

The Arizona Riparian Council Newsletter

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PRESIDENT'S COLUMN

Consider that certain sections of our major desert watercourses, which were long ago sucked dry by the pumps of progress, now flow perennially as a result of our rather prodigious ability to generate waste. The Salt River near its confluence with the Gila River, the Santa Cruz River north of Tucson and also at its confluence with Portrero Wash, are now re-living some part of their past lives. A student of Southwest riparian systems could hardly fail to be impressed by the extensive riparian forest and woodland communities that now line the muddy waters of these humble river systems. In fact, these malodorous environments support some of the highest quality riparian environments to be found on these abused rivers.

How wonderful it would be to think that such natural wonder was a part of some grand design to enhance and restore our degraded riparian systems. But alas, what we see is simply an artifact, if you will, of bureaucracies ill-equipped to deal with the prodigious outpourings of an affluent society. Year's back during a seminar course on Urban Ecosystems, I became interested in the value of these effluent-generated riparian environments and I've always nurtured the hope that some way could be found to ensure the long-term viability of these riparian systems.

But less anyone think that we have begun to turn the tide in our efforts to develop a sane and rational approach to water management in

Arizona consider some recent developments. The Arizona courts, in a recent ruling involving a Phoenix area developer and the City of Phoenix, have held that effluent is distinct from other surface waters of the state and not subject to the laws of prior appropriation. The courts maintain that effluent is the property of the cities unfettered by the constraints of water law imposed on all other surface waters of the state. On a somewhat interesting side note the Court did maintain that as long as the effluent is in the stream channel it is subject to the laws governing the appropriation of surface water rights while recognizing however that the owner of the effluent can at any time decide to divert the flow without recompense to the downstream holders of these effluent water claims.

A second development involves Arizona's Department of Environmental Quality recent proposals, (as part of their Triennial Review of Surface Water Quality Standards), to designate most of the State's surface water for aquatic and wildlife use, including those waters classified as Effluent Dominated Waters (EDW). What this means is that discharges from sewage facilities must meet very strict standards for pollutants. So strict that the towns and cities are claiming that they are not able to meet such standards without a substantial financial investment that would have significant economic repercussions. Their only solution is to divert the effluent at the point of

discharge to settling ponds where it can evaporate or convey it to golf courses, agricultural interests for irrigation purposes or anyone else who can put up the mullah for a little of the bubbly brew. The net result is that the once perennial, formerly dry, and now wet, stream sections of the Santa Cruz, Salt and Gila Rivers, to name a few, will be dry again. And, in short order these riparian habitats will once again be a part of historical society photographs, journal entries, Chuck Hunter's MS thesis and diatribes found in such noteworthy publications as the ARC newsletter.

"The wonderful irony is that the very same standards that are promulgated to protect wildlife may in fact be credited with its demise"

The wonderful irony is that the very same standards that are promulgated to protect wildlife may in fact be credited with its demise once the effluent is diverted and the stream channel returns to its "normal" dry condition.

When ADEQ is informed of this curious Catch 22, they point to the inclusion within their draft regulations of a provision to allow anyone to propose, with justification, less stringent site specific standards for Effluent Dominated Waters. Towns and cities when informed of this provision respond that it is not their job to

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Water Acquisition Update

Progress on Water for Wildlife and Streams

The content of the following article was excerpted from the December issue of the periodical, *Water Market Update*, published monthly by Shupe & Associates, Inc., P.O. Box 2430, Santa Fe, NM 87504.

During 1989, there were a number of significant changes in the use and appropriation of water for environmental purposes. A few of those accomplishments are highlighted here; some of this is old news, but it may not be for some of you.

Private parties purchased 1,000 acre feet of water for release into Putah Creek in order to maintain riparian vegetation near Sacramento. Farther south, in the San Jacinto Wildlife Area, The California Department of Fish and Game agreed to lease up to 4,500 acre feet of effluent per year for the maintenance of wetlands, riparian areas, and to irrigate fields growing food for wildlife.

The Nature Conservancy, in particular, has been very actively acquiring water rights. During a last winter cold spell in Idaho, which threatened the welfare of a major flock of trumpeter swans, the Conservancy obtained instream flows that were needed to break up ice that prevented the swans from feeding. They also acquired a ranch in Idaho along with six cubic feet per second of water rights for fish propagation and wetland protection. Also last winter, the Conservancy negotiated an agreement with a local Colorado irrigation district to allow water to flow from the Halligan Reservoir, through Phantom Canyon, in exchange for leasing district shares. In a more recent development, the Conservancy, in order to protect the Phantom Canyon fishery, also got the district to agree to release that water over a 48 day period rather than during a single week.

