



**CITY OF SCOTTSDALE
PARKS AND RECREATION COMMISSION
and
MCDOWELL SONORAN PRESERVE COMMISSION
REGULAR JOINT MEETING
APPROVED MINUTES**

THURSDAY, AUGUST 6, 2009

**Granite Reef Senior Center
1700 East Granite Reef Road, Room 2
Scottsdale, Arizona 85257**

PARKS AND RECREATION COMMISSION

PRESENT: Robert Frost, Chair
Jeanne Alspaugh, Vice Chair
John Faramelli, Commissioner
James Duchene, Commissioner
Ron King, Commissioner
Stan Koczka, Commissioner

ABSENT: George Adams, Commissioner

MCDOWELL SONORAN PRESERVE COMMISSION

PRESENT: Art DeCabooter, Chair
Gerald Miller, Vice Chair
Carla, Commissioner
Melinda Gulick, Commissioner
B.J. Heggli, Commissioner
Rand Hubbell, Commissioner
Deke Joralmon, Commissioner
Howard Myers, Commissioner
Tom Silverman, Commissioner
Susan Wheeler, Commissioner
Linda Whitehead, Commissioner

STAFF:

Tim Barnard	Kroy Ekblaw	Bill Murphy
Bob Cafarella	Hugh McGills	Lorelei Oien
Jan Cameron	Claire Miller	Reed Pryor

PUBLIC SPEAKERS:

Dave Alquist	Jim Heitel	Doreen O'Connell
Bob Biegel	Tim Holt	James Potter
Steven Balquin	Tracey House	Scott Reeves
Ruthie Carll	Craig Iredell	Nick Simonetta
Steven Dalton	Sharon Joyce	Frank Stelly
Con Englehorn	John Keedy	Curtis Stone
Marshal Gerston	Grant Loper	Theresa Thraen
Jeff Gursh	Todd Masden	Ken Waun

1. Call to Order

The joint meeting of the Parks and Recreation Commission and the McDowell Sonoran Preserve Commission was called to order at 5:12 p.m.

2. Roll Call

A formal roll call confirmed members present as stated above.

3. Moment of Silence

The Commissioners recognized a moment of silence.

4. Input on maintenance/operations options for the Granite Mountain Recreation Area, given air quality regulations

Chair Frost noted that the purpose of this meeting was to gather input from the Commissioners and the public, for Staff to use when meeting with representatives from the State Land Department. The agenda item is intended for informational purposes only, and neither Commission would be taking any action at this meeting.

Mr. Cafarella said the State Land Department and the City of Scottsdale have been discussing maintenance and operational options in the Granite Mountain Area. Over the past few years, federal air quality regulations have become more complex and rigorous. Because of continuing air quality problems in the Valley, enforcement has become proactive as opposed to reactive. The City had previously partnered in a memorandum of understanding (MOU) among many groups for how to address misuse of the land in

Granite Mountain Recreation Area (GMRA). The MOU was used for many years to help control continued degradation.

The GMRA is in the planned Preserve boundary, and is targeted for acquisition by the City in the future to be kept as open space for recreational purposes. The trails there connect to the City's trail system, which is overseen by the Parks and Recreation Department. He delineated on a map the portions of the area that belong to the State, and those that belong to the City. The area historically has been used for a myriad of recreational uses. This fact, along with its scenic beauty and connections to the Tonto National Forest, helped drive the effort to preserve it as open space. The land was identified as Preserve land in 1998. The City petitioned the State to have the land reclassified for conservation under the Arizona Preserve Initiative (API). Most of it was reclassified except for the strip along Pima Road. The Preserve Charter was changed in 1998, giving citizens the power to modify what that land is used for. The City Council does not have ultimate control there. The MOU served well for many years. As problems arose, the partners worked to fix them through education and remedial projects. Once the air quality changes took effect, the parties agreed that the MOU was no longer a suitable tool, and it was dissolved.

Mr. Cafarella said the input from this meeting would be used to determine how to move forward with a new agreement, if any. If air quality does not improve in the region, the Federal government could withdraw \$7.5 billion in transportation funds from Arizona. The air quality regulations were designed to satisfy their demands. The most recent legislation on the issue was Senate Bill 1552, which restricts motorized vehicles on unimproved surfaces. The regulations and ordinances also describe the steps necessary to allow certain uses. The bill essentially places the burden of responsibility on property owners, which in the case of GMRA is the State Land Department.

