

# Hereford Natural Resource Conservation District

## Winter 2014 Newsletter

CONSERVING - PROTECTING - PRACTICING WISE USE



Photo by Kathy Morris

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## Chairman's Corner

Please look at a few items of concern within this news letter; The Environmental Protection Agency's Interpretive and Proposed Rules on the Clean Water Act's definition of Waters of the United States. Also the United States Fish and Wildlife Service expanded area for the Experimental Wolf recovery program. Both of these are of great concern to our area. They will affect our way of life if approved as written. The Hereford NRC District Board has been involved with written comments and meetings for both items. We highly recommend that our cooperators become informed and involved with these agency's proposals. Comments about the wolf should be sent by **December 27, 2014**, to Sherry Barrett, Mexican Wolf Recovery Coordinator, USFWS New Mexico Ecological Services Field Office, 2105 Osuna Road, NE, Albuquerque, NM, 87113.

Letters to your government officials should also be sent in reference to the massive new "Wilderness" designations created by The Wilderness Act in 1964. Thousands of acres are being proposed as wilderness, thereby placing severe restrictions on land use and having the potential to drive ranchers out of business.

On a good note, we may have a new product to eradicate mesquite trees. We will know this coming spring if the product will take full effect. Along with clearing out the white thorn acacia, that we have been working on so that our native grasses will come back and help with soil erosion, this will help as well.

HilgartWilson is well underway on the Horseshoe Draw Flood Control, Restoration and Erosion Mitigation Study and Design Project with the first three of 13 tasks being completed this month. These include 1) the permit, clearance, authorization and agreement research, 2) hydrologic analysis of the watershed and 3) aerial mapping of watercourse. The \$198,625 project is funded by Arizona Water Protection Fund and due for completion February 1, 2016.

We now have two new videos produced by our own Tom Richter: "Grassland Restoration on the Ladd Ranch" and "Brush Control on the Ladd Ranch". With the help of a drone from Pat Call and voice over by Jack Ladd, the new videos are used for information about some of the projects in the area. With a different perspective from the use of the drone, you can see the results of the conservation used to restore some of the grasslands. A great asset to our video library. Hats off to everyone that helped with the production.

Thanks to Lucinda Earven and Tom Richter, our new videos were presented at the Upper San Pedro Partnership meeting. A lot of interest was expressed over the projects within the District. **Find us at [www.herefordnrcd.com](http://www.herefordnrcd.com) Email us at [hereford\\_nrcd@juno.com](mailto:hereford_nrcd@juno.com)**

## Working Together to Enhance Our Natural Resources

## Hello to the Cooperators of the Hereford NRCD

By Don Decker-NRCS District Conservationist Douglas Field Office

I would like to properly introduce myself. I am Don Decker, the new District Conservationist for the Douglas Field Office of the Natural Resources Conservation Service.

I am not new to the NRCS or to Cochise County. I worked as a Rangeland Conservationist out of our Willcox Field Office since 1989 right up to mid May 2004 when I became the Malpai Borderlands Group (MBG) Project Coordinator for the NRCS. Though this position was administered out of our State Office, I was housed in the Douglas Field Office.

I was reassigned to the District Conservationist position on June 1<sup>st</sup> and I am only beginning to understand the complexities and challenges involved in working at my new tasks. I have two conservationists that I oversee out of my office, Dusty Glidewell for rangeland work and Lambert Chee to assist landowners on farmland. I still also work as the NRCS liaison to the MBG. There is plenty to do and I look forward to working together with you in accomplishing conservation here in this beautiful part of the world!



Donald Decker

## ***Arizona Natural Resource Conservation Districts State Association Press Release***

The Arizona Association of Natural Resource Conservation Districts (AZNRCD) announces that Steve Barker will be the new Executive Director of the State Association. In this position, Steve will be responsible for coordinating and leading the efforts of the Natural Resource Conservation Districts in Arizona in their mission to promote the conservation of natural resources and sustainable land management. Bill Dunn, Association President says he is very excited that the Association was able to bring someone of Steve's caliber and background in to head the organization. "He will be the perfect fit for this Association and will move it forward as the voice of the state's thirty two Natural Resource Conservation Districts."