The Conservancy is also attempting to acquire water rights to protect endangered fish in the Yampa Basin in western Colorado, to enhance grizzly bear habitat in Montana, and to

maintain local fish species right here in Arizona in Aravaipa Creek.

The Stillwater Basin.

The Casey Ranch in the Stillwater region of western Nevada near Fallon was the focus of major water acquisition activity late in 1989. The Conservancy has applied to the Nevada state engineer for the transfer of 2.99 acre feet of water per acre from the 54-acre Casey Ranch, to be used for recreation and wetland maintenance. Also the Nevada Waterfowl Association, following a successful coordinated fund raising effort, purchased small parcels of irrigation water rights for transfer to wetland preservation. If a legal precedent is set regarding the Conservancy's water rights request, the U.S. Fish and Wildlife Service will purchase other water rights on the Casey property, having already signed an option for more than 1,000 acre feet of irrigation waters. They were able to do this with funds appropriated by Congress in 1988 for this purpose. Congress likewise appropriated an additional \$1.5 million in November of 1989 for water acquisition to benefit wetland, in addition to the millions of state funds also made available by the Nevada legislature in 1989. Finally, the Truckee-Carson-Pyramid Lake Water Rights Settlement Act, introduced last summer, would authorize an additional \$16 million for federal acquisition of water rights in the Stillwater area over the next four years.

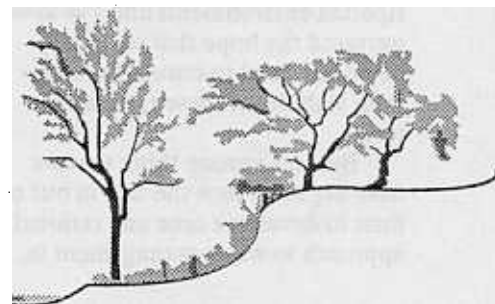
Other legislative and regulatory actions affecting wetlands in western U.S.

A few positive actions happened in 1989 that will affect instream flow efforts as well the activity in water marketing in general:

- The Nevada Supreme Court has ruled that *in situ* water uses are beneficial and form the basis of protectable water rights, thus clearing the way for water rights acquisitions and appropriations

for streamflows and wetland protection.

- The Oregon Water Resources Commission established interim policies that potentially restrict diversions and transfers from tributaries of scenic waterways. Also the Oregon Department of Water Resources has issued permits allowing the appropriation of Columbia River water and its transfer to the Umatilla Basin to benefit the fisheries in that area.
- The Arizona Department of Water Resources issued an in-stream water right to BLM for the waters of Aravaipa Creek.
- The Montana Legislature established a pilot program to lease water rights for transfer to in-stream flow.
- The National Marine Fisheries Service reversed its earlier decision and announced that it would seek "threatened species" status for the winter run of chinook salmon in the Sacramento River.
- A California judge upheld a bypass right for the American River to protect salmon and recreation.
- Beneficial use was defined by the Nevada Legislature to include the watering of wildlife and the maintenance of wetlands, fisheries, and wildlife habitat.
- The Audubon Society obtained a temporary injunction against the city of Los Angeles from further diverting waters from Mono Lake.
- The California Legislature established a \$60 million Environmental Water Fund.



Verde River Corridor Project

During the last issue of your newsletter, Tanna Thornburg presented a general outline of the Verde River Corridor Project and the various participating groups. This planning group, as one of its first priorities, will have to deal with the problem of current commercial uses of the river. A number of companies had been mining sand and gravel between Cottonwood and Camp Verde. As a first step in the Verde River Corridor Project, a public meeting was held in Clarkdale on March 7 to allow all interested groups to present information with respect to solving problems associated with the discharge or dumping of materials into the river's channel.

A group of about a dozen speakers representing state and federal government agencies, the construction industry, chambers of commerce, property owners, and environmental groups presented background information relating to the issue of sand and gravel mining.

Sometime late last summer, five sand and gravel operators, under a cease and desist order by the Environmental Protection Agency (EPA), were declared to be in violation of the Clean Water Act. This judgement came about because the sand and gravel companies are operating within the 2-year flood zone (ordinary high water mark) of the river in this area. Anyone dredging or filling within this zone can only do so

if their operations meet EPA guidelines for water quality standards. To operate legally these companies must go through the Sec. 404 permit process which is regulated by the Army Corp of Engineers. In addition to the requirement of a 404 permit, the operators must also submit plans for the restoration of the river bottom to its original condition.

