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**Minutes of the Meeting held October 30, 2017 at the 3-Links Farm, Cascabel, AZ**

**The following 14 members and guests attended the meeting either in person or on the phone:** Daniel Baker, Tab Bommarito, Lon Brehmer, Barbara Clark, Birgit DeGregorio, Peter Else, Cathy Gorman, Phil Hedrick, Diane Laush, Pearl Mast, Karen McKelvey, David Omick, Elna Otter, and Bob Rogers. This was a joint meeting of the LSPWA and the Cascabel Conservation Association (CCA). Since we had six out of 10 LSPWA board members present, there was a quorum.

**Bob Rogers, from the Nature Conservancy (TNC), welcomed us to his home at 3-Links Farm at 11 AM.**

The purpose of the meeting was to discuss the possibility of either the LSPWA or the CCA assuming the responsibility for monitoring the Bureau of Reclamation Conservation Easement (CE) on a portion of the 3-Links Farm that has been managed in recent years by TNC. Tab Bommarito from the Bureau of Reclamation (BOR) discussed the history of the project. Diane Laush, LSPWA board member who headed up the project for BOR before she retired, also contributed to the background discussion. As a result of the Fish & Wildlife Service (FWS) Biological Opinion from 1994 addressing the effects of constructing the Central Arizona Project (CAP), the BOR was required to construct multiple fish barriers to protect the native fish jeopardized by the CAP. In order to mitigate the effects of constructing the fish barriers and facilitate the required 404 permit from the Army Corps of Engineers (ACE), in 2003 the BOR purchased a CE on 1420 acres of the TNC 3-Links Farm and entered into a Cooperative Agreement with TNC to monitor the CE. The easement consists of 3 parcels, two of which are now owned by private individuals. The acreage was divided into several zones: Riparian, Agricultural and Residential with specific conditions of use for each one. An endowment of \$539,334 was also established to support the management of the CE.

**Tab opened up the discussion of how the new agreement might differ from that currently in effect to questions.** Some of the points made include the following:

- The agreement would be a Memorandum of Understanding (MOU) instead of a type of grant or Cooperative Agreement. The original term could be for 5 – 10 years and it could include a strong escape clause.
- The field monitoring requirements could be renegotiated.
- Endowment management would be a priority since its returns would need to fund the management activities. It should be invested to sustain a moderate level of risk. Quarterly reports would be expected as well as possible occasional audits. We could expect the endowment to fund a 0.4 FTE position that would be divided about 75/25 to monitoring vs administration if it produced at least a 5% average operating return. Additional funds would only be possible for one-time equipment expenses, if at all.

- One of the present private landowners, who is the second owner, is not currently in compliance with the CE. The MOU would need clear direction about enforcement responsibility.
- New or reinstated ways of maintaining communication between BOR and the landowners may need to be implemented.
- We may be able to collaborate with TNC on some monitoring tasks because they will still be monitoring on their adjacent acreage.
- It is likely that opportunities for mitigation monitoring and administration will increase in the lower San Pedro valley. As it becomes a more integrated mitigation locus, individual properties may increase in value as mitigation. That could allow for additional mitigation credits being awarded for such properties which could act as an incentive for additional mitigation to occur.

**Shortly after noon we stopped for a delicious lunch provided by Barbara Clark and the Cascabel Community** after which we agreed to go back to our respective organizations to discuss the possibilities for continuing the Conservation Easement monitoring at 3-Links. We agreed to get back to Tab as soon as possible since their agreement with TNC is terminating at the end of the year.

**Barbara Clark, who is retiring as the Easement Manager, then offered to give us a tour of the 3-Links Farm.** Peter, Cathy, Phil and Diane participated. Peter wrote a report about the field trip the next day. Some of his impressions are as follows:

- The area is rather large. Barbara indicated that she can drive up to 30 miles in one day of monitoring.
- Some tasks would be routine while others, such as repairing fence after floods and dealing with trespass cattle would be non-routine.
- It would be best if the new field person could be trained by Barbara before she retires at the end of the year.
- Barbara has set a high standard for writing the reports. This task could be done by either the administrative or the field person depending on their respective skill sets.
- A local person would have a distinct advantage for the field position while the administrative person could live elsewhere.

**For convenience, Board Decisions are often reached in Virtual Meetings via Email.** In order to formally approve and publish the minutes of such meetings since our last in-person meeting, they are included here.

### **Minutes of March 8, 2016**

On March 6, 2016, Chair Peter Else distributed a draft of LSPWA comments on the DEIS for the Ripsey Wash Tailings proposal for Asarco's Ray Mine prepared by Director Diane Laush. Although the project area is outside our watershed, almost all of the mitigation is proposed to occur along the lower San Pedro River. With minor corrections and an addition to the cover letter, the comment was approved unanimously by March 8, 2016 and electronically filed in our records.

### **Minutes of March 20, 2016**

On March 14, 2016, Secretary Cathy Gorman, sent out a draft of the minutes of the February 20<sup>th</sup> membership meeting to the entire board. She had already incorporated a few minor corrections from several directors known to be close readers. By March 20, 2016, nine of the directors had approved the minutes with no response from Bob Evans, Doris Haynes or Scott Wilbor.

