

September 21, 2018

Ray Suazo State Director
Bureau of Land Management
One North Central Ave.
Suite 800 (8th Floor)
Phoenix, AZ 85004-4427

Amy Markstein
BLM Tucson Field Office
3201 E. Universal Way
Tucson, AZ 85756

Re: Public Comment on RMP for SPRNCA

Dear Mr. Suazo and Ms. Markstein,

My name is D Dean Bibles. While currently residing in Texas, I have enjoyed visiting, viewing wildlife and hiking in the San Pedro Riparian National Conservation Area (SPRNCA) for more than 30 years. It's a place that I've been proud to share with my children and grandchildren and is where my son conducted his PhD research on the wildlife of SPRNCA. As the BLM State Director for Arizona responsible for the land exchange with Tenneco that brought the property into public ownership, as well as the other State and private land exchanges in the 1980's that filled out the ownership for SPRNCA, I am very familiar with how it came into existence and know that it is not to be managed for multiple use.

The BLM's management of the Nation's first Riparian National Conservation Area in the intervening years has been consistent with the intended protected status. Public employees worked diligently to protect the area and its resources, including the donation of volunteer hours. The BLM responsibly made every effort to protect the foundational value of SPRNCA by fighting appropriately to protect the water rights and the vegetation and wildlife resources. Through strategic use of staff and volunteers, the BLM monitored recovery of the area, removed fences and other unnecessary range improvements, provided visitor services, managed vehicular use, accommodated research needs and provided dedicated law enforcement on the property.

It is important to recognize the considerable efforts of local people who have given tens of thousands of hours from the first days of public ownership, when Tucson Audubon conducted an extensive bird survey, through countless meetings and projects to current day Friends of the San Pedro River volunteers helping visitors and supporting the mission of the National Conservation Area (NCA). This partnership is government in action with the San Pedro volunteers being the true heroes of a valuable resource managed for current and future generations.

As the individual who was responsible for the acquisition of lands in the SPRNCA and for shepherding it through the legislative process that resulted in passage of PL 100-696, I am compelled to weigh in on the current planning process. I am deeply concerned about the future of SPRNCA if the preferred option in the draft RMP is adopted. The preferred alternative proposes multiple uses in SPRNCA that have been excluded since the NCA was congressionally designated. This preferred option is contrary to the expressed and intended purpose of the SPRNCA and misunderstands that the BLM is responsible for some special areas that are not to be managed as multiple use.

I want to be clear about this point, as one of the most experienced and decorated individuals in the BLM's history, I can say authoritatively that not all land managed by the BLM is to be managed as multiple use. Some areas have specific designations that require special use and this takes these areas out of the multiple use concept. In the case of SPRNCA, the specific use is to conserve, protect and enhance the riparian area. This is not an area that is to be managed for multiple use, Congress was clear as to how this area was to be managed:

MANAGEMENT OF CONSERVATION AREA

SEC. 102. (a) GENERAL AUTHORITIES.—The Secretary shall manage the conservation area in a manner that conserves, protects, and enhances the riparian area and the aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreational resources of the conservation area. Such management shall be

guided by this title and, where not inconsistent with this title, by the provisions of the Federal Land Policy and Management Act of 1976 (hereinafter in this title referred to as "FLPMA").

(b) USES.—The Secretary shall only allow such uses of the conservation area as he finds will further the primary purposes for which the conservation area is established.

Water is the first major concern to note in explaining the passage of this legislation. The water rights portion of the law caused a two year delay in passage of the legislation. Congressman Jim Kolbe worked diligently through many meetings with local people and authorities which resulted in his extra care to carefully word this portion of the legislation, which passed the House in 1986. Senator Barry Goldwater wanted to "take this home" in his last year in the Senate but Senator Jim McClure (Idaho), Chairman of the Senate Committee on Energy and Natural Resources would not pass the legislation out of committee with the Arizona specific water language. It was introduced again in the new legislature where it again stalled in the Senate until Arizona junior Senator John McCain threatened to block any legislation affecting Idaho until the SPRNCA legislation cleared the committee with the water language developed in Arizona with the local stakeholders.