The action brought against the sand and gravel companies is a reflection of the increasing role and jurisdiction of EPA. This agency is considering putting in place an advanced identification system (ADID) on the upper 125 miles of the Verde River. One aspect of this system is the identification and mapping of special interest areas, that is, areas having significant natural, cultural, or economic value. This advance work will identify sites which are either suitable or unsuitable for disposal of dredged or fill materials, and consequently, will put some teeth into the 404 permit process when companies apply to discharge into specific areas.

The ADID process will involve a number of agencies including the National Wetlands Inventory team from the U.S. Fish and Wildlife Service and EPA as lead agency in enforcement and litigation.

Ed.

Public Notice on Definition of Headwaters

If eventually approved, a recent proposal by the Army Corp of Engineers could have a significant effect on future discharges into the Verde River.

The proposal would result in the declaration that Sullivan Lake near Paulden is the headwater of the Verde River. Any discharges of dredged and fill material must currently satisfy conditions of one of the nationwide permits issued by the Corps. Nationwide Permit #26 does allow the discharge of dredged and fill materials if done above the "headwaters" of the river. In a 1982 public notice of revision of the headwaters definition, the entire reach of the Verde River was determined to be above the "headwaters". A number of individuals and groups have since challenged that definition, and the Corp has reassessed the "headwaters" definition for the Verde River. The revision proposal is now supported by more recent flow data from the Bureau of Reclamation. Its acceptance could have important implications with respect to the requirement for and issuance of 404 permits for dredge and fill operations in the Cottonwood to Campe Verde reach of the Verde River.



Wetland Preservation Now Getting Private Support

Editor's Note: The following news item was reprinted from a Fish and Wildlife Service news release dated 2-6-90.

The Phillips Petroleum Company has joined with other private and public partners, including the Department of the Interior's Fish and Wildlife Service, to launch a 5-year, \$1.3 million program to preserve and enhance vital waterfowl habitat in the southwestern United States.

Phillips will donate \$125,000 annually through 1994 to the Playa Lakes Joint Venture to protect about 25,000 wet basins (playas) in 84 contiguous counties of New Mexico, Texas, Oklahoma, Kansas, and Colorado. The playas serve as crossroads for 32 species of ducks, geese, and swans during their fall and spring migrations.

The five states collectively will match the Phillips contribution. Ducks Unlimited, the National Wildlife Federation, and other private conservation groups, also are partners in the Playa Lakes program. Ducks Unlimited plans to match the Phillips funding and contribute that amount in Phillips' name to waterfowl enhancement in Canada.

The Playa Lakes project is the seventh and newest joint venture in the United States created under the North American Waterfowl Management Plan. The plan was created in 1986 by the United States and Canada to try to stop the destruction of wetlands and stem the decline in waterfowl numbers in North America.

"The Playa Lakes project is especially gratifying," said Fish and Wildlife Service Director John Turner, "because it exemplifies the private and government partnership so vital to the North American Plan. The Bush Administra-

tion is committed to preserving and enhancing vital waterfowl habitat."

He added, "The Phillips contribution is one of the largest donations for a wetland conservation project under the plan and will protect the best of the playa lakes area, benefitting the many wildlife species dependent on them."

The money will give environmental agencies in each state and landowners in the Playa Lakes region resources to keep the habitat properly irrigated in order to accommodate the birds' migrating habits.

Phillips Petroleum's commitment to the project was voiced by their vice president for North American exploration and production, John Whitmire: "In addition to the funds, we will supply manpower and technology for specific needs of the program as they arise. This is an extension of our long-standing environmental commitment. We want to keep learning how to be better stewards of the land and implement what we learn."

As many as 2.8 million ducks, 75000 geese, and 450,000 sandhill cranes winter in the Playa Lakes region. About 99 percent of the lakes, however, are privately owned.

"The cooperation and participation of landowners in the Playa Lakes region is critical to the success of this project," said Bruce Morrison, chairman of the Playa Lakes Joint Venture Steering Commission and Assistant Division Chief of Habitat, Environment, and Lands for the New Mexico Game and Fish Department. "We'll work hand in hand with landowners, without impeding their businesses, to help the waterfowl habitat flourish."



Stormwater Study Finds Widespread Support for Preservation of Natural Washes

Preservation of riparian habitat was a primary concern expressed of those interviewed during the Tucson Stormwater Management Study (TSMS). The City of Tucson and Pima County jointly financed the TSMS to develop institutional, technical and financial aspects of stormwater management in the Tucson metropolitan area.

