

December 11, 2019

Mr. Gary Sparks, HPC Chair  
Arizona Game & Fish Commission  
c/o Arizona Game & Fish Department  
5000 W. Carefree Highway  
Phoenix, AZ 85086-5000

Dear Commissioner Sparks,

I am writing you because it's my understanding that you are the state chairperson of the Department's Habitat Partnership Committee (HPC) and I want to inform you of my opposition to the proposed Cartwright Allotment Water Project, which will purportedly enhance local mule deer habitat. It is one of the HPC projects which will be assessed for approval at the Commission's upcoming HPC Project Funding Meeting, on January 11, 2020, in Phoenix.

As you may know, on September 16, 2019, the Tonto National Forest's Cave Creek Ranger District issued a NEPA scoping letter for this project. Much of the Cartwright Grazing Allotment was burned in the 2005 Cave Creek Complex fire, so cattle were subsequently removed from it in order to allow the land to recover. In 2008 the District issued a decision notice to implement an allotment management plan (AMP) for the allotment. The decision set the maximum permitted number of cattle at 350 cows yearlong, although it said the initial stocking rate when grazing resumed would be "less than 175 adults/yearlings" because of resource conditions. It added that any subsequent annual stocking rate increases would be determined using annual authorizations, as per the Forest Service's adaptive management strategy. The Cartwright allotment wasn't grazed again until the spring of 2018, when only 60 steers and 10 horses were authorized to graze it. This was increased to 72 head, 5 bulls, and 15 horses in 2019, according to the District's annual operating instructions (AOI).

The Cave Creek Ranger District was required to issue a NEPA scoping letter for this project because the proposed new livestock waters weren't identified in the allotment's 2008 decision notice, or 2009 AMP. In other words, they are part of the implementation of a new livestock management plan that hasn't undergone the required NEPA analysis. The scoping letter said the proposed project, "consists of the authorization of structural improvements on the allotment including water lines, troughs and storage tanks." In order to supply this extensive and expensive livestock watering system, the District proposes to divert large amounts of water from three perennial springs and an unused water well it owns. In the case of Mashakatee Spring and Maggie May Spring, the District is proposing to allocate the Tonto National Forest's water rights for them to the new livestock watering system. Mashakatee Spring would not be fenced to exclude cattle, despite the fact it supports a population of native fish. The District also proposes to allocate some of the water from a well at its old Ashdale administrative site to the new

livestock waters. This is despite that fact that the well is located along Cave Creek and its use could affect the creek's flow.

According to the Forest's hydrologist, the Cartwright allotment's permittee holds the sole water right for Seven Springs, which is 90 acre-feet of water annually, with 60 of that allocated to domestic purposes. The permittee is shipping most, if not all, of the domestic portion off of the Forest using large tank trucks in order to supply a bottled water business. The District's scoping letter also proposes to build three new water pipelines to dispersed cattle troughs from the ranch's base property using the remaining portion of the permittee's water right to Seven Springs.

The HPC's proposed Cartwright Allotment Water Project is being characterized, like all HPC projects, as a wildlife habitat enhancement project. But pumping a lot of water out of these perennial springs to cattle troughs will not enhance the local mule deer habitat because it will degrade the springs, which are being used by the mule deer. In fact, if you combine the allotment's riparian exclosures that protect Camp Creek, Cave Creek and Seven Springs with these perennial springs, and the others found on the allotment, it appears the local mule deer already have plenty of water sources.

It's obvious that the primary objective of this project is to subsidize the construction of new livestock waters so that the permittee can obtain authorization to graze more cattle, perhaps up to the maximum permitted 350 head. An increase to 350 head from the currently authorized 72 head would be an increase of about a 486%. A large increase in cattle numbers will create significant competition with the local mule deer for forage. The fact that cattle compete directly with wild herbivores for forage is the reason the Elk Habitat Partnership Committee, the predecessor to the HPC, was established by the Commission in 1992.

This project, like too many HPC projects, suffers from the false assumption that new livestock waters always improve local wildlife habitat. But if the only thing Arizona's wildlife need to thrive is a new cattle trough, then we should be able to have wildlife on the moon by simply building stock tanks there. That's a ridiculous idea, of course, because surface water is only one component of wildlife habitat. In the case of mule deer, they also need forage and cover – both of which are negatively impacted by cattle grazing. Research has found that, “Water in the absence of forage and cover likely will not create mule deer habitat, but forage and cover in the absence of water may provide deer habitat.”

This is especially true during drought, like the one Arizona has been experiencing almost uninterrupted for many years. During droughts, livestock numbers on public lands should be reduced, not increased with the help of subsidies. Arizona's taxpayers and hunters are under no legal or moral obligation to provide financial assistance to this, or any, public lands ranching operation. The Cartwright allotment's permittee should have to pay for the proposed “range improvements” required to facilitate more cattle grazing on the allotment. The District's 2008 decision warned the permittee that the Forest Service did not have the funds to help build them.

Furthermore, the permittee is already removing large amounts of water from the area, so why should the Forest Service award the permittee the use of more water by allocating the agency's water rights to the permittee's ranching operation? The best way to use the Forest's water rights to enhance local wildlife habitat would be to convert them to instream flow rights.

Another one of the arguments used to justify this project, and other HPC projects, is that building new livestock waters in upland areas will draw cattle away from the riparian bottomlands. But research has shown that, unless the riparian areas are fenced to exclude cattle, the new waters don't significantly improve the condition of the riparian areas, but primarily facilitate rotational grazing and more livestock on the uplands. And the resultant increases in cattle numbers bring grazing impacts, such as an increase in competition for forage, to upland areas that have previously seen few cows. Furthermore, the increased cattle numbers could result in worse riparian conditions, even with rotational grazing, unless the riparian areas are protected with exclosures. Research has shown that a conservative stocking rate is the best way to minimize the ecological damage caused by livestock grazing in the Southwest.

In conclusion, I believe that the Cartwright Allotment Water Project doesn't comply with state regulation AAC R12-4-120.F, which requires that "The Department shall dedicate all proceeds generated by the sale or transfer of a special big game license-tag to the management of the species for which the tag was issued." In other words, this project won't help the local mule deer population. The fact that it doesn't include any fence to exclude cattle from Mashakatee Spring, or the allotment's other perennial springs, proves that it's primarily a subsidy for the Cartwright permittee's ranching operation. I intend to attend the January 11 meeting to personally submit my opposition to this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Burgess", with a long horizontal flourish extending to the right.

Jeff Burgess  
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## References

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