Scottsdale is considering several options. The City could decide to acquire a Special Land Use Permit (SLUP) and assume responsibility for maintenance, operations, and activities that occur there. The City would have to pay any air quality fines that occur. If a SLUP is used, the City would need to decide what activities, if any, were allowed there, what the costs involved would be, and who would pay for it. Compliant parking would have to be provided and steps taken to ensure the area is not compromised any more than it already has been. The City would have to decide whether to allow full access to all recreational use, as was permitted a few years ago. If motorized vehicles were permitted, their trails would have to be stabilized so as not to cause dust. The area would also need to be patrolled to ensure everyone is doing what they are supposed to do, and enforced if they do not.

A second option using a SLUP would be to restrict activity to non-motorized use only. The City would still have to provide stabilized parking, secure the area, and patrol and enforce it, but would not have to stabilize the trails. A third option would be to restrict use to only allow access from appropriate State, City, and utility company personnel. This option would be the easiest to enforce and maintain. A fourth option would be to continue with the transition period and limit motorized access to only the jeep tour operators that have permits to operate there, taking measures to ensure they do not kick up dust. The area would need to be tightly controlled, secured and enforced, and the length of the transition period would need to be defined. The last option is to have the

City continue to work with the State Land Department, with the State retaining responsibility for maintenance, operations and regulations.

Commissioner Carla inquired about the number of commercial permits that currently exist in this area. Mr. Cafarella responded that the State was uncertain of the numbers of people that are operating there, but the level of activity has been down drastically because of the economy. In response to an inquiry from Commissioner Gulick, Mr. Cafarella said that if the City were to obtain a SLUP, and the State maintained control over permitting, the City could have a secondary permitting system.

Commissioner Whitehead inquired whether the trails would have to be stabilized if the jeep operators observed low speeds. Mr. Cafarella responded that if tour operators successfully met all the criteria, the roads should not need to be stabilized. If the policy fails then the City would have to consider alternatives.

Chair Frost invited public commentary.

Jeff Gursh spoke on behalf of Frank Stelly and Ken Waun, and represented the Arizona Off Highway Vehicle Coalition (AOHVC), and the Arizona Trail Riders (ATR). ATR has been involved in this area since 1999. In 2005, AOHVC partnered with ATR to help manage the GMRA. Trained volunteers from both groups work directly with law enforcement officials to educate the public in the proper use of the area. It took two years to get the IGA drawn up with the Sheriff's Department, Game and Fish, the Forest Service and City of Scottsdale Police Department. These enforcement options are still available to help manage GMRA. The groups have worked with the County and State air quality agencies to successfully address OHV-related dust issues in other nearby recreation areas. GMRA has been an OHV and mountain bike haven since the 1970s. He requested that the City maintain the original partnership, keeping the area designated as accessible for off-highway vehicles and managed for public access. He distributed information packets to the Commissions, and highlighted a contact list of people from various agencies who could attest that responsible OHV use is viable in areas like GMRA.

Scott Reeves has conducted jeep tours in the GMRA for 20 years. Because of liability concerns, the jeeps cannot go fast. Jeep tour companies help pick up garbage and keep the area looking good. They educate people about the desert. It is difficult to know who to call to enforce violations.

Tim Holt said he works for the Game and Fish Department, which was an integral part of the original MOU. The relationships that formed out of it were unparalleled. The GMRA is one of the best-managed areas for OHV use in Arizona. The Department will have one more officer available to focus specifically on the GMRA, particularly as it relates to motor vehicle laws. The Department provides training for Scottsdale Police, and can provide suggestions for changes municipalities could to better manage OHV areas.

Ruthie Carll said the McDowell Sonoran Conservancy's role is to support the City's goal of completing and carrying forward the Preserve, and to facilitate the community's relationship with that land. The voters of Scottsdale chose to include this land in the

Preserve boundary and to protect and manage it according to the Ordinance, which allows hiking, biking and riding. It would be best if the land can get into that form as soon as possible.