### **Minutes of May 24, 2016**

At our membership meeting on February 20<sup>th</sup>, Chair Peter Else, in preparation for our upcoming election in June, had asked for nominations of members to serve on the Board of Directors for the next 2-year term. Given that one of our current directors declined to continue and no additional nominations were received, on May 20, 2016, Peter asked the following eleven current board members to confirm that they would stand for re-election:

Lon Brehmer, landowner in Pinal County  
Peter Else, landowner in Pinal County and current LSPWA Chair  
Robert Evans, landowner in Cochise County  
Cathy Gorman, landowner in Pinal County and current LSPWA Secretary/Treasurer  
Doris Haynes, landowner in Pinal County  
Anna Lands, landowner in Cochise County  
Diane Laush, supporter with agency experience  
Norman Meader, landowner in Cochise County  
David Omick, land manager in Cochise County and current LSPWA Vice-Chair  
Elna Otter, landowner in Cochise County  
Scott Wilbor, supporter with expertise in watershed-wide conservation assessment

By May 24, 2016, he had received such confirmation.

### **Minutes of May 25, 2016**

On March 16, 2016, Chair Peter Else distributed a letter from the Earthjustice attorney that is handling the Vigneto legal action to which we are a party. He asked all the directors to acknowledge directly to him that they had read and would abide by the requirements outlined in the letter regarding document retention for the legally-binding discovery process. On May 25, 2016, as secretary, I was informed that the Chair had received acknowledgements from all of the directors.

### **Minutes of June 15, 2016**

On May 31, 2016, Secretary Cathy Gorman sent out to the membership a request to vote for the eleven candidates to serve for the next 2-year term on the LSPWA Board of Directors. By the deadline of June 14, 2016, thirty-seven members had voted unanimously for all eleven candidates. On June 15, 2016, notification of the results was sent to the membership along with the Chair's Annual Update.

### **Minutes of June 20, 2016**

On June 15, 2016, Chair Peter Else asked Secretary Cathy Gorman to conduct an email meeting of the newly elected board in order to elect our officers. The current officers, Chair Peter Else, Vice-chair David Omick and Secretary/Treasurer Cathy Gorman had all agreed to stand for re-election and no other candidates had volunteered. By June 20, 2016, these officers had been unanimously elected by their fellow board members.

### **Minutes of September 17, 2016**

On September 15, in response to the request of our Chair, Peter Else, Secretary Cathy Gorman sent to the board an email with three Action Requests:

- 1) That the board appoint a special ad hoc science committee to represent the LSPWA, led at this time by Anna Lands and based mostly in Cascabel, to develop a multi-media educational exhibit titled San Pedro River Ecology 101 for the Benson Museum between October 15 and 29, and perhaps at other times.
- 2) That the LSPWA join with other individuals and groups to form a water coalition to complement and respond to the Governor's Water Augmentation Council, which has severely limited representation from environmental groups and concerns, and agree to participate in a press release about the formation of the coalition.
- 3) That the LSPWA sign the letter developed by Juan Carlos Bravo of the Wildlands Network for non-governmental organizations to express their concern about threats to the Avos-Bavispe Natural Protected Area which includes the San Pedro watershed in Mexico.

By September 17, 2016, the board had unanimously approved all three Actions.

### **Minutes of October 4, 2016**

On September 29, 2016, Chair Peter Else emailed the board asking them to consider whether the LSPWA should respond to the Army Corps of Engineers (ACE) decision to issue a Nationwide Permit to Pinal County for their Redington Rd paving project and, if so, what our response should be. As a result of our FOIA request, he was able to include a brief version of the permit application and offer access to the much larger full application for anyone interested in reviewing it. Representatives from other local environmental organizations were included on the email in order to invite them to join our response. We would need someone to take the lead to review the application, develop an effective strategy, and possibly work with an attorney, which we would have to solicit funds in order to hire. The application was reviewed by director Diane Laush. Several directors offered to make donations. Others suggested alternatives to legal action, such as working with Pima and Cochise counties to preclude the paving of their sections of the road, and continuing our advocacy with Pinal County to mitigate the adverse effects of this project, and prevent the expansion of this project as well other such projects in the future. Several directors also requested that we meet to discuss proactive strategies for LSP watershed protection. By the deadline of October 4, 2016, Peter reported that there were four votes against taking further action on the road paving issue, five votes for taking action on the USACE Nationwide permit,

and two votes for taking certain actions with conditions, meaning that the Action failed to achieve the 2/3 vote our Bylaws require. Additionally, no one had volunteered to lead the effort.

**Minutes of May 11, 2017**

On May 9, 2017, Chair Peter Else contacted the board via email to ask for a vote on sending a letter of support, which he attached for the board's review, for Sky Island Alliance to use in their grant application to the Desert Landscape Conservation Cooperative's WaterSMART Applied Science Program. By May 11, 2017 the motion was approved by seven board members, with one recusal by Scott Wilbor due to his employment with SIA and no response from Elna Otter.

Respectfully submitted,

Catherine J Gorman

LSPWA Secretary-Treasurer