

ARIZONA STATE LAND DEPARTMENT
OFF-HIGHWAY VEHICLE RECREATION
FUND AND TRAVEL MANAGEMENT
PROGRAM
ANNUAL REPORT
FISCAL YEAR 2012

Janice K. Brewer
Governor

Maria Baier
State Land Commissioner



“Serving Arizona’s Schools and Public Institutions Since 1915”

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Governor
State of Arizona

Please visit our website at www.land.state.az.us

I. Introduction

A. Historical Overview

In the second regular session of the forty-eighth Legislature in 2008, the State Senate passed Senate Bill 1167 relating to Off-Highway Vehicles (OHV) which became effective December 31, 2008.

This bill established an off-highway vehicle recreation fund (Fund) which consists of monies appropriated by the legislature, monies deposited pursuant to the off-highway vehicle user fee and federal grants, the Highway User's Recreation Fund (HURF), and private gifts.

The bill further provided for distribution of 5% of the monies in the Fund to the Arizona State Land Department (ASLD) to develop a program which will allow occupants of off-highway vehicles with the appropriate user indicia to cross State Trust land on existing roads, trails and designated routes. ASLD will also use those monies for costs associated to mitigate damage to the land and for necessary environmental, historical and cultural clearance or compliance activities on State Trust lands within its jurisdiction.

This report covers the activities for the 2012 fiscal year and will address the items required under Section 28-1176 (I). For purposes of this report, the HURF funds and the Decal Funds are not separated for itemization.

B. Trust Land Mission

ASLD manages approximately 9.3 million acres of State owned Trust lands within Arizona. These lands were granted to the State of Arizona under the provisions of the federal Enabling Act that provided for Arizona's statehood in 1912. These lands are held in Trust and managed to earn revenues for the State's public schools (K-12) and 13 other public institutions including the School for the Deaf and Blind, the State Hospitals, the State's Universities, Penal Institutions and others. As a Trustee, the ASLD has a fiduciary responsibility to manage State Trust lands and resources to enhance value and optimize economic return for the Trust beneficiaries.

C. Current Activities

The Environmental Resources & Trespass Section (ER&T) has a total of 8 individuals to address and manage the programs on 9.3 million acres of State Trust land. That staff consists of a section manager, an administrative assistant, one trespass investigator, three archeologists, one environmental specialist and one recreation and homesite administrator.

The ER&T is responsible for signage coordination, OHV trail designation, closures, trespass investigations, archeological and environmental review of pending applications, processing and administering natural resource related homesites and nearly all public uses of State Trust land. ER&T is also responsible for responding to air quality dust violations caused by unpermitted activities.

ASLD entered into a contract in FY 2012 with an outside consultant to implement the requirements of Senate Bill 1167 and the goals of the Travel Management Planning Team as further outlined in the following sections of the report.

There has been substantial coordination in FY 2012 with various state and federal agencies as well as internal ASLD staff. This coordination was in the form of stakeholder and agency meetings to discuss the requirements and impacts of the various travel management programs currently in place within the state.

The current activities include a review of the work completed in FY 2012, review of proposed Travel Management Planning by the BLM and the Forest Service through 2014, and the setting of goals and milestones for FY 2013 based on input obtained in FY 2012.

The Travel Management Planning and timeline efforts referenced above include the following for the BLM:

- Arizona Strip District

- Colorado River District – Yuma Field Office/La Posa Plan

- Colorado River District – Lake Havasu Field Office/Bullhead Unit

- Colorado River District – Lake Havasu Field Office/Havasu Unit

- Gila District – Tucson Field Office/Middle Gila Canyons

- Gila District – Safford Field Office/Gila Unit Travel Management Plan

The Travel Management Planning and timeline efforts referenced above include the following for the Forest Service:

- Apache-Sitgreaves National Forest

- Coconino National Forest

Coronado National Forest

Kaibab National Forest

Prescott National Forest

Tonto National Forest

Current procedural efforts include the preparation of an “Access Dictionary” which is being developed by ASLD staff and includes elements of definitions and terms from other agencies in an attempt to standardize the terminology used in Travel Management Planning across different agencies and departments. Other procedural efforts include the criteria and process required for the submittal and approval of Right-of-Way (ROW) and Special Land Use Permit (SLUP) applications.