Steve is a graduate of Arizona State University. For over 30 years he worked for the Natural Resource Conservation Service (NRCS), an agency of federal government in the Department of Agriculture, in Arizona. As a Soil Conservationist and Rangeland Management Specialist he spent many years helping farmers and ranchers plan and implement conservation practices aimed at improving water conservation, wildlife habitat, and contributing to the long ranching.

Later in his career he worked in the Conservationist and then as State Resource resource conservation projects and years ago and started a consulting business, his wife, Jane. However, Steve's long Resource Conservation Districts and his opportunity to continue that involvement.

The Natural Resource Conservation Districts state law. The Districts cover the entire State conservation of soil, water, wildlife, and education, technical assistance, and financial conservation practices on the ground. This landowners, various federal and state land management agencies, educational and research organizations, and other groups with common objectives.



State Office of NRCS, first as State Range Conservationist, responsible for a wide array of programs. Steve retired from the NRCS a few Resource Management Systems, LLC with experience working with the Arizona Natural belief in their mission led him to accept this

are entities of local government established by of Arizona. Districts are mandated to promote other natural resources by facilitating assistance to local landowners to implement is accomplished by working with private



## **Mexican wolf to be in Cochise County Soon Unless We Act**

On November 25, 2014 the USFWS released the final environmental impact statement and a draft record of decision for Proposed Revision to the Regulations for the Nonessential Experimental Population of the Mexican wolf which expands the area of the Mexican wolf experimental population area. All of Cochise County is in Zone 2 where Mexican wolves would be allowed to naturally disperse into and occupy and where Mexican wolves may be translocated.

### **Comments on the Final EIS are DUE December 27, 2014.**

USFWS could translocate wolves that become problems elsewhere onto any federal lands within Zones 1 & 2, including Cochise County as soon as January 2015. USFWS can release wolves onto private land of "willing landowners" in Zones 1 & 2 including within Cochise County as soon as they finalize "management agreements" with the willing private landowners. The wolves would be allowed to disperse and occupy any lands they choose, whether federal, state, or private. It appears from the maps in the Final EIS that the Chiricahua Mountains, Huachuca Mountains and mountains in the southeastern corner of Cochise County are among areas considered "highly suitable" for wolves.

USFWS will, at their discretion, consider issuing a permit to only allow livestock owners or domestic animal owners or their agents to take (including intentional harassment or kill) a Mexican wolf that is in the act of biting, wounding or killing livestock (domestic alpacas, bison, burros (donkeys), cattle, goats, horses, llamas, mules, and sheep) and non feral dogs on federal or non federal land anywhere within the MWEPA. But remember it takes time to get a permit and USFWS does not have to issue any permits because they are deemed "discretionary".

Six Arizona National Resource Conservation Districts, including 3 of the 4 Districts in Cochise County (Hereford, Whitewater Draw, and Willcox), initiated coordination and had one meeting with USFWS. The goal of the coordination meeting was to resolve inconsistencies between the federal plan and the District plans. The Districts were joined by Cochise County Supervisor Richard Searle, Sheriff Mark Daniels and consultant Mary Darling. Inconsistencies were not resolved, primarily because Sherry Barrett, USFWS Mexican wolf Program Coordinator, stated that she did not have the information or the authority necessary to resolve any issues.

*The Service states in the Final EIS that "local government policy statements, county and conservation district land use plans, resolutions and ordinances that assert local government management authority over federal public land are inconsistent and irreconcilable with federal land and resource laws including the ESA, FLPMA and NFMA. Therefore, the Service cannot reconcile the proposed action of this EIS with sections of local government policy statements, county and conservation district land use plans and ordinances that clearly contravene the nonessential experimental rule."*

HNRCDC will be sending comments to USFWS requesting a time extension and requesting USFWS remove lands within the District from the proposed Mexican wolf expansion area due to lack of adequate wild ungulate prey.

