

Janice K. Brewer
Governor

ARIZONA STATE  LAND DEPARTMENT

Maria Baier
State Land
Commissioner

October 12, 2012

Ms. Jeannie Wagner-Greven
Natural Resource Planner
United States Fish and Wildlife Service
Southwest Region
Post Office Box 1306
Albuquerque, NM 87103

RE: FWS/42/NWRS-PLN/052871

Dear Ms. Wagner-Greven:

I have received (through a third party) your letter dated October 5, 2012 and appreciated being notified that scoping efforts are underway for planning a National Wildlife Refuge in the Lower San Pedro watershed.

I write to note for the record that, pursuant to state and federal law, any use of, designation on, or restriction on, State Trust land must receive the prior approval of the State Land Commissioner.

If your current planning efforts involve any State Trust land, please contact me at your earliest convenience so that we may arrange a meeting to discuss your proposal. I can be reached at (602) 542-4621.

As you may know, State Trust lands were granted by the Arizona- New Mexico Enabling Act in trust to the State of Arizona for designated beneficiary purposes and with restrictions on the manner of disposition. The Arizona Constitution, in article X, accepts the grant and the restrictions, and in Title 37, A.R.S., the Land Commissioner is designated as the trustee to manage and control the State Trust lands to generate income for the beneficiary purposes, including the common schools.

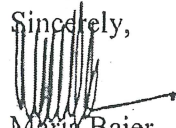
Your letter indicates that a wildlife refuge would only be established "through acquisitions in fee or through the purchase or donation of conservation easements **from willing sellers or donors.**" With respect to State Trust lands, the Trust must be compensated for use of State Trust lands at no less than appraised value, and fee dispositions and some other long-term interests require advertising and auction to the highest and best bidder. Donations of State Trust land are not permitted. The Commissioner's decision with respect to any decision is governed by the best interest of the Trust.

Your letter also indicates that you will not target any individual properties. As a significant landowner in the area, the State is concerned that any Trust lands captured within the refuge boundary are not be singled out for any restrictions on use by the U.S Fish and Wildlife Service. We are interested in the balance that is proposed to be achieved in the stated goal to "support continued economic use of the land while at the same time maintaining and enhancing fish and wildlife habitat."

Finally, I would appreciate being included in future communication relative to the times, dates and locations of the additional scoping and/or other activities related to the proposed refuge.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria Baier", with a horizontal line extending to the right from the end of the signature.

Maria Baier
Arizona State Land Commissioner



United States Department of the Interior

FISH AND WILDLIFE SERVICE

P.O. Box 1306
Albuquerque, NM 87103-1306



In Reply, Refer To:
FWS/R2/NWRS-PLN/053271

DEC 07 2012

RECEIVED

DEC 13 2012

COMMISSIONER
STATE LAND DEPARTMENT

Vanessa Hickman
Ms. ~~Maria Baier~~
Arizona State Land Commissioner
1616 West Adams
Phoenix, Arizona 85007

Dear Ms. Baier:

Thank you for your letter of October 12, 2012, to Jeannie Wagner-Greven of my staff regarding the U.S. Fish and Wildlife Service's (Service) proposed national wildlife refuge on the Lower San Pedro River watershed.

We want to assure you and the Arizona State Land Department the Service fully understands the purposes and restrictions inherent in Arizona State Trust lands. In our Preliminary Project Proposal to the Service Director in the fall of 2010, we expressly indicated in our enclosed project map "Excludes State Trust Lands." We clearly understand the Land Department could not convey State Trust lands, or their use, in any form to the Service, nor could the Service take, use, or regulate those lands, or interfere with others leasing or using the State Trust lands.


The current study area boundary is a proposed "acquisition boundary". If the Service director approves the proposed refuge, everything inside the boundary does not become the refuge. It merely means that the Service is eligible to acquire conservation easements or fee acquisition of tracts from willing sellers or donors within that acquisition boundary up to an approved acreage cap. After a number of years, the refuge might be only those scattered tracts and easements acquired. This proposal is not a blanket designation like the Bureau of Land Management's (BLM) San Pedro Riparian National Conservation Area, where Congress designated a reach of the river as part of the Area in 1988. An approved acquisition boundary does not give the Service any special legal jurisdiction or regulatory control over those lands it does not own, including State Trust lands.

In the enclosed Planning Update under the "Frequently Asked Questions" section on page 4, we state, "The Service will not acquire State, BLM, or Forest Service grazing leases, if it acquires private deeded land. Those leases would become available for other potential lessees."

The Service acknowledges the landowners in the valley have managed their lands for sustainability and conservation. We recognize the valley is a "working landscape" where many ranchers and farmers are trying to make their living off the land. The Service believes that if it has a land base in the valley in the form of a national wildlife refuge, it can bring additional technical and monetary resources to the table for conservation, in addition to what the Natural Resources Conservation Service, the Natural Resource Conservation Districts, and other entities offer currently.

We will include you in future communications regarding the proposal. If you have additional questions, please contact Jose Viramontes, Chief, Division of Refuge Planning, at 505-248-6473.

Sincerely,


Acting Regional Chief,
National Wildlife Refuge System

Enclosures