of the Pima Natural Resource Conservation District by the following polled vote

AYES: 4

NOES: 0

ABSENT: 1

Cindy Coping, Chair

Board of Supervisors

Pima Natural Resource Conservation District

Resolution 2014.01.26 Possession, breeding and proliferation of wild/domestic hybrid carnivores in Arizona

Whereas, wolves and dogs can freely interbreed and produce offspring;

Whereas, known Mexican wolf-dog hybrid offspring have been exterminated by federal authorities in Arizona as a threat to an endangered species

Whereas, hybrid offspring of wolves and dogs combine the wolf's lethal instincts with the dog's fearlessness of humankind, constituting a threat to human safety that is greater than either species alone;

Whereas, wolves are protected by the Endangered Species Act; and

Whereas, wolf-dog hybrids can be visually indistinguishable from pure wolves; Whereas, wolf-dog hybrids are more difficult to manage as household pets than domestic dogs and are known to break free of confinement and become a menace; and

Whereas, unmanageable wolf-dog hybrids have been abandoned by their owners and released into the rural areas of Arizona; Whereas Arizona has no regulations governing the possession of wild/domestic hybrid carnivores or the interbreeding of wild carnivores with domestic animals; and

Whereas, regulations are presently on the books in at least 27 States governing wild/domestic hybrid carnivores, and as such could be reviewed for their effectiveness and adaptability to Arizonaⁱ,

Be it therefore resolved, The Pima NRCDC opposes the presence in Arizona of the offspring of wild carnivores that are hybridized with domestic animals, and calls upon the Arizona State Legislature and the Arizona Game and Fish Department to introduce legislation and/or regulations designed to prevent the breeding, proliferation and presence in Arizona of hybrid carnivores that are the resulting offspring of the intentional or unintentional breeding of wild carnivores with domestic species.

Passed this day of January 26, 2014 by the Board of Supervisors voting 5 Aye and 0 Nay
Cindy Coping, Chair
Board of Supervisors
Pima Natural Resource Conservation District

ⁱ Source: http://www.hybridlaw.com/index_test.php?state=AZ

Resolution 2014.07.22 Asserting Legal Standing and Formally Requesting Coordination With The U.S. Fish and Wildlife Service For Mexican Wolf §10 (j) Rule, Expansion of the Non-essential Experimental Population of the Mexican Wolf Within the Pima Natural Resource Conservation District in Arizona

WHEREAS, The Pima Natural Resource Conservation District is a legal subdivision of Arizona State government, organized under State Law and administered by the Arizona State Land Department (A.R.S. Title 37, Chapter 6) and its governing body consists of five supervisors, three of whom are duly elected and two appointed by the Arizona State Land Commissioner; and

WHEREAS, the declares policy of the Arizona State Conservation District Law is “to provide for the restoration and conservation of lands and soil resources of the state, the preservation of water rights and the control and prevention of soil erosion, and thereby to conserve natural resources, conserve wildlife, protect the tax base, protect public lands and protect and restore this state’s rivers and streams and associated riparian habitats, including fish and wildlife resources that are dependent on those habitats, and in such manner to protect and promote the public health, safety and general welfare of the people;” and

WHEREAS, the Arizona Legislature recognizes the state’s Natural Resource Conservation Districts to be local divisions of state government with ‘special expertise’ in natural resource issues within their borders; and

WHEREAS, the citizens of the Pima Natural Resource Conservation District historically earn their livelihood from activities reliant upon natural resources on land and waters within the district and those activities are critical to the economy of the District; and

WHEREAS, the economic base and stability of the District is significantly dependent upon commercial and business activities operated on federally and state-owned, managed and/or regulated lands that include, but are not limited to mining, livestock grazing, farming, recreation, tourism and other commercial pursuits; and

WHEREAS, the U.S. Fish and Wildlife Service has proposed to expand the 10(j) Rule for the reintroduction of the non-essential experimental population of the Mexican Wolf and will affect the District lands and citizens; and

WHEREAS, the U.S. Fish and Wildlife Service is the lead federal agency for this project and is responsible for the information gathering process and preparation for an Environmental Impact Statement and Economic Analysis; and

WHEREAS, Congress has long recognized the importance of local government in the management of and actions upon the nation’s resources and it has been very specific in mandating that federal land use agencies coordinate their policies and management activities with local government; and