D. Outlook / Future Activities

The ER&T will use the OHV fund in accordance with all applicable statutes, procurement code provisions and Constitutional provisions to protect the assets of the Trust while accommodating responsible travel management and OHV activities in appropriate areas. The Travel Management Planning Team which includes representatives from the Right-of Way, Planning, Range and ER&T Sections of the ASLD has established goals that include:

To establish a methodology that will transform the existing pattern of trespass, lack of enforcement and illegal trails on Trust land.

To generate revenue from trails for the beneficiaries of the Trust.

To enhance the value of State Trust lands where illegal trails are located, by instituting a process of legalization, where appropriate, consistent with the mission of the Trust.

To protect the Trust land by providing for maintenance and enforcement.

To reduce the potential of future liability to the ASLD and the State by legalizing the uses through leases, rights-of-way or other appropriate instruments.

Throughout this report, the above referenced goals are being addressed through the efforts of the travel management plan put in place by the ASLD.

Methodology is being established through the creation of an “Access Dictionary” with the SLUP and ROW processes defined to address the designation of legal trails while providing for a revenue source for the Trust through the application and processing of the SLUP and ROW requests. This will enhance the value of State Trust lands by establishing trails with legal access which can be an amenity as well as discouraging illegal trails which could further damage State Trust lands by unauthorized use and lack of maintenance. By establishing an authorized use with a SLUP or ROW, maintenance and enforcement is more clearly defined. It is also the intent to mitigate potential liability to the ASLD and the State by use of the SLUP, ROW and other instruments as a part of this process.

II. Administrative Expenditures Incurred for Fiscal Year 2012

A. Law Enforcement

i. Full time off-highway vehicle law enforcement employees

The ASLD has no law enforcement authority and therefore has no employees engaged in that effort. Instead it contracts with other agencies and outsources for that service.

ii. Off-highway vehicle law enforcement activities

The ASLD invited security firms to bid on enforcement efforts for State Trust land. Two vendors were awarded contracts with the State that may be utilized as funding is available. The cooperative efforts with the City of Peoria and the Maricopa County Sheriff's Office Lake Patrol Unit are continuing. A renewed effort to collaborate with the Pinal County Sheriff's Department was successful with a 5 year agreement and ASLD led training. Actual patrols started in September 2011.

B. Employee Services

i. Current Staff

The ASLD did not utilize monies from the Fund for employee services in this fiscal year.

ii. Consultant Staff

The ASLD hired Coe & Van Loo Consultants, Inc. as the Travel Management Contractor and Coordinator for FY 2012.

C. Information and Education

i. Coordination with other agencies

The ASLD coordinated with the following agencies in FY 2012:

Arizona Department of Transportation – Wickenburg Trails

Arizona Game & Fish Department – Wickenburg Trails

Arizona Game & Fish Department – Region 5

Arizona State Association of 4-WD Clubs

Arizona State Parks – Off-Highway Vehicle Advisory Group

Arizona State Parks - Wickenburg Trails

Arizona Trail Association (which also has a website link with the ASLD as a partner)

BLM Colorado River District Office

BLM Lake Havasu

BLM Lower Sonoran Resource Management Plan

BLM North Lake Pleasant Trail Special Land Use Permit

BLM Table Mesa

North Lake Pleasant Partnership

Maricopa Association of Governments – Wickenburg Trails

Maricopa County Parks Department – Vulture Mountain Regional Park and Trails

Maricopa County Parks Department – Hassayampa River Preserve

US Department of Agriculture (USDA) Forest Service

USDA Forest Service – Apache-Sitgreaves National Forest

USDA Forest Service – Coronado National Forest

USDA Forest Service – Coronado National Forest – Douglas Ranger District

USDA Forest Service - Coronado National Forest– Nogales Ranger District

USDA Forest Service – Coronado National Forest – Safford Ranger District

USDA Forest Service – Coronado National Forest – Santa Catalina Ranger District

USDA Forest Service – Coronado National Forest – Sierra Vista Ranger District

The Forest Service has been a primary focus of this Travel Management Planning effort due to the fact that a vast majority of access routes (e.g. the Coronado National Forest) are over State Trust lands that are not legal or permanent, and that in some cases, certain Forest Service maps designate

III. Law Enforcement Activities Incurred for Fiscal Year 2012

See Exhibit "A" on page 8 for specific activities.