### **Please send comments to USFWS on or before December 27, 2014.**

See [http://www.fws.gov/southwest/es/mexicanwolf/NEPA\\_713.cfm](http://www.fws.gov/southwest/es/mexicanwolf/NEPA_713.cfm) for the FEIS.

## **San Pedro in Proposed Critical Habitat for Yellow Billed Cuckoo**

Comment period closes January 12, 2015. The U.S. Fish and Wildlife Service has reopened the public comment period on their proposal to designate 546,335 acres of critical habitat for the western population of yellow-billed cuckoo in nine western states. 165,893 acres are in Arizona including 21,786 acres in the Upper San Pedro River.

# **New Mexico Investigator Offers Stern Wolf Warning To Arizona**

By Tammy Gray

October 9, 2014

Wolves are the main killers of cattle in Catron County, N.M., and are setting a record for the number of confirmed kills in 2014.

Catron County, which borders eastern Arizona and is included in the Gila National Forest, is the site of the Blue Range Wolf Recovery Area. It was one of the first areas where Mexican gray wolves were released in an effort to reestablish their population in western states.

According to Catron County Wildlife Investigator Jess Carey, the results have been devastating to local ranchers. In a report titled *Mexican Wolf Recovery Collateral Damage Identification* in Catron County alone, he noted that of five ranches he studied, two went out of business and a third did not restock cattle after 2009. Over the course of the study, the five ranches lost a total of 651 head of cattle valued at more than \$382,000.

The negative effects to livestock producers caused by Mexican Wolves are a wide spectrum not addressed and/or ignored by the U.S. Fish and Wildlife Service. Prior negative data and documentation of wolf recovery from other states were not utilized to mitigate the same negative effects of Mexican wolf recovery in New Mexico and Arizona, he noted.

Carey also pointed out that the U.S. Fish and Wildlife Service does not take into account other types of damage to cattle operations, such as stress deaths caused by wolves running cattle, or loss of production by cows due to stress created by the presence of wolves. He noted that the department demands that ranchers change their entire husbandry scheme to accommodate the presence of wolves; if the rancher refuses, no compensation is paid on wildlife services findings on confirmed or probable livestock depredations.

In addition, payment of claims is running years behind schedule and a pro-wolf non-governmental organization is in charge of processing the claims, according to Carey.

He notes that he believes that the harm caused to ranchers is not only the result of the federal wildlife service and pro-wolf organizations, but also to a lack of coverage in the media.

The truth about the negative impacts to rural folks by Mexican wolves is never provided to the citizens of Arizona and New Mexico because of the failure of the press. The collateral damage to achieve Mexican wolf recovery has destroyed many family ranchers, he wrote.

According to Carey's report, wolves quickly become acclimatized to humans and after a time do not flee even when warning shots are fired in the air. In Catron County, domestic animals besides cattle have been killed and injured, including horses, dogs, chickens and cats. The report notes that in one instance, a wolf bit the head off of a kitten in front of a group of children, and many attacks on domestic dogs occurred in the owners front or back yard.

Wildlife investigation reports from Catron County reveal that between Jan. 1, 2006, and Aug. 30, 2014, a total of 143 cattle were confirmed to have been killed by wolves. That total does not include deaths deemed as probable due to wolf depredation, or any other animals killed by wolves. During that same period, a total of 29 cattle were confirmed killed by coyotes, bears and mountain lion combined.

The wildlife investigation report notes that, U.S. Fish and Wildlife Service John Oakleaf's study of confirmed wolf killed livestock found: for every wolf killed livestock confirmed there are 7 more that are not confirmed. Example: one ranch in 2009 had 10 confirmed wolf killed yearlings and have another 80 head missing. This is consistent with Oakleaf's study.

As of Aug. 30, wildlife investigations conducted in 2014 included 28 confirmed cases of cattle killed by wolves and one horse injured by a wolf. During the same period, there was one confirmed kill by a coyote and one by a bear, while five cattle died of unknown causes. In addition, there was one confirmed cattle injury by a wolf and six deaths ruled as likely caused by a wolf.