WHEREAS, Congress clearly set forth statutory authority for coordination in the Federal Land Policy and Management Act, the National Forest Management Act, the National Environmental Policy Act, the Endangered Species Act, the wild and Scenic River Act, the Clean Air Act, the Clean Water Act, the Soil and Water Resources Conservation Act, the Intergovernmental Cooperation Act as well as through the Department of Homeland Security; and

WHEREAS, Congress has defined “coordination” to mean the “meaningful public involvement of state and local government officials...in the development of land use programs, land use regulations, and land use decisions for public lands,” and reasonably contemplates “meaningful involvement” as referring to on-going consultations and involvement throughout the planning cycle, not merely at the end of the planning cycle. This coordination extends to the level of “prior notice” and “meaningful” participation above and ahead of “public participation;” and

NOW THEREFORE BE IT RESOLVED that the Pima Natural Resource Conservation District Board of Supervisors does hereby assert legal standing and formally requests coordination with the U.S. Fish and Wildlife Service for their proposed expansion of the Mexican Wolf under the 10(j) Rule for the reestablishment of a non-essential experimental population over lands and/or resources located within or affecting the jurisdiction of the Pima Natural Resource Conservation District.

PASSED AND ADOPTED this 22nd day of July, 2014, by the Board of Supervisors of the Pima Natural Resource Conservation District by the following polled vote:

Supervisors

AYES: 3

NOES: 0

ABSENT: 2

Cindy Copping, Chair
Pima NATURAL RESOURCE CONSERVATION DISTRICT
Board of Supervisors

Resolution 2014.11.05 Predator Depredation on Domestic Livestock

Whereas, the United States Fish and Wildlife Service (Service) has determined that the Endangered Species Act requires the Service to expand the current Blue Range 10(J) wolf conservation area in Arizona and New Mexico, that covers most of the land mass of each state, and protect other predators such as bears and jaguars;

Whereas, the Service does not establish a cap on Mexican Wolf numbers even though once wolves reach a critical mass, experience documents that wolf numbers will increase exponentially;

Whereas, ranchers and farmers, forced by the government to accept wolves and other predator species on their ranches, have had and will continue to experience serious depredations;

Whereas, depredations are in fact a taking of private property, both direct and indirect, resulting from the deliberate establishment of predators by the federal government with concomitant prohibition upon effective defense by the owners of victimized, privately owned domestic animals, and therefore such directly premeditated damage should, in all fairness, be reimbursed by the federal government.

Whereas, the Fifth Amendment to the United States Constitution in the Bill of Rights states,

"... nor shall private property be taken for public use, without just compensation," and each of the five Supervisors of the Pima NRCD has signed an Oath of Office that states,

"I, [name], do solemnly swear to support the Constitution of the United States and the Constitution and laws of the State of Arizona; that I will bear true faith and allegiance to the same and defend them against all enemies, foreign and domestic...so help me God (or, so I do affirm)."

Be it resolved, that Pima Natural Resource Conservation District ranchers and farmers, and all ranchers and farmers in Arizona, New Mexico and other similarly affected states, should be compensated (at market value) through the U.S. Farm Bill for direct and indirect predator depredations and harassment.

Be it further resolved, that the current 2014 Farm Bill payments under the Livestock Indemnity Program pay nickels on the actual dollars lost, are inefficient and costly for agency verification of eligibility and actually create additional unreimbursed costs for livestock owners beyond the loss of the animal and its future production. Specifically, the Farm Bill should be amended to guarantee ranchers and farmers the difference between a normal calf and lamb crop percentage, a normal loss of adult animals, and the actual depredated adult and offspring crop at weaning time.

Be it further resolved, that agricultural producers engaged in domestic livestock husbandry must be compensated in amounts sufficient, without detailed cumbersome bureaucratic procedures, to ensure they are truly made whole after predator depredation and are fully compensated for predator presence.

Be it further noted, that even the complete implementation of the above would not compensate for the emotional damage resulting from seeing the suffering of those defenseless domestic pets and livestock attacked, ripped open and eaten alive by vicious predators protected by the federal government acting as accessories to the depredations.