The results of 92 surveys returned during the study period show greatest support was the for making preservation of natural washes a component of a stormwater management program. Detention systems, stormwater ordinances and policies, land acquisition and vegetated channels were also rated highly. The lowest priorities were the elimination of hazardous dip crossings, bank stabilization and improvement of response time to drainage complaints. Since approximately \$50 million in 1984 City bonds has been authorized for removing dip crossings and bank stabilization, it remains to be seen whether the capital improvement program will be re-directed toward the priorities expressed by the polls.

The Citizen Advisory Committee (CAC) assembled for the TSMS has reviewed City and County area plans and found that, while many of those plans promote protection and restoration of washes, municipal and county flood-control projects were often inconsistent with the plans. The resulting TSMS recommendations reflect the CAC's desire to use area plan policies in the preparation of master drainage plans and policies. In addition, the study conclusions recognize that current drainage design standards and other regulatory documents should be modified to support maintaining natural washes. The CAC is now working with the City Operations Department to bring environmental and aesthetic concerns into the drainageway maintenance process.

*The burgeoning role of private environmental groups***The Buying of America to Preserve its Natural and Cultural Heritage**

Editor's Note: *A number of private environmental groups across America are either buying or otherwise placing in protective custody large tracts of unique, endangered, or threatened natural and cultural treasures. The following article is an Associated Press Newsfeature which gives a good overview of some examples of the land acquisitions that have been consummated around the country. Although a few of the articles that we have been running in the ARC Newsletter deviate from the riparian focus of this group, the environmental groups being highlighted are likewise focused on important riparian areas and their preservation, particularly in Arizona. The article is reprinted in its entirety with permission of AP,*

Washington (AP) - When the Nature Conservancy bought 502 square miles of New Mexico - 90 percent of a mountain range and a more diverse population of mammals than any national park in the United States - it was hailed as a milestone.

It certainly was. But the purchase in late January was the culmination of an explosion of conservation efforts that began in the early years.

A new breed of conservationists are buying up big chunks of the American landscape, stamping the land inviolate to the bushwhacker's blade.

How much money the Conservancy paid for the Gray Ranch in New Mexico astride the Continental Divide wasn't made public. But it was probably in the neighborhood of \$18 million, a sum that would have sounded fictional to a conservationist's ears a decade ago.

What it brought under the conservancy's protection was almost all the Animas Mountain range; some 100 plant and animal species listed as endangered, threatened or rare; 13 pre-Columbian archaeological digs and hundreds of others as yet unexplored; herds of Chihuahuan pronghorn antelope; seven different habitat types from desert grassland to chaparral and coniferous forest, and endangered bits of nature from the

white-eared hummingbird to the night blooming cereus.

The Conservancy acted when it discovered the ranch owners wanted to sell and there was the threat the land might be broken up and developed.

Conservancy president John C. Sawhill, announcing the buy, said, "Few intact natural systems of this caliber exist in the world today. The...effort also represents the future trend for The Nature Conservancy and its partners. To truly insure our natural world for future generations, we are developing creative ways to safeguard much larger landscapes."

A few years ago, such an effort would have been only a dream, but conservationists are becoming sophisticated advocates - scientists, business graduates, experts in law and real estate.

Inch by precious inch they are preserving farmland, wilderness and open spaces against development, more effectively than ever before.

The Nature Conservancy is a sort of symbol for individuals and other land trusts. Before the New Mexico deal, it was taking an average of 1,000 acres a day out of commercial play.

Says Mike Dennis, general counsel of the conservancy, "For every scientist we have around here, we probably have an MBA, a tax lawyer and a real estate attorney."

Environmentalists have sharpened their skills in the private sector, recycling many of the same dollars each time to buy new land. They have discovered revolving funds, a war fund that doesn't have to stay invested. They can plunk down several million dollars until, by prior arrangement, a government agency can repay them, assuming custodial care of the property.

Or they can buy a piece of property, deprive it of the potential for commercial development, and resell the land for a somewhat lesser cost to

what they think is an appropriate buyer.

Who is that buyer? A farmer who will farm without being tempted by high developer prices, the U.S. Fish and Wildlife Service which wants to protect the land, or a trust that is able to preserve the land as open space, a vista, a place apart.

In any case, the conservationists send the resale dollars back into their revolving funds to be used again.

None of these organizations or individuals could succeed without local support. When a developer wanted to take a 147-acre scenic hay meadow in

"Inch by precious inch they are preserving farmland, wilderness and open spaces against development, more effectively than ever before."

Jackson Hole, Wyo., to put in 70 to 80 houses, the local land trust negotiated an option on the land which was priced at \$1.5 million.