In the cases investigated in 2013, 14 cattle were confirmed to have been killed by wolves, while two were killed by coyotes and nine were listed as unknown. During that year, one dog and one puppy were confirmed to have been injured by wolves.

Investigations in 2012 included 13 cattle confirmed killed by wolves, one death listed as a probable wolf case and one confirmed cattle injury caused by wolves. One mule was killed by wolves, while three cattle were killed by bears, none by coyotes and in seven cases, the results were listed as unknown.

The 2011 investigative report shows that 25 cases of cattle killed by wolves were confirmed and two cases were listed as probable. A young horse was also confirmed killed by wolves. There were four cattle confirmed to have been injured by wolves, and 11 died of unknown causes. Three cattle were killed by bears and none by coyotes.

## **Stern Wolf Warning, continued**

Of the cases investigated in 2010, five cattle were confirmed killed by wolves and two injured. There were also confirmed wolf kills of one colt and one elk. Six cattle deaths were of unknown cause, while one was killed by a bear and one by a domestic dog. In 2010, coyotes also killed a colt and some sheep.

During 2009, there were a total of 14 confirmed cases of wolves killing cattle and two probable cases. Wolves also killed a group of chickens and an elk that year. Six cattle died from unknown causes, while one was killed by a coyote and one by a mountain lion.

Cases investigated in 2008, include 13 cattle confirmed killed by wolves, three probable cases, and six injuries confirmed to have been caused by wolves. Wolves also killed a group of chickens. Bears killed three head of cattle that year, coyotes killed five and 14 deaths were due to unknown causes. In 2008 there were also three cattle killed by lightning and three in an accident.

Over the course of 2007, investigations revealed 20 confirmed wolf killings of cattle, 20 probable wolf killings of cattle and one confirmed cattle injury. Wolves also killed one horse and an elk, were listed as a probable cause in the killing of another horse and elk, were confirmed to have injured two dogs and were the probable cause of injury in a horse. Five cattle were killed by coyotes, two by bears and 10 by unknown causes. Coyotes also killed an emu that year.

In 2006, investigators confirmed that 11 cattle deaths were caused by wolves, and three were listed as probable cases. There was also one case of cattle injury by wolves and one probable injury due to wolves. That year, wolves were also confirmed to have killed one dog, one kitten and one cat, injured a dog, and were listed as the probable cause in the injury of three horses and a sheep. Also during 2006, four cattle were killed by motor vehicles, two by bears, one by a coyote and five by unknown causes. Two died during calving and one was due to natural causes.

The U.S. Fish and Wildlife Service 2013 progress report on the Mexican Wolf reintroduction project notes that the 1996 environmental impact statement predicted that there would be between one and 34 confirmed cases of cattle killed by wolves in the Blue Range reintroduction area, based on a population of 100 wolves. According to the report, at that rate the total kills would be less than one half of one percent of all cattle in the area.

From 1998 to 2003, the total number of kills in the Blue Range area stayed below the projected amount, at an average of 13.8 cattle per 100 wolves. Between 2005 and 2009, that number increased and the report notes that, the number of confirmed cattle killed by wolves exceeded the predicted rate. In 2008, the average was 36.5 cattle per 100 wolves and in 2009 it was 50 cattle per 100 wolves. According to the report, the number dropped back down to within the predicted range between 2010 and 2012, with an average of 24 cattle killed per 100 wolves.

In 2005, the Arizona Game and Fish Department reported that a preliminary diet analysis of Mexican Wolves revealed that their diet is comprised of about 75 percent elk, 11 percent small animals and unknown sources, 10 percent deer and four percent livestock. At that time, there were a total of 70 confirmed or suspected cattle killed by wolves and ranchers had been reimbursed a total of \$34,000.

The Arizona Game and Fish report notes that most observed predation is on young elk, however, wolves were also seeking out livestock.

Although small in comparison to all available livestock present, depredation is measurable, and usually focused on one or two allotments, the report states.

The U.S. Fish and Wildlife Service is working on a plan to reintroduce wolves to nearly the entire state of Arizona, including all areas south of Interstate 40.