State Trust lands as "State Public Use Lands". The Forest Service can be an excellent partner to educate how to designate access through a SLUP or ROW.

The Coronado National Forest has been involved in the examination of its Travel Management Plan for several years. The charge is to examine the trails and roads, whether constructed intentionally or generated by users over time, and then determine whether some should be closed or opened and to what kind of use they should be designated.

The ASLD has become a participant in the collaborative program of the Coronado National Forest. As indicated there is a vast amount of State Trust land at risk by uncontrolled access across State Trust land to reach the Coronado National Forest. The effort is focused on educating the District Rangers about the ASLD and its mission, while providing methods to achieve the access needed consistent with the best interests of the Trust.

To accomplish this, there will be direct involvement with each Ranger District, both during the Collaborative Alternative Team (CAT) process as well as outside that process. It is expected that a combination of those efforts will result in better informed Coronado National Forest staff as well as applications to enable access through SLUP's and ROW's. There are additional meetings with the District Ranger and the Travel Management Coordinator for each District. Due to the diversity within the Coronado National Forest, it is expected that there will be different issues and therefore different solutions for each District.

ii. Informational materials provided 2012

While continuing the extensive materials and web site information from previous years, the ASLD produced a flyer in FY 2011 that was also used in FY 2012 which communicates the history of the ASLD and the management of State Trust lands as well as informing the public about the recreation permitting program and use of trails.

A majority of the other informational materials provided was in the form of one on one communication and meetings with numerous agency representatives. The purpose of these meetings was to educate those agencies on the ASLD and the common goals of the ASLD and respective agencies as it related to Travel Management Planning.

IV. Travel Management Route Designation Activities Completed for 2012

The focus of the ASLD in FY 2012 was for public outreach to stakeholders and agencies, to learn about their programs already in place, understand their future goals and educate on the direction and the goals of the ASLD as outlined in SB 1167 and as required by the mission of the Trust.

One of the primary goals of this Travel Management Planning effort is to identify trails open on State Trust land for access to BLM and Forest Service land, and to ensure that the proper designations for legal permanent access are in place to support future use of those designated trails. Through the efforts of the ASLD, the BLM has submitted an application for a SLUP in the Table Mesa area for trails on State Trust land. This was a significant milestone for the ASLD in FY 2012 and it is ASLD's goal to continue to work toward additional SLUP and ROW applications in FY 2013.

Also through this effort, a resolution was submitted to, and adopted by, the Coronado National Forest CAT Team regarding the acquisition of necessary legal access routes across State Trust lands. Important lessons learned from the Forest Service process are:

1. Although access issues are not specifically the subject of the TMP project and the participation of the CAT team, the long term success of the TMP process is tied directly to providing legal permanent access across State Trust lands and private lands.
2. In the Safford Ranger District alone there are more than 65 significant access routes that cross State Trust land, of which the vast majority are not legal permanent routes and therefore are temporary.
3. All Stakeholders in the Coronado National Forest TMP will benefit from the Forest Service beginning to acquire legal permanent access.

Important lessons learned from the BLM process are:

1. The ASLD providing certainty to the BLM that they were authorized to acquire ROWs.
2. The ASLD providing a "flow chart" to BLM showing the distinctions between SLUPs and ROWs.
3. The ASLD providing the BLM a clear description of what is permitted by a Decal, an ASLD Recreation Permit and a hunting license.

4. Establishing a process to continue this collaborative effort between the Colorado River BLM District and the ASLD.
5. Developing "joint use" agreements for all users of existing rights of way.
6. Determining which trails will be the focus of route designation.
7. Developing a flow chart for the entire process of route designation.
8. Working with the BLM Colorado River District to provide training on Travel Management Procedures.