Passed this day of November 25, 2014 by a quorum the Pima NRCD Board of

Supervisors voting

3 AYE 0 NAY and 2 ABSENT.

Cindy Coping, Chair

Resolution 2015.05.26-A, Sonoran Desert Tortoise Protection

Whereas the Sonoran Desert Tortoise (*Gopherus morafkai*) has long been a species of interest to the Pima Natural Resource Conservation District (PNRCD), is widespread throughout the district, and shares its range with our cooperators' livestock operations; and

Whereas the Meyer Study¹, which was conducted within the lower San Pedro Watershed across three grazing regimes shows that the tortoise population is stable with good recruitment across all grazing regimes; and

Whereas nevertheless, questions are continually asked about the effects of livestock grazing in tortoise habitat; and

Whereas there is no documented evidence of any harm that was ever done to any tortoise by the presence of cattleguards, and minuscule probability that a cattleguard would ever thwart a desert tortoise from crossing a roadway or fence-line; and

Whereas, attempting to modify or replace existing cattleguards for the purpose of "tortoise-friendliness" is a pointless expense but may also render cattleguards ineffective for their intended purpose (i.e., cattle might easily cross modified cattleguards),

Be it therefore resolved the Pima Natural Resource Conservation District, being a leader in habitat and species conservation, hereby adopts the *Best Management Practices for Ranching in Sonoran Desert Tortoise (Gopherus morafkai) in Arizona*,² (BMP) with the exception of recommendations therein for "tortoise-friendly" cattleguards, as a basis for conserving and protecting the Sonoran Desert Tortoise.

¹ Meyer, W.W., Ogden, P.R., Cline, K.E., Smith, E.L., Ruyle, G.B., Meyer, F.K., and J.A. Cordrey. "An Eighteen Year Study of Population Dynamics, Diet and Health of the Sonoran Desert Tortoise (*Gopherus Agassizzi*) in the San Pedro Valley of Southern Arizona". January 2010. Submitted to the U.S. Fish and Wildlife Service in Response to the 2009 Petition to List the Sonoran Desert Tortoise as an Endangered Species.

² Best Management Practices for Ranching in Sonoran Desert Tortoise (*Gopherus morafkai*) in Arizona. 2014. Ranching and Sonoran Desert Tortoise Working Group. 41 pp. plus appendices.

It is further resolved that, prior to approving any new Coordinated Resource Management Plan for farming or ranching in known Sonoran Desert Tortoise habitat areas, the PNRCD will request the BMP be used in that plan.

It is further resolved that all PNRCD cooperators will be encouraged to adopt the BMP and in particular, PNRCD will request that Pima County adopt the BMP and implement it on all the County-owned ranches as an incorporation of the BMP into the Sonoran Desert Conservation Plan.

It is further resolved that the PNRCD hereby creates a policy that the district shall either conduct or collaborate in offering bi-annual Tortoise Best Management Practices training workshops for our cooperators for a period of no less than two years and afterward as frequently as is needed or requested.

It is further resolved that the PNRCD will request cooperators voluntarily report to the district in an annual survey (see attached example) of which of the best management practices they have utilized.

It is further resolved that, upon approval, this resolution will be transmitted to the U.S. Fish and Wildlife Service, the Arizona Game and Fish Department, the USDA Natural Resource Conservation Service, the Bureau of Land Management Tucson Field Office, the Coronado National Forest, the Arizona State Lands Department and to the AZ NRCD State Association.

Approved by unanimous vote of a quorum of the Pima NRCD Board of Supervisors this day of May 26, 2015

Cindy Coping, Chair

Resolution 2017.05.30: Opposing Reauthorization of the Land and Water Conservation Fund

Whereas, the Pima Natural Resource Conservation District is a state recognized expert on land, soil, water and natural resources;

Whereas, approximately 87% of Arizona is currently owned by either the Federal, Tribal or State government; and,

Whereas, the Land and Water Conservation Fund reauthorization would allow the Federal Government to use eminent domain to purchase private land, farms and ranches without a willing seller;

Whereas reauthorization would potentially remove land from agricultural or other resource use, thus converting a valuable tax and income producing asset into an additional maintenance burden to be piled onto the billions of dollars already needed to repair and maintain existing National Parks.

Therefore, the Pima Natural Resource Conservation District opposes the reauthorization by Congress of the Land and Water Conservation Fund.