Doreen O'Connell said she knows of four operators that are allowed to operate in the GMRA; three use jeeps, and one uses horses. The operators know that the transition period is ending, but there is nowhere else to go. Her business has been on another permit waiting list for six years, with no success. The company offers nature and historical tours in the GMRA. She has had a permit with the State for the past ten years and has paid \$44,000 to operate in the GMRA. Tour operator presence has resulted in a sharp decline in illegal activity. The tour operators work closely with enforcement officials to point out violations. Tours educate visitors and residents about desert conservation. Jeep speeds are kept low, and the majority of the tours are done on foot. Most tour companies are family-run, small businesses, and are struggling in this economy. Without the GMRA trails, at least two companies would go out of business. S.B. 1552 says the regulations apply to any vehicle on unpaved surfaces, but also exempts vehicles that are used in the normal course of business. A State Legislator confirmed for her that the bill allows cities to draft their own ordinances, but said that it was not their intention that it have a negative impact on any business.

John Keedy spoke for Grant Loper, and on behalf of the Arizona Mountaineering Club. The larger rock climbing community recognizes the GMRA area as a historic climbing area, with 50 established routes on Cholla Mountain and 109 on Granite Mountain. Climbers are strongly advised to obtain State permits for using this area. Climbers travel on existing roads, park in designated areas, stay on established trails, and adhere to a leave-no-trace ethic. The AMC works with City Staff on trail repair and restoration. Climbers would prefer reestablishment of reasonable access to rock climbing areas in GMRA, in a manner that will preserve its beauty for future generations. The group is willing to work with Staff to implement their decision.

Con Englehorn is in favor of opening the GMRA area to recreational use. Law enforcement cannot close an area of this size. The people who are willing to trespass are the ones who act irresponsibly. The MSC has assisted the City in trail building and maintenance, and is prepared to assist the City in managing this area.

Craig Iredell said his topic was already covered.

Todd Masden said he has provided horseback rides in the GMRA since 1993. The OHV users that belong to clubs are not the ones causing problems. Others travel at over 100 miles per hour and kick up a lot of dust. If officials have no way of issuing violations while on the scene, enforcement will not be effective. The jeep tour companies drive slow and are responsible users. If both the State and the City require separate fees to use the area, it will be a drain on small businesses.

Jim Heitel lives near the GMRA. Illegal OHV use has caused a great deal of destruction there, especially in the last seven years. It is crucial that the Commissions send a clear message to Council on this matter. The public was clear about its desire to purchase the property for preservation and protection. The land was reclassified for the sole purpose of preservation. The City has the obligation to respect the citizens' expectations

and manage that investment properly. These measures were not taken with the intent of allowing continued destruction of the land. Allowing OHV use in the GMRA will have unintended consequences. In order to avoid getting caught, illegal OHV users often use trails designated for non-motorized use, effectively destroying them.

Tracey House has used GMRA trails as an equestrian for 35 years. The trails that motorized vehicles use are impossible to ride on. They are wide, dusty and hard. No wildlife comes around when motorists are on the trails. It would be illogical to allow more motor vehicles there. The jeep tour operators will find other places to go. The taxpayers chose to buy the property to preserve it.

James Connor ceded his time to allow **Ms. O'Connell** to continue. Her husband and she have invested all their money in their business. There is nowhere else to go. There is a big difference between jeep tours and dirt bikers. Jeeps are not loud. The drivers take care of the trails. They stop when they see horses or bikes. There has not been one dust violation reported in this area. Scottsdale has adopted a zero percent opacity standard, which is impossible. The County uses a 20% standard. Scottsdale's ordinance interpreted the Senate Bill incorrectly when it pertains to vehicles used for businesses. The tour operators help take care of the land. Scottsdale does not have the money to buy the land right now, and until it does, jeep tours should be allowed.

Dave Alquist and **Steven Balquin** said their topics were covered.

Sharon Joyce is an Arizona Trail Riders member, and said she enjoys the trails as a dirt bike rider. The ATR is respectful of the outdoors, of the trails, and of other users. They keep speeds down and are conscious of dust and noise. She asked the Commissions to allow vehicles to use the area respectfully. OHV groups are willing to help maintain the trails.

Curtis Stone has been an avid hiker in the GMRA for twelve years, and believes that cooperation is possible. He does not see a conflict between the different modes as long as people follow the rules. Hikers, bikers, and equestrians should be able to use the land without a fee.

Nick Simonetta represented the OHV Coalition. He disagreed with the notion that closure would require fewer enforcement resources. It is a big area. The opposite is likely true, considering all the stewardship assets that would be available. Under a new law that was recently passed, closing trails to OHV users could jeopardize future grant money to maintain all trails, including the non-motorized ones. That new law received the support of OHV groups, sportsmen and environmental groups. Closure would also impact sales tax revenue from tourists. Closing the area will not remove the need for restoration. The land has not been served well by the lack of stewardship recently.

