



Pima Natural Resource Conservation District
Pima Center for Conservation Education, Inc.
3241 N. Romero Road
Tucson, AZ 85705



Final Minutes of the Board of Supervisors of the
Pima Center for Conservation Education(PCCE)

Meeting Date: June 9, 2020. Meeting Location: public teleconference.
Time the meeting was called to order: 1:21 pm

Attendees:

Supervisors-Clerk: Jim Chilton (Chair), Cindy Coping, Jonathan DuHamel, Patricia King (Treasurer), Andrew McGibbon (absent), and Chris Postel (Clerk).
Others: Sharma Torrens (AACD Conservation Education Director), Jackie Thomas & Josh Grace (AZ State Land Department)

Approve April 13 Meeting Minutes: Supervisor DuHamel moved to accept the meeting minutes. Supervisor King seconded. The motion carried 4-0.

Land Water Conservation Fund (See Attached Letter): Per Supervisor Chilton, the Senate will be voting very soon with no amendments. The bill would enable the government to buy more private land. Per the letter quote, "*Conservatives oppose legislation that would massively increase funding for federal and state land acquisition. We recognize that the bill, S. 3422, enjoys overwhelming support from Democrats in the House and Senate, significant support from Republicans, and has been endorsed by President Trump, and therefore enactment may be inevitable. We urge Senators to approve amendments that would improve several of the bill's more objectionable provisions.*" To view the entire letter, click on this link: <http://conservativeactionproject.com/conservatives-oppose-the-federal-land-grab-in-s-3422/>

Comments on the Open Mexican Wolf 10(j) Rule Update (See Attached Comments): From Supervisor Coping's email: "*I wrote these comments ---in response only to the essentiality question-- in the proposed rule revision for the Mexican wolf. I drafted these comments because I think I see a misapplication of certain parts of the ESA at work, specifically in existing regulations that add artificial requirements not included in the ESA for experimental populations. I also wanted to get the 2016 James and Ward paper into the Administrative record for the Mexican wolf so that serious misapplications they found, based on flawed court precedents, might someday be successfully challenged. The Arizona Farm and Ranch Group is also submitting comments on the rule, as is the Arizona/New Mexico Coalition of Counties.*" Supervisor King suggested that these comments need to be filed. **Motion:** Supervisor DuHamel moved to file the Wolf comments. Supervisor King seconded. The motion carried 4-0. The James and Ward paper referenced in the draft comments can be downloaded at this link: https://www.fclaw.com/Templates/media/files/insights/Articles/2016_FC_JAMES_CRITICAL_HABITAT.PDF

Jaguar – Arizona Lawsuit Update (Supervisor Coping): Supervisors Coping and Chilton have been working with Dennis Parker on strategy, next steps, etc. Pacific Legal Foundation had sued the U.S. Fish and Wildlife Service (Service) on behalf of a coalition of New Mexico agricultural groups, to repeal the designation of both jaguar critical habitat units in New Mexico, Units 5 and 6. The U.S. District Court of New Mexico ruled for the defendant. The 10th Circuit Court of Appeals remanded the lower court’s ruling. The 10th Circuit found that the Service only speculated the jaguar was present at the 1972 time of listing.

The Court rejected the Service’s speculation that the jaguar was present but undetected, as failing to meet the strict, “*solely the best available commercial and scientific data*” requirement of Section 4 of the Endangered Species Act. The Service had determined the “time of listing” includes a period of time including a jaguar’s average 10-year life expectancy both before and after the 1972 date of the listing. The Service failed to present any “data” indicating any jaguar was present in Units 5 and 6 during the period from 1962-1982.

Supervisors Chilton and Coping discussed the 10th Circuit Court’s finding with critical habitat expert Norman James, esq. Based on the 10th Circuit’s ruling, the Secretary of the Interior will likely re-examine Units 5 and 6 and revise the critical habitat rule. After conversing with Mr. James, Supervisor Chilton sent a detailed letter to Interior Secretary Bernhardt requesting he re-examine all the critical habitat units, including the four units designated in Arizona.

Call to the Public: None

Meeting adjourned 2:24 pm. Supervisor DuHamel moved to adjourn the meeting. Supervisor Coping seconded. Motion carried 4-0.

Next Meeting Date: July 14, 2020 at 1:15 pm

Final Minutes: Submitted by Chris Postel, Pima NRCD Clerk on September 3, 2020

Final Minutes: Approved by the PNRCD/PCCE Board of Supervisors:

Signed  9-7-20
Jim Chilton, Chair, Pima NRCD/PCCE Date