Carey noted that Arizona residents should take heed.

The folks of Arizona do not realize what is coming to their community. Most impacted will be the rural families. They will have their family pets killed, livestock killed, and have to live with habituated wolves in yards, on front porches, and confronting children and adults alike at close range, he wrote.

*Editor's Note: This article was reprinted with permission from the Tribune News and the online publication Arizona Journal, [www.azjournal.com](http://www.azjournal.com).*

## Obama's EPA Pursues Vast Land Grab to Protect Water

Last month, comments closed on a proposal by the Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers to redefine waters of the United States, as set forth in the Clean Water Act (CWA) of 1977. While Senator Edmund Muskie (D-ME), author of the 1977 law, required 88 pages for his entire statute, this spring's Federal Register notice ran 370 pages, not counting appendices, one of which hit 300 pages alone. Little wonder the new wetland rules have generated controversy and a likely Supreme Court case.

Over the years, the EPA and the Corps read waters of the United States, and hence their authority to regulate private property, both broadly and ambiguously. Unfortunately for landowners in their cross-hairs, their interpretation is reminiscent of Justice Potter Stewart's views regarding hardcore pornography, I know it when I see it. Worse yet, such a sighting is followed by a cease and desist order violation of which results in fines of tens of thousands of dollars a day, and double that, if the violation is willful. Worst of all, landowners could not challenge those orders because they remained unenforced until violated.

For example, when the EPA declared arid lands owned by Dr. Larry Squires of Hobbs, New Mexico, waters of the United States because birds landed in ponds created by sporadic heavy rains, Dr. Squires challenged the order; but, his lawsuit was dismissed as untimely. A federal appeals court ruled his inability to question whether his lands were wetlands without paying hundreds of millions of dollars in fines or going to jail was not constitutionally intolerable given that it would undermine the EPA's regulatory authority. Fortunately, in 2012, the Supreme Court unanimously ended this abuse in a suit by Pacific Legal Foundation.

Nonetheless, targeted landowners did reach the Supreme Court. In 1986, deciding at which point water ends and land begins, the Court upheld a definition that included wetlands that actually abut on traditional navigable waters. In 2001, the Court held that non-navigable, isolated, intrastate waters, even those used by migratory birds (remember Dr. Squires) were not within the CWA. In 2006, ruling on whether the CWA included intrastate wetlands adjacent to non-navigable tributaries of navigable waters, the Court vacated the Corps rules. On behalf of a four judge plurality, Justice Scalia required continuous surface connection to bodies that are waters of the United States in their own right, but Justice Kennedy, while concurring in striking down the rules, demanded significant nexus to waters that are or were navigable in fact or that could reasonably be so made.

In 2007, the EPA and the Corps responded to the Court's rulings and in late 2008, after the receipt of 66,000 comments, issued new guidance on identifying waters of the United States. Then, in 2011, the two agencies proposed new guidance that expanded significantly the reach of the CWA, including over vernal pools, prairie potholes, natural ponds, and playa lakes. In response to 230,000 comments, many of which demanded a formal rule-making, the agencies issued that proposal in April 2014.

Living up to its reputation for creating, as liberal law professor Jonathan Turley put it, a constitutional tipping-point, the Obama administration's new rules constitute a historic land grab. Contrary to Justice Kennedy's instruction, the rules: extend to all waters (not just wetlands) and all waters adjacent to non-navigable interstate waters; create a new jurisdictional concept similarly situated waters by misquoting the Justice; and ignore his demand that an agency establish nexus on a case-by-case basis when it seeks to regulate wetlands based on adjacency to non-navigable tributaries. Worse yet, in violation of the Commerce Clause, they assert authority over waters that are neither instrumentalities nor channels of interstate commerce and that do not substantially affect interstate commerce.

Over its last six years, the Supreme Court has ruled unanimously against the Obama administration's position on 20 different occasions. These new wetland rules may make it 21!