Theresa Thraen represented the Rio Verde Horsemen's Association. The original plan was always to have this area non-motorized. That is what the citizens voted for. The jeep tour operators knew this, and they have had many years to plan accordingly. The Association has contributed many volunteer hours to protect the land. It is an environmentally fragile area and everyone must do their part to protect it.

Bob Biegel is a member of the oldest four-wheel drive club in Arizona. It is a responsible, eco-friendly group that volunteers to maintain trails throughout the state on both private and public land. They engage in patrols, education, and training activities at the GMRA, to keep it an open OHV area. If Scottsdale wants to control the land, they should buy it.

Marshal Gerston has lived and worked in Scottsdale for forty years. Most of the comments he has heard at this meeting consist of people looking out for their own interests, without respecting the interests of others. The area is huge, and there is plenty of room for everyone to get along in. His elderly father loves the outdoors but would not be able to access some of the remote areas if all motor vehicle access were forbidden. A few drivers cause trouble for everybody else, but many others work to counter that behavior. He cautioned against preserving the land from the people, instead of for the people.

Chair Frost asked that written comments be entered into the record.

Liz Miller wrote that the corner of Stagecoach Pass and Boulder View is an access path to the Power Line Trail for OHVs, despite signs to the contrary. On weekends and during hunting season, the trail resembles Loop 101. Police have made a few attempts to patrol the area, but without a sustained presence, the results are minimal. Signs in the area continue to instruct drivers to stay on the trails, which sends a mixed message, and does nothing to tell them they are prohibited there. The presence of hunters in an area that allows hikers, bikers and pets is disconcerting. These uses do not mix well.

Mike Carlton wrote that he has been an OHV user in the GMRA for 44 years. His business sells motorcycles and parts and many of his customers use the GMRA, including some from all over the world. He requested that Scottsdale return to the original MOU and allow motorized vehicle use. It would be beneficial to Scottsdale's economy.

Len Marcisz wrote that motorized vehicles have caused considerable destruction to the land north of Dynamite, including at historic and archeological sites. They should be banned from operating there, or at least severely restricted. He suggested that the two Commissions develop a standard that would apply to all organized tours and visitations to sensitive sites. The number of unofficial trails is extensive. The official trail network should balance the need to access meaningful sites with the need to protect them, and represent a net reduction in total trail mileage. He suggested that Scottsdale's 2010 trail plan recognize the 140th anniversary of the Stoneman Road by highlighting its preservation.

Chair Frost requested Commissioner comments.

Commissioner Carla clarified that Scottsdale would not own the land through a SLUP. Ultimately the City would have to come to some sort of purchase agreement. During the API hearing a lot of scientific information was presented that clarified that uncontrolled OHV use and sustainable habitat were incompatible. The area might seem very big, but it has to be viewed in the context of a point in the near future when the Valley reaches build out. When that happens, it will not seem very big at all. The State Land

Department has closed much of their land to OHV use because it has been abused to the point where the asset is being degraded.

She noted that access areas are planned for the Preserve that would allow people with disabilities to drive into remote areas. She hopes that whatever is done does not entail changes to the Preserve Ordinance. She acknowledged the AOHVC and ATR have worked hard to self-police irresponsible use of the GMRA area, but they cannot control everybody. The nearby Tonto National Forest provides specific trails for OHV use. She clarified that the environmental groups that supported the legislation Nick Simonetta referred to did so because they viewed it as the lesser of two evils.

Commissioner Carla said without the help of the tourism industry, the Preserve would not have been possible. The door was left open to allowing a very small number of grandfathered jeep tour operators into the area, under strict rules and only on certain trails. The tours allow visitors to experience the land in ways they would otherwise not. The State has offered the City a good opportunity, and she hopes that Scottsdale takes advantage of it. The State does not have the resources to patrol this area as well as it should be. If the City takes control, it could be managed in a manner consistent with the goals of the Preserve.

5. Public Comment

There were no public comments on non-agendized matters.

6. Adjournment

With no further business to discuss, the joint meeting adjourned at 6:45 p.m.

Respectfully submitted,
A/V Tronics, Inc. DBA AVTranz.

Meets established criteria.

A handwritten signature in blue ink that reads "William B. Murphy". The signature is written in a cursive style.

William B. Murphy
Community Services Managing Executive Director