Approved by a vote of the Pima NRCD Board of Supervisors on May 30, 2017

4 Aye, 0 Nay, 1 absent

Cindy Coping, Chair

Board of Supervisors
Pima Natural Resource Conservation District

Resolution 2018.03.27: Recognizing Arizona Authority for Wildlife Management

Whereas all wildlife in Arizona belong to the State and by statute the Arizona Game and Fish Department (AZGFD) is charged with, and has the scientific expertise to manage wildlife,

Be it resolved that the Pima Natural Resource Conservation District opposes any legislation or ballot initiative that would put any limits, restrictions, or obstruction of responsible management on the AZGFD's authority to manage wildlife, including but not limited to prohibiting the hunting for big game predators including mountain lions, bobcats and bears.

Adopted March 27, 2018 in a public meeting of the Pima NRCD Board of Supervisors

Supervisor Votes: 4 aye, 0 nay, 1 absent

Cindy Coping, Chair

Long Range Plan Authorization by Pima NRCD Board of Supervisors

This document is hereby approved as final in a public meeting of the Pima Natural Resource Conservation District Board of Supervisors this 15th day of May, 2018:

Supervisor James Chilton _____

Supervisor Cindy Coping, Chair _____

Supervisor Jonathan DuHamel _____

Supervisor Patricia King _____

Supervisor Andrew McGibbon _____

Bibliography

53rd Arizona State Legislature et al. *Powers and Duties of Natural Resource Conservation Districts*. Arizona State Legislature, Last Update 2018a. Accessed 2018-02-23. Available from <https://www.azleg.gov/arsDetail/?title=37>.

53rd Arizona State Legislature et al. *Arizona Natural Resources Division, Declaration of Policy*. Arizona State Legislature, Last Update 2018b. Accessed 2018-02-23. Available from <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/37/01001.htm>.

Administration of President William J. Clinton et al. (2000). "Proclamation 7320—Establishment of the Ironwood Forest National Monument." *65 Federal Register*, 37259-37262.

Arizona Association of Conservation Districts et al. *Arizona Association of Conservation Districts Strategic Plan, 2017-2020*. Arizona Association of Conservation Districts, Last Update 2017. Accessed 2018-02-23. Available from <http://www.aacd1944.com>.

Arizona State Land Department et al. *History of Arizona's Natural Resource Conservation Districts*. Arizona State Land Department, Last Update 2018. Accessed 2018-02-23. Available from <https://land.az.gov/natural-resources/natural-resource-conservation-districts>.

Branam, C. et al. *Cows witnessing wolf attacks suffer PTSD-like symptoms, new research shows*. Oregon State University Department of Animal Sciences, Last Update 2017. Accessed 2018-05-01. Available from <http://extension.oregonstate.edu/news/release/2017/05/cows-witnessing-wolf-attacks-suffer-ptsd-symptoms-new-research-shows>.

Brown, E.J. et al. (2017). "The involvement of the hypothalamopituitary-adrenocortical axis in stress physiology and its significance in the assessment of animal welfare in cattle." *Onderstepoort J Vet Res*, 84(1), e1-e9.

Burdick, N.C. et al. (2011). "Interactions between Temperament, Stress, and Immune Function in Cattle." *International Journal of Zoology*, 2011, 1-9.

Chan, K.M.A. et al. (2008). "Value and Advocacy in Conservation Biology: Crisis Discipline or Discipline in Crisis." *Conservation Biology*, 22(1), 1-3.

Conservation Biology. Stanford University, Last Update 2004. Accessed 2018-02-25. Available from <https://stanford.library.sydney.edu.au/archives/sum2010/entries/conservation-biology/>.

Cooke, R.F. et al. (2013). "Wolf presence in the ranch of origin: Impacts on temperament and physiological responses of beef cattle following a simulated wolf encounter1." *Journal of Animal Science*, 91(12), 5905-5911.

Cooke, R.F. et al. (2017a). "Effects of temperament on physiological, productive, and reproductive responses in *Bos indicus* beef cows1." *Journal of Animal Science*, 95(1), 1-8.

Cooke, R.F. et al. (2017b). "Effects of a simulated wolf encounter on brain and blood biomarkers of stress-related psychological disorders in beef cows with or without previous exposure to wolves." *J Anim Sci*, 95(3), 1154-1163.