There is a continuing effort by the ASLD to provide education and training to agencies and law enforcement which is critical to the effectiveness of ASLD's efforts. Coordinating the Travel Management Planning with National Forests and the BLM as referenced above helps facilitate where access points match and land ownership interface. The commitment of the ASLD to travel management coordination will facilitate the ability to focus on specific issues such as trail designation as well as the overriding general issues of education and law enforcement training.

V. Trail Management Expenditures Incurred for Fiscal Year 2012

Law Enforcement:	\$ 137,581
Route Designation:	\$ 63,864
Mitigation of Damage:	\$ 47,495
Damage Prevention:	\$ 43,261
Education:	\$ 4,234
Total	\$ 296,435

Significant efforts in education were continued by the ASLD as part of its own budgetary commitment without seeking reimbursement from the fund. FY 2012 efforts also involved damage prevention, further community preparation and participation, law enforcement training, OHV Ambassador training, AGFD's Outdoor EXPO, and involvement in National Forest Travel Management Plan public meetings.

VI. 2012 Summary

The effectiveness of the ASLD in working with cooperating agencies became evident in FY 2012 with the application for the SLUP by the BLM and support received from other agencies and stakeholders as identified through meetings, coordination and the letter provided by the Arizona State Association of Four Wheel Drive Clubs (Exhibit "C"). The necessity of legalizing trails became clear to these agencies and the efforts of the ASLD to make this a priority and to accommodate this effort has begun to yield positive results. A continuation of the educational success through presentations and web information is an important and positive activity. Law enforcement, educational efforts and related activities accounted for over 3,800 contacts. Web page contacts were in the range of 7,700 hits which clearly demonstrates the communication of important educational information to a broad audience.

VII. Conclusion

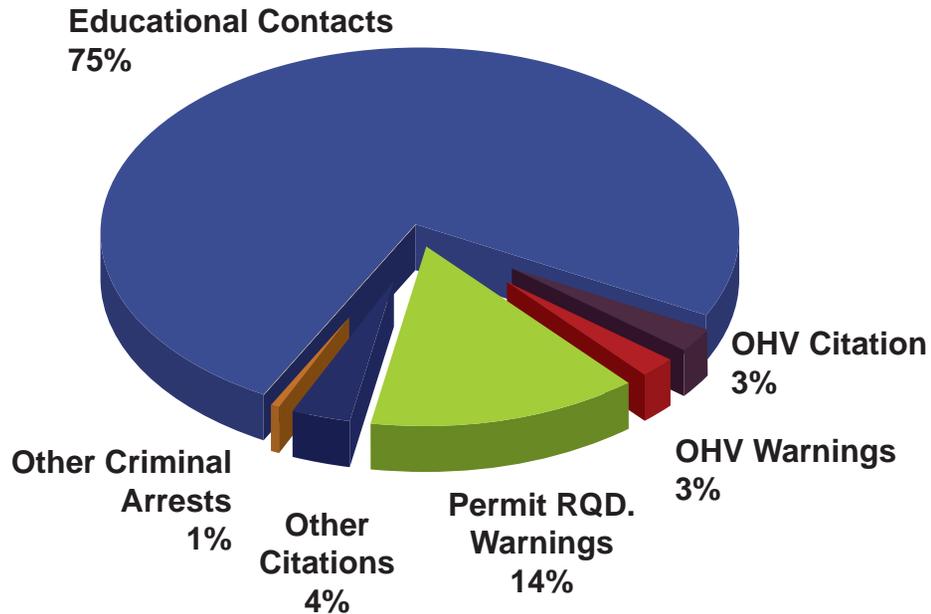
Since the enactment of SB 1167 and its effective date, the ASLD has actively and responsibly pursued the requirements of the statute consistent with the mission of the Trust. The commitment of significant staff time and budget allocations that are not reimbursed from the Fund demonstrate the effort made. The use of the funds generated has been consistent with, and in furtherance of, the responsible and legal use of the State Trust lands. To the extent possible, emphasis has been placed on Route Designation, Law Enforcement, Mitigation of Damage, Prevention of Damage, Education and Signage. Collaboration by ASLD with federal and state agencies as well as local municipal authorities has been a successful direction to further the goals and needs required by the statute. The ASLD contracted with a Travel Management Coordinator in Fiscal Year 2012 with effort and progress made toward the statute requirements. The ASLD appreciates the continued support of the Legislature in achieving the mission of the Trust placed upon it by statute, the Arizona Constitution and the Enabling Act.