The county came up with one-third and the land trust raised the rest from private donations.

Says Ms. Jean Hocker, director of the Land Trust Alliance, an umbrella organization in Washington for hundreds of local land trusts, "The community heard about it and came to the rescue." The deal took three months. Speed is important.

There are more than 800 local land trusts established in states, counties and communities - almost half of them formed in the past 10 years. They protect about 2 million acres and they own 300,000. Some of them have million-dollar budgets.

Sometimes conservationists act in concert.

The McQuerry Ranch, 3,500 acres at the foot of the 11,000-foot peaks of Nevada's Ruby Mountains, was in financial trouble, the family in

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danger of losing the land they had farmed for generations.

A third of the ranch is a unique desert wetland area around Franklin Lake, the kind of terrain that attracts resort-type development. It is also a nesting area for migratory birds.

The American Farmland Trust suggested to The Nature Conservancy that the best way to preserve the land was to enhance the way in which the farm was operated by the family.

The migratory birds and the wetland fit the conservancy's charter. With \$300,000 from its revolving fund, the conservationists bought the ranch and leased it back to the McQuerry family with certain conditions.

The family would have to change certain farming operations. For instance, they would not be permitted to graze the wetland area from fall to the following summer when the birds use the estuary.

When the family was able, they would buy the ranch back, but those covenants would remain.

"If we hadn't stepped in, certainly the family was going into bankruptcy," says Ralph Grossi, president of the American Farmland Trust. "They would have lost the farm."

The United States covers some 3,600,000 square miles or 2.3 trillion acres. Of those, 78,000 square miles or almost 50 million acres are inland waterways. There are also over 88,000 miles of tidal shoreline.

Conservationist groups can't protect it all, nor, they say, should they. Often they seek to cooperate with developers, allowing residential uses, but sequestering other areas, in some cases, developers pay mitigation fees for the damage their developments might cause. Those funds are used to enhance the protected land.

Says The Nature Conservancy's Dennis: "When you're talking about an ecosystem, you could be talking about anything from 5,000 acres to 500 square miles."

So he outlines a compromise, a core that the conservationists want to own and manage. Around that they would establish a larger area where

timbering and mining are banned. "Then you may want an additional buffer where development is okay, but it's got to be limited. You may allow a cluster of homes here on 2-to-5 acre tracts and preserve farmland over there."

Even individuals are taking a page from their book and designing small local operations to save such properties as a farm in Virginia or 400 acres of rolling countryside in Connecticut. The farm remained a farm, and the Connecticut tract is now home to an organically safe golf course.

In the array of people in the conservation army, there is also an array of purposes.

"Even individuals are taking a page from their book and designing small local operations ..."

By stripping a piece of land of development rights, it is not only protected regardless of who owns it, but income tax benefits can either bring the owner a sizeable tax deduction or provide instant cash for a farmer.

It also reduces the value of the land and hence its tax assessment, which deprives the county or state of some tax revenue. But counties and states usually are willing to forego taxes on some property to enhance the value of land around it.

Witness New York's Gov. Mario Cuomo, who has asked for \$1.9 billion to set aside areas of the Empire State for scenic and recreation purposes. California has provided over \$700 million for similar purposes, and Florida has an active land acquisition program.

But the smallest of communities can be stirred to action. Michigan's west coast is a beautiful blend of dunes, orchards and sandy beaches on Lake Michigan. It is a magnet for those wanting second homes, and, un-

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develop water quality standards. Which leaves the whole issue unresolved.

So where does that leave us? No worse for the wear in the short term as it will take awhile for the towns and cities to come to terms with the problem even if they do decide to divert all the outflow. Also keep in mind that given the rather vociferous posturing of the towns and cities to the proposed Water Quality Standards, we see a bit of road left to travel before the standards are put in final form all of which suggests that there is time for creative input. The ARC's Water Resources Committee (the muse of instream flows) under Marty Jakle's august tutelage is interested in exploring this issue in greater depth and with that I encourage all of you to consider assisting Marty in coming to grips with this intriguing opportunity.

*Andy Laurenzi
President, ARC*

like the coast of California which it mimics in miniature, it has no coastal commission to protect it.

Local land trusts, with the help of the Farmland Trust, moved in to buy a 507-acre farm on the Old Mission Peninsula, blocking further residential development. It will remain an orchard in an area that prides itself on being the "Cherry Capital of the World."

*John Barbour
Associated Press*

Dedicated to Preserving the Verde River and Its Northern Tributaries

Northern Arizona Trust Lands, Inc.