*Editor's Note: This article was reprinted with permission from William Perry Pendley, President, Mountain States Legal Foundation, 2596 S. Lewis Way, Lakewood, CO 80227, [www.mountainstateslegal.org](http://www.mountainstateslegal.org). MSLF depends on donations and they currently have a \$150,000 challenge underway that will double all contributions.*

## Tombstone High School FFA Antelope Program Update

According to Brad Fulk, AZ Game & Fish, AZG&F is planning another antelope capture in the Prescott area in January, 2015. Thus far, the project population objectives for the Sonoita/Elgin area antelope have been met, but more animals would enable the use of available collars to collect more movement data in the area. AZG&F is applying for an ADOT right-of-way for the next three years to modify highway right-of-way fences in areas that have been determined to be crossing areas on State Routes 83 and 82. Currently collared animals have been monitored and will continue to be monitored for the next year, maybe the next two years. An AZ Antelope Foundation representative met with the new Tombstone High School agriculture teacher and brought her up-to-date. AZG&F will continue to work with the Tombstone High School FFA students.



## Prescribed Fire in Southeastern Arizona

By Don Decker-NRCS

Fire in our area has gotten a bad name lately due to the large scale stand replacing wildfires that we have seen in our mountains over the past few years, never the less; it serves a beneficial and natural function in our environment. The lack of regular fire intervals in our native ecosystems has helped to create some of the environmental problems that we are dealing with now such as; decreased grasslands which can help increase erosion, excessive water runoff, decreased carrying capacity for livestock and reduced habitat for some grassland dependent wildlife species.

Studies using tree ring data research have indicated that in our area, naturally occurring wildfires used to occur on a regular 5 to 10 year basis, from the tops of our mountains and on through the valleys. Settlement, largely starting in the late 1880's, has helped to reduce this fire interval, with some areas now accumulating many decades of fuel prior to burning. Shrubs have increased over large areas of formerly grassland dominated areas. Many places are no longer likely to burn due to the lack of fine grassy fuels to carry a fire. Some of the rural portions of our county have housing and infrastructure too densely located to carry out any large scale prescribed fire. The fires resulting from excessive fuel build up tend to be stand replacing as opposed to having less drastic effects when fire occurs on a more regular basis.

Prescribed fire is the deliberate application of fire in order to achieve positive effects on the environment. Well prior to lighting the fire, a burn plan is developed and approved that defines the area, how the fire will be contained, manpower and equipment, safety precautions, weather requirements and expectations of what will be achieved. Permitting is required, even on private lands. Large scale prescribed fires may involve multiple ownerships of public and private lands and involve plenty of up front planning and coordinating.

There are many beneficial effects that occur following a prescribed burn. Most of our native plants are fire tolerant, they sprout back after burning. Our local wildlife has also evolved with periodic fire. Although bare ground will increase directly following a burn, by the second year ground cover increases. Most shrubs and trees sprout back but their dominance in the plant community is reduced for many years following the burn. Shrubs are most affected when the burn occurs in late spring due to the more intense heat effect.

It is important to remember that fire has a natural and positive place in our grassland and savannah environment. Other alternatives to improve our grassland habitats and reduce the dominance of shrubs tend to be more expensive. The NRCS approves of fire as a potential management tool to improve grassland environments and has standards and specifications written for burning. Contact your Douglas NRCS Field Office if you would like to learn more about the use of prescribed fire and its potential application on your land.



Photo courtesy of NRCS

*Editor's Note: The HNRCD Newsletter extends an apology to cooperator Kale Kiyabu for misspelling his name in our last issue.*

### MEMBER SIGNS

Hereford NRCD is pleased to have available to cooperators signs to post on their property.



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**BOARD MEETINGS**  
**Third Wednesday of every month**  
**9:30 AM**  
**Sierra Vista Cochise County**  
**Complex Conference Room**  
**Hwy 92 and Foothills Drive, Sierra Vista**

Note: Date, location and time is subject to change.  
 We invite District Cooperators and the general public's attendance and participation.

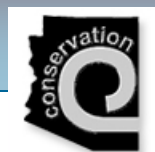
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