I point this out to emphasize that the water rights declared in the law are intentional. The Interior and Justice Departments have a solemn duty to protect the San Pedro as intended to the best of their ability. To declare that there is no responsibility to protect water, the very basis for the NCA, is indefensible and contrary to the intent of the legislation. Water withdrawals outside the boundaries of the NCA clearly defeat the purposes for which the area was established. The BLM has the duty and responsibility to take all reasonable actions to protect, not defeat, the area. The Arizona State Supreme Court's ruling regarding water does not diminish the responsibility of the United States to take the actions necessary to protect this Nation's resources.

As to grazing, there seems to be some misunderstanding about grazing at the time of acquiring the San Pedro. Tenneco had only two outstanding leases on the property: one for gravel mining in the river, the other a grazing lease that was about to expire. The Tenneco leaseholder knew that their lease would not be renewed by the BLM. The entire area had been heavily overgrazed and was in very poor condition, so the purpose for the acquisition was to save the riparian area for the migratory and nesting birds as well as other uses of the area that are incompatible with grazing. Simply, there were no individuals with any outstanding grazing privileges on the area. This was newly acquired land with no priorities outstanding. Creating grazing permits or leases in the area will create many issues that do not "further the primary purposes for which the conservation area was established" per section 102(b) of Title 1 PL 100-696.

Some, but not all, of these issues would include establishment of private "rights or privileges" in the area which could be very difficult to extinguish once established. Extensive fencing would be necessary which would hamper free movement of other public users. Water development would be needed if cattle were to remain out of riparian areas. Allowing the Babacomari to be grazed would destroy that riparian portion of the NCA. The extent that domestic livestock bring various unwanted seed or other material also hinders free use of the area. For the ecological health of the area, the natural processes of the past years must continue to allow recovery.

At the time of acquisition of the Arizona State Trust lands, there was no intention and therefore no commitment to continue grazing after the outstanding state leases terminated. Many users (visitors) are very uneasy around livestock, therefore would hesitate to hike into the areas where the livestock would be located, further denying another dedicated purpose of the NCA.

Frankly, there is no scientific or other common sense reason to allow privately owned livestock in the area. If BLM research determines livestock grazing is necessary to maintain a particular habitat, then BLM should provide the prescribed grazing by contract rather than license. If, and only if, valid scientific research indicates that grazing will significantly enhance the area is grazing to be allowed.

I ask BLM to seriously consider the long-term problem you will create by opening this area to grazing and the fact that it is clearly contrary to the intention of the management of this area.

Opening new areas to hunting needs to be carefully considered. As a hunter for more decades than I care to consider, I am aware of the many issues hunting will create. These include safety issues that will be faced by other visitors, the potential accidental killing of non-game animals, increased pressure on all wildlife from shooting, increased seasonal hunter presence, and increased legal and illegal road use during the hunting seasons. This proposal should be reconsidered and BLM should NOT take responsibility for allowing creation of these issues on the SPRNCA. Bird watching, hiking, scientific research and other conservation area uses are simply not compatible with hunting.

My last concern involves the designation of travel routes and subsequent implementation of plans to close or create new roads and trails. While the preferred alternative seems to be identical to other alternatives from a designation standpoint, the proof will be in the actions that BLM takes in subsequent travel planning decisions. I must remind you to review the specific requirements of PL 100-696, which specifically prohibits vehicular use except for management purposes or on designated routes. Creating new grazing allotments and opening new areas to hunting will undoubtedly significantly increase pressure on BLM for more vehicular access. Increased vehicular use in SPRNCA would violate the law.

Finally, PL 100-696 is clear that the SPRNCA must be managed according to this law. Any proposed management plan must be limited to the language of the authorizing legislation. Only where proposed activities under the requirements and authorities of the FLPMA are found to be consistent with PL 100-696, can those activities be permitted. This is a commitment to the people of the United States.

I spent a long and satisfying career contributing to the public lands and the work of the BLM. It is with deep regret that I feel it necessary to publically criticize the actions and proposals of this agency. My loyalty to the agency is unshaken, but when the BLM is moving in the wrong direction, counter to the purposes set out for this spectacular property and the intent of Congress, I must speak clearly to protect the letter, spirit and intent of the law.

D Dean Bibles
BLM Arizona State Director 1982-1989