During this and the previous issue of this newsletter, we have featured the work and objectives of a few of the private groups involved in the preservation of natural and cultural areas in Arizona. These groups are particularly important to the stewardship of riparian areas since they act so well as an environmental service to private landowners. These landowners are often under considerable pressure to convert their stream-side holdings into areas for economic development. This is particularly true of the Verde River and its major northern tributary, Oak Creek.

Northern Arizona Trust Lands (NATL) is one the newest of the conservation land trusts whose charter is committed to placing sensitive natural areas into some form of protective custody. They were incorporated on July 26 of last year. Their focus is protection of the Verde River corridor and its northern tributaries. Small land trusts such as this one seem to be most effective on a project basis. NATL has directed its efforts most recently to preserving sensitive lands in the Sedona area. More specifically, they would like to be instrumental in creating a perpetual greenway along 42 miles of Oak Creek with a wide riparian buffer along that stretch.

Similar to methods used by the Nature Conservancy, this trust, aside from its more general advocacy of land conservation, acquires lands through donations or purchase. These lands

are then dedicated for conservation, preservation, scientific, historic, and passive recreation activities. The group will also participate in a variety of contracts (e.g. conservation easements), legal agreements, deed restrictions, and other land ownership options designed to protect property, whether in private or public ownership, from future over-development.

It is interesting to note the degree to which such productive efforts are born of serious conflict. NATL was formed because of the inability of citizens to influence County Zoning Commissions. According to Betty Sue Ray, a Founder-Director of NATL, "NATL was formed as a result of getting nowhere with the Counties with respect to protecting the waterways, canyons, hills and other sensitive areas in Sedona. Yavapai County had run roughshod over the earlier community plan prepared by professional consultants; areas were rezoned from parklands into commercial every time they were asked for a variance."

The group has only recently produced a narrated program with slides and art work of the Sedona-Oak Creek-Verde Valley area. It is available free of charge to clubs, churches, or other organizations. If interested, call Dick Dunham, (602) 282-2861 or Sue Ray (602) 282-2601.

The organization logo is the Arizona Cypress seedcase, symbolizing both a native species and the regeneration of new life.

Training Session on River Ecology Announced

The Denver Audubon Society in cooperation with the Colorado Division of Wildlife and the Thorne Ecological Institute have just announced the 4th Annual Institute of River Ecology. This training session will be held in Bailey, Colorado, June 24 - 29, 1990.

The course of study includes the ecology of the South Platte River corridor and management of water, wildlife, vegetation, and floodplains in riparian areas. Participants in the past have included teachers, attorneys, engineers, wildlife biologists, and professional and amateur naturalists.

The fee for this course is \$395, which includes lodging, food, transportation on the river, and instruction.

For more information, call Susan Foster (303) 499-3647.

Two Forks Update

As noted in the last issue of this newsletter, the Environmental Protection Agency has tentatively proposed to veto the U.S. Army Corp of Engineers permit to build the Two Forks Dam on the Platte River in Colorado. The agency's decision appears to have been based at least in part on an outpouring of over 7,000 letters written by concerned citizens either opposing or questioning the need for this mammoth water project. A final decision on the permit is not expected until summer.



Policy Committee

ARC submitted comments in February as an intervenor on the Mountain States Legal Foundation (MSLF) appeal of the Apache-Sitgreaves National Forest Plan Amendment #1. The appeal was filed by MSLF on behalf of the Arizona, Apache County, Greenlee County, and Navajo County Cattlegrowers Associations. The appeal was filed just a few weeks after the ARC annual meeting there and reflects the divisive nature of the situation on the Apache-Sitgreaves National Forest between the livestock industry and several other user

groups. This appeal is especially troubling as the Plan Amendment #1 was compromise document that was the product of innumerable negotiating sessions between the various parties.

The Council's comments were confined solely to issues related to riparian area management. A total of 15 issues raised by the Appellants were related to riparian systems. ARC agreed with three points raised by the appellants, while siding with Forest Service Plan Amendment on ten issues. The remaining two were not relevant to the appeal of the Plan Amendment as the language in the

Plan Amendment was not changed from that in the Forest Plan which is also under appeal.

Several other groups have also intervened on this appeal and it is likely to drag on for months before any decision is reached. Anyone interested in receiving a copy of comments please write to the Center for Environmental Studies, ASU, Tempe, AZ 85287.

*Andy Laurenzi
Chair*

THE ARIZONA AQUIFER PROTECTION ASSOCIATION

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*A Group Whose Primary Goal is to Focus on
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Land Use Committee

AGF Commission Plans Action on Sikes Act

Editors Note: The following information was excerpted from literature supplied by the Arizona Game and Fish Department, U.S. Forest Service, and your committee chair, Mike Leonard, Forest Biologist, Prescott National Forest.