Exhibit “A” – Law Enforcement Activities

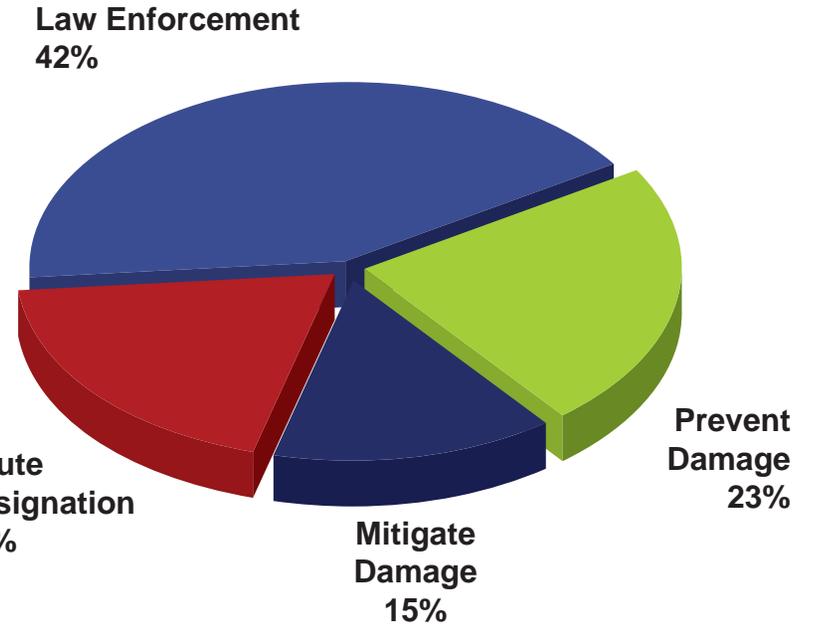
Law Enforcement

The chart that follows documents from a statistical point of view the law enforcement efforts. For the FY 2012 period over 3,600 contacts were generated to educate users as well as to take further actions. The focus was in the Greater Phoenix area for this period, but the ASLD is actively pursuing broader enforcement activities in the future.

EDU Contacts	OHV Citation	OHV Warning	Permit RQD. Warnings	Other Citations	Other Criminal Arrests	Total
2,780	115	97	528	137	27	3,684



OHV Fund Expenditures



Law Enforcement	Route Designation	Mitigate Damage	Prevent Damage	Total
\$137,581	\$63,864	\$47,495	\$74,900	\$323,840

NOTE: Prevent Damage includes: \$15,949 signs and \$4,234 education



TRAILS ON TRUST LAND

Serving Arizona's Schools and Public Institutions Since 1915

WHAT IS STATE TRUST LAND?

Trust Land is not Public Land. Trust Land is different from public land such as parks or National Forests, in that Trust Lands are managed by the Land Department to generate revenue for 13 specific beneficiaries. Today the Trust manages 9.3 million acres of land, and approximately 90% of the revenue generated from sales or leases supports the K-12 Education.

SUPPORT

EDUCATION - RESPECT

THE TRUST

The largest beneficiaries include the Common Schools (K-12) and Universities.

"Thanks to the State Land Department, and the Trust it supports, the common schools were able to provide a long term source of funds to pay for teachers, classrooms and prevent drop-outs."
-Tom Horne, Arizona State Superintendent of Public Instruction

IT'S A REC PERMIT, NOT A WRECK PERMIT!

A recreation permit is required for: hiking; horseback riding; bicycling; picnicking; photography; bird watching; sightseeing; camping or traveling on existing Trails over Trust Land. There are three (3) different permits one can obtain.



An **Individual/Family REC Permit** is needed for casual recreation, and travel on existing roads & trails



A **Group REC Permit** is needed for casual recreation events with fewer than 20 participants, for fewer than 5 days



A **Special Land Use Permit (SLUP)** is needed for all competitive or commercial events as well as casual recreation events larger than 19 participants

PROTECT TRUST LAND - DON'T TRASH THE TRUST

SOME TRAILS ON TRUST LAND -

Such as the Arizona Trail and Maricopa Trail were purchased from the Trust as Perpetual Rights of Way, making them available to the public. Recreational permits are not required on these Trails themselves, but are required if you leave the width of the trail or may be required to access a trailhead.