Dohms, J.E. et al. (1991). "Stress — mechanisms of immunosuppression." *Veterinary Immunology and Immunopathology*, 30(1), 89-109.

Holechek, J.L. et al. *Impacts of Controlled Grazing versus Livestock Grazing Exclusion: What we have learned*. New Mexico State University, Last Update 2005. Accessed 2018-02-22. Available from http://extension.wsu.edu/kittitas/wp-content/uploads/sites/37/2013/07/impacts_of_grazing-Holechek-and-Baker11.pdf.

James, N.D. et al. (2016). "Critical Habitat's Limited Role under the Endangered Species Act and Its Improper Transformation into Recovery Habitat." *UCLA J. Envtl. L. & Pol'y*,

James, N. et al. (2012). "The Endangered Species Act: An Overview of Current Issues and Trends." 11.

- Jiang, Z. et al. (2009). "..., Beijing 100101 2 Institute of Botany, Chinese Academy of Sciences, Beijing 100093; Status quo, challenges and strategy in Conservation Biology [J]." *Biodiversity Science*, 17(2), 107-116.
- Mpakama, T. et al. (2014). "Bruising in slaughter cattle and its relationship with creatine kinase levels and beef quality as affected by animal related factors." *Asian-Australas J Anim Sci*, 27(5), 717-725.
- Neary, D.G. et al. (2012). "Synthesis of Upper Verde River research and monitoring 1993-2008." *Gen. Tech. Rep. RMRS-GTR-291 ...*,
- Nelson, R.H. et al. (2007). "The gospel according to conservation biology." *Philosophy & Public Policy Quarterly*,
- Njisane, Y.Z. et al. (2017). "Farm to abattoir conditions, animal factors and their subsequent effects on cattle behavioural responses and beef quality - A review." *Asian-Australas J Anim Sci*, 30(6), 755-764.
- Odenbaugh, J. et al. (2016). "Conservation Biology." *The Stanford Encyclopedia of Philosophy*, Winter 2016, 30.
- Pima County Board of Supervisors et al. *A Resolution Of The Board Of Supervisors Of Pima County, Arizona To Pursue The Establishment Of A Ragged Top And Silverbell Mountains Ironwood Preserve Consistent With The Sonoran Desert Conservation Plan*. Pima County Recorder, Last Update 2000. Accessed 2018-03-04. Available from https://webcms.pima.gov/UserFiles/Servers/Server_6/File/Government/Office%20of%20Sustainability%20and%20Conservation/Conservation%20Sciece/The%20Sonoran%20Desert%20Conse rvation%20Plan/Accomplishments/Timeline%20reports/Ironwood%20Resolution%202000.pdf accessed 2018 Mar 4@ 06:15 MST.
- Ramler, J.P. et al. (2014). "Crying Wolf? A Spatial Analysis of Wolf Location and Depredations on Calf Weight." *American Journal of Agricultural Economics*, aat100.
- Tear, T. et al. (2005). "How Much Is Enough? The Recurrent Problem of Setting Measurable Objectives in Conservation." *BioScience*, 55(10), 835.
- Thal, A. et al. *Economic Impacts of the Mexican Grey Wolf Depredation on Family Cattle Ranching in Catron County, New Mexico: Final Report on the Results of the Wolf Depredation Study*. Southwest Center for Resource Analysis, Western New Mexico University, Last Update 2011. Accessed 2018-02-23. Available from http://www.gccga.com/assets/gosar_independent_analysis_county_in_crisis-p.14-22-1-.pdf.
- U.S. Fish and Wildlife Service et al. *All Arizona Species*. U.S. Fish and wildlife Service Region 2, Last Update 2016. Accessed 2018-02-23. Available from <https://www.fws.gov/southwest/es/arizona/Documents/MiscDocs/AZSpeciesReference.pdf>.
- von Borell, E. et al. (2007). "Stress, behaviour and reproductive performance in female cattle and pigs." *Horm Behav*, 52(1), 130-138.
- Warriss, P.D. et al. (1990). "The handling of cattle pre-slaughter and its effects on carcass and meat quality." *Applied Animal Behaviour Science*, 28(1-2), 171-186.
- Widman, M. et al. (2017). "Consequential costs of sheep depredation by large carnivores in Sweden."