When the Commission convenes for its June meeting they will probably take action on proposals for initiating an agreement under provisions of the Sikes Act. This action, if positive, could result in creating the most important funding source ever realized for the improvement of riparian habitat. There are many bridges to cross, however, before this becomes a reality.

The Sikes Act was originally passed by Congress in 1960, primarily to fund wildlife management on military reservations. In 1974 the Act was amended to require that the U.S. Forest Service and the Bureau of Land Management develop habitat management programs in cooperation with the various states. To fund these programs, the Congress authorized creation of a user fee to be collected by the state, but used to fund improved wildlife and fish habitat on the federal lands within that state.

There are few constraints, however, within the Act on the manner in which a state user fee is to be structured, or on the acreage that is to be included for habitat improvement. Because of this multitude of potential methods, the job of creating a viable program is particularly difficult. Also, for this reason the AGF Commission is seeking input and support from all interested conservation groups, agency staff, and individuals.

In order to construct some guidelines for a program, the Arizona Game and Fish Department is currently circulating a questionnaire. As a starting point, a Sikes Act Habitat Improvement Stamp has been proposed by this agency; its possession would be required of anyone hunting, fishing, or trapping on public lands administered

by the Bureau of Land Management or the Forest Service. For other land users, the stamp would be optional. This, of course, places the major burden of the program on the sportsman. Thus the questionnaire: to try to estimate to what degree sportsmen and non-consumptive users of the resource are likely to support the stamp program. In order to estimate buyer resistance based on fee, the question is being asked as to the amount users would likely accept where required, and an amount that non-consumptive users would be willing to pay for a stamp, though not required to.

The area to be administered under the stamp program is a crucial decision, and one which needs input from a wide range of individuals and groups interested in habitat improvement. It is a decision of great importance to ARC because of the likelihood that riparian habitat improvement will rank high on project priorities.

The program could be administered on a statewide basis; all consumptive users of Forest Service or BLM lands within Arizona would have to pay the fee. The program could also be administered within specific National Forest or BLM Districts. This would take advantage of the comprehensive planning already in place within these areas. On the other hand, it could result in the consumptive user avoiding the fee area, particularly if that area, presumably in need of significant habitat improvement, might also be an area where his/her success would likely be lower than somewhere else.

At any rate, as habitat technicians and administrators, this program needs your ideas, vocal support, and finally your personal financial participation. You can contribute immediately to the dialogue in the following ways:

Classification and Inventory

During the January 22 meeting of the Governor's Riparian Habitat Task Force Denny Haywood presented the final draft of the "Handbook of Riparian Measurements." The recommendations have now been re-circulated to the various state and federal agencies for comment. The Task Force will meet again on February 22 to consider any changes developed by the various agencies and give final approval or recommend further changes.

At the January meeting the Task Force did approve a final definition of riparian habitat as follows: *A riparian area is defined as an aquatic or terrestrial ecosystem that is associated with bodies of water, such as streams, lakes, or wetlands, or is dependent upon the existence of perennial, intermittent or ephemeral surface or subsurface water drainage.*

- Write or call individual AGF Commissioners once the public information package is released.
- Participate in citizen groups or committees working on project priorities
- Contribute toward developing a consensus or position with your governmental agency
- Finally, if and when the program is approved, buy a Sikes Habitat Im-

Education Committee

Ron Smith, managing editor for the ARC quarterly newsletter, has turned out consistently high quality, informative newsletters for ARC members. This newsletter is an excellent tool for agencies, organizations, universities, and individuals to share information and communicate with others whose interests focus around riparian systems.

The ARC's first Riparian Fact Sheet has been distributed to schools and other groups and organizations. Thanks to all who helped produce it. If demand stays high we will have to look at reprinting. A second fact sheet on wildlife and riparian areas is scheduled for the upcoming year. We are looking for assistance in writing it - please call Tanna Thornburg at 542-1996 if you are interested in helping on this fact sheet.

Teacher Workshop on Riparian Systems. The Arizona Association for Learning in and about the Environment (AALE) is sponsoring this year's riparian systems workshop. It will focus on the upper San Pedro River (BLM's National Riparian Conservation Area). Many groups and agencies also co-sponsor these workshops and provide invaluable assistance and expertise. Teachers are an excellent investment in training time when you consider they directly touch about 30-150 children a year (multiplied by their teaching lifespan), who in turn share that knowledge and environ-

mental awareness with their parents and friends.