An OHV decal allows crossing Trust Land while riding a vehicle that weighs less than 1800 pounds. A Land Department Recreation **Permit is required** for any other recreational activities on Trust Land.

PAY TO PLAY

All State Trust Land transactions must be in accordance with the State's mandate to generate revenue for the beneficiaries. Trails on Trust Land can be accommodated in a variety of ways.

Trails may be allowed through a Right of Way, or if the use of the trail is intended to be temporary, then a Special Land Use Permit (SLUP) may be appropriate.



TALK BEFORE YOU WALK

A Pre-application meeting is **mandatory** before an application can be filed. Planning a trail on Trust Land requires you to contact the State Land Department to discuss the concept of the Trail. Please contact the Department early in the trail planning process, due to the length of application processing times.



FOR MORE INFORMATION, CONTACT THE STATE LAND DEPARTMENT AT WWW.LAND.STATE.AZ.US



Exhibit "C" – Arizona State Association of Four Wheel Drive Clubs Letter



Arizona State Association of Four Wheel Drive Clubs
P.O. Box 23904
Tempe, Arizona 85282

June 24, 2012

Maria Baier, AZ State Land Commissioner
1616 W. Adams Street
Phoenix, AZ 85007

Ms Baier

The Arizona State Association of 4 Wheel Drive Clubs (ASA4WDC) represents family oriented responsible motorized recreation. Often we are all viewed as not responsible users, when in fact we often take the lead on the ground to educate those that are not part of an organized group. We participate in land planning groups and other groups such as the Bureau of Land Management (BLM) Ambassador program.

I have been participating in the CAT process for the Coronado National Forest and access seems to be the major problem. As organized motorized recreationalists we realize that this has always been a problem.

By participating in the Coronado National Forest Collaborative Alternative Team (CAT) process through the Travel Management Coordinator (TMC), the Arizona State Land Department (ASLD) has taken an important lead in bringing together those who care for the land.

The TMC has, over the past 6 months, educated Forest personnel, motorized users, tour operators, non-motorized users, hunters and other interested parties in the Coronado Forest to the realities of the State Land Department as Trustee.

We have been told many things over the years, but only recently have we begun to actually understand how the State Lands Department must operate and how to work with it. We wish to express our appreciation to the Department for making this effort to really communicate. It has proven very successful. Our organization feels strongly that this program must continue to include the Forests, the BLM, Game and Fish and the stakeholders.

It is clear that by becoming proactive in this communications effort, the Department has taken an important lead in bringing together those groups that may not always agree, but who care for the environment and believe in the conservation of our natural resources.



Arizona State Association of Four Wheel Drive Clubs
P.O. Box 23904
Tempe, Arizona 85282

In the past the Department has not seemed to be interested in access for the public to use state trust lands to access other public lands. This effort to begin legalizing access routes over Trust Lands to the Coronado National Forest lands is important to provide for the on ground management of those routes by a responsible agency. The National Forest can provide law enforcement, legal protection to the Land Department and the trust and it should. The forest service with the help of partner agreements can also provide maintenance and "eyes on the ground" through working agreements with local volunteer organizations.

As the president of the ASA4WDC I represent a large group of motorized recreational users. As users of public lands we realize access and working with the agencies is an extremely important relationship. The ASA4WDC will be supportive of this ongoing effort between the ASLD, Forest Service, BLM, Game and Fish and the stakeholders.

Please feel free to contact me if you have any questions or would like information on our association.

Sincerely,

A handwritten signature in black ink that reads "Rebecca Antle".

Rebecca Antle, ASA4WDC President
6250 N. Diamond Hills Lane
Tucson, AZ 85743

520-682-0273

520-405-7389

4critter@comcast.net

Cc: Vanessa Hickman, Deputy Commissioner
Stephen Williams, Natural Resources Director



1616 West Adams • Phoenix, Arizona 85007

www.land.state.az.us