There are preliminary plans for a series of advanced training workshops, each one organized and sponsored by participating agencies who would like to share information and methodologies with other agency personnel. The co-sponsors and format still need to be decided upon, but the idea has been well received by several agencies. For example, the Arizona Department of Environmental Quality (ADEQ) could hold a one-day workshop on riparian-related water issues; the Arizona Game and Fish Department could take the next month and focus a one-day session on habitat issues and management, etc. It has a lot of merit - no one agency would bear the brunt of planning an in-depth week-long training session, and participants would benefit from a diversity of expertise centered around an intensive day-long course on one specific aspect. If you are not interested in a particular subject, you could skip that month's offering.

If you are interested in this project, please contact the Education Committee.

An excellent riparian video has been completed by the Arizona Game and Fish Department, Audio-Video Branch. See a separate update on that project within this newsletter.

*Tanna Thornburg
Chair*

Editor's Note

This newsletter, in addition to providing general information about riparian issues, is the official publication medium for ARC actions and activities. It can only serve in that capacity to the extent that you as members, officers, and committee persons acting on behalf of ARC, pass that information on to your editor.

The next deadline for materials to be included in a summer issue of the ARC newsletter is May 15.

Remember - this newsletter can only continue to be successful if it has member support.

Update on Riparian Video Production

Subsequent to reviews of the latest version of this video titled "Threads of Life", a final release date has been set for April 1. According to Wes Keyes, Audio Video Branch Supervisor for the Arizona Game and Fish Department, there are some technical problems with the production which need to be corrected before release. These, he said, are not major but have to do with the sound mix, resulting from difficulties with the editing equipment.

The video is being produced by the Arizona Game and Fish Department (AG&FD) with footage from a number of agencies including the Salt River Project, Arizona Department of Transportation, Forest Service, and Bureau of Land Management in addition to the footage supplied by the Game and Fish Department. The narrator is Wes Keyes, script by Bill Sizer, (editor, AG&FD), technical editing by Gary Schafer (AV producer, AG&FD), and story treatment by Richard Ockenfels, (Research Biologist, AG&FD).



Calendar

- March 23-24
Arizona Wolf Symposium
Sponsored by Az. Chapt. The Wildlife Society and P.A.W.S.
Arizona State University
- March 30-31
Water in the 20th Century, a Symposium
Heard Museum, 22 E. Monte Vista Rd., Phoenix
Call (602) 542-4159 to register; \$30
1:30pm
- March 31
A.A.L.E. Conference "Earth Day - Every Day"
Camp Cooper, Trails End Rd., Tucson
Call Patty Regehr (602) 887-7187 for more information
- April 11
Verde River Corridor Project
Public forum to hear issues of water transfer, instream flow, water quality
Clarkdale Memorial Clubhouse, Clarkdale, AZ
7:00pm
- April 22
Earth Day
- October 16-18
Managing Wildlife in the Southwest, a Symposium
University of Arizona
Contact Paul Krausman (602) 621-3845 or Norm Smith (602) 621-1959

Application for Membership in Arizona Riparian Council

Please accept this application for membership in the Arizona Riparian Council:

Name (First, M.I., Last): _____

Mailing Address: _____

City, State, Zipcode: _____

Affiliation: _____

Office Telephone: _____ Home Telephone: _____

\$5.00 Dues Enclosed

Donation (amount) _____

The Arizona Riparian Council (ARC) was formed in 1986 as a result of increasing concern over the alarming rate of loss of the State's riparian ecosystems. It is estimated that less than 10% of the State's original riparian acreage remains in a natural form. These habitats are considered Arizona's most rare natural communities.

The purpose of ARC is to provide for the exchange of information on the status, protection, and management of riparian systems in Arizona. The term "riparian" is intended to include vegetation, habitats, or ecosystems that are associated with bodies of water or are dependent on the existence of perennial, intermittent, or ephemeral surface or subsurface water drainage.

This newsletter is published quarterly to communicate current events, issues, problems, and progress that involves Arizona's riparian systems. It also serves to inform you the members of ARC about important items of Council business, and as a forum for you to express your views or news about riparian topics. To contribute articles or information for future issues, please send all materials to:

Ron Smith, ARC Editor
 1712 Pine Woods Rd.
 Prescott, AZ 86301

Any person or organization interested in the management, protection, or scientific study of riparian systems, or some related phase of riparian conservation is eligible for membership. Dues are \$5.00 annual; additional contributions are gratefully

ARIZONA RIPARIAN COUNCIL

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