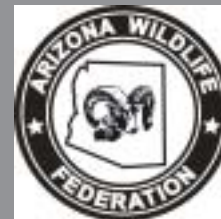


Mission:

AWF is a non-profit organization dedicated to educating, inspiring, and assisting individuals and organizations to value, conserve, enhance, manage, and protect wildlife and wildlife habitat.



Arizona Wildlife Federation

Bush Administration Backs Off Further Weakening of Clean Water Act

Must still retract guidelines that removed CWA protection from 20 million acres of wetlands

by Julie Sibbing, Wetland Policy Specialist, National Wildlife Federation

In a move that was greeted with much celebration, the Bush Administration recently announced that it was abandoning a planned rulemaking that could have eliminated Clean Water Act protections for up to 60 percent of the nation's waters. While this decision was a big win for the conservation and environmental community, in reality, less formal policy changes by the administration had already accomplished a significant rollback in implementation of the Act.

When the U.S. Supreme Court ruled in January of 2001 that Clean Water Act protections do not extend to certain "isolated" wetlands and ponds, conservationists were quite concerned. The court's ruling in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* (the SWANCC case) struck down the Corps' policy of applying protection to "isolated," intrastate, non-navigable waters, based solely on the fact that the water body is used by migratory

birds. Although quite narrow, the decision did create a new loophole in Clean Water Act coverage of the nation's beleaguered wetlands. This loophole would apply not only to dredge and fill permits, but to all provisions of the Act, including regulation of point source pollution discharges, regulations governing oil spill liability, etc.

Yet few predicted that this narrow loophole could be seized upon by developers, mining interests and industry-friendly officials in the Bush administration to mount an unprecedented attack on the types of waters that receive protection under the Clean Water Act. Calling off a plan to issue an explanation of the narrow ruling to field staff in the summer of 2002, high level political appointees within the administration decided to push for a broadening of the loophole.

In January of 2003, the U.S. EPA and Army Corps of Engineers published an "Advance Notice of Proposed

Message from the President

Greetings to AWF members and supporters. As we start the New Year, I am happy to report that 2004 is off to a successful beginning and promises to be an excellent year. **Bob Witzeman renewed his membership and became a life member.** Thank you Bob, for your support and commitment. I hope many more of you will follow his lead. **Randy Bonney has resumed his role as AWF project volunteer coordinator.** And on 10 January we hosted a successful habitat project at Buenos Aires National Wildlife Refuge. Special thanks to Bonnie Swarbrick, Randy and Danielle Bonney, Al Kreutz, Don Farmer, and Juan Fernandez for making the fence removal happen. At the end of January we are holding the second annual "Fishin' Fun" day for women and children. You can read more about these and future events in the newsletter.

In November, I attended the annual meeting of the Desert Fishes Council (DFC) held at Furnace Creek, Death Valley, California. The DFC is an international organization comprised of academics, agency, and other people dedicated to the conservation of desert fish species.

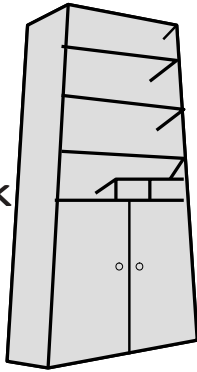
Close to 100 papers were presented on the conservation of desert fishes, most of them pertaining to native fishes in the southwest. At the end of the symposium, the council adopted a resolution that was forwarded to Governor Napolitano urging her to appoint a Game and Fish commissioner who has an interest and background in wildlife and will support native fish conservation.

I want to remind everyone that *our* convention and annual meeting will be here before we know it, and it is not too early to begin thinking about resolutions, nominations for officers, and award nominees. If you have any ideas for us or you want to be more involved in our decisionmaking process, attend some of our monthly board of directors' meetings and perhaps become a board member yourself. As always, our meetings are open to everyone. Call the office at (480) 644-0077 or check our web site WWW.AZWILDLIFE.ORG or email us at awf@azwildlife.org to find out when the next meeting is scheduled.

Thank you for your continued support.

Mike Perkinson
President

Thank
you!



Many thanks to **Al Kreutz** who donated a nice, large bookcase to AWF. And many thanks to **Jerry Thorsen** who transported the bookcase to the AWF office where it was quickly filled with books and files that had been cluttering up the floor.

Bighorn Sheep Near Tucson

Threatened by Disease

Pink eye, a common disease easily treated in humans, usually results in death for native Bighorn Sheep. That is because pink eye, if left untreated in the sheep, results in blindness, and blind bighorns are more susceptible to mountain lion predation and fatal falls from the steep cliffs they typically frequent. The disease is a bacterial infection and is easily transmitted by flies landing on the eye of an infected animal and then on the eye of another animal. Thus it spreads quickly and causes blindness in only a week or two.

The bighorn sheep herd in the Silver Bell Mountains on the Ironwood Forest National Monument outside of Tucson is

biologically and historically significant because it is the last naturally occurring bighorn population in central Arizona and dates back to the Pleistocene era.

Arizona Game & Fish personnel are rounding up affected bighorn sheep, treating them with antibiotics, and releasing them back into the mountains. The University of Arizona Veterinary Diagnostic Laboratory is helping with the effort. The outbreak of pink eye occurred three weeks after approximately 5,000 domestic goats were released by a private firm under a grazing lease for state lands. Although it cannot be definitively proven that the disease



was introduced by the goats, the timing suggests a connection. Because of this, the Bureau of Land Management Tucson Field Office is organizing the removal of domestic goats trespassing onto Ironwood Forest National Monument.

AWF Action Update

The following are issues and projects the AWF has worked on in the last two months

AWF Board President Attends Desert Fishes Council Meeting; AWF Board Approves Signing on Letter to Gov. Napolitano to Support AG&F Efforts to Protect Native Fish

The continuing decline of native fish is a serious conservation issue in Arizona. The AWF, along with many other conservation groups, signed a letter to Governor Napolitano asking her to appoint Game & Fish Commissioners who are well versed in conservation issues, particularly those concerning native fish. There are 34 native fishes remaining in the state and more than half of them are now listed as Endangered or Threatened. The primary cause of decline is loss of habitat.

AWF Member Submits Comments on Draft Environmental Impact Statement for the Bar T Bar and Anderson Springs Grazing Allotments

Long-time AWF member, Jeff Burgess, submitted comments to the Coconino National Forest. In a 10-page letter to the CNF, Burgess noted that the EIS lacked an accurate and thorough description of current range conditions,

pointed out several contradictions and errors in data used in the document, and urged the CNF to investigate the connection between the high-intensity, short duration, time-controlled "Savory Grazing Method" and the steep decline in the number of Pronghorn Antelope surviving on Anderson Mesa. The letter also calls for more protection and restoration of the many wetlands found on the two allotments. Several AWF Board members also submitted comments on the draft EIS in hopes of encouraging the CNF to enforce grazing practices on these lands that would be less damaging to antelope habitat.

AWF Board and Staff Provide Leadership for Arizona Conservation Alliance Efforts. ACA Publishes "Arizona's Conservation Priorities 2004"

More than 30 organizations, including the AWF and 25 individuals, are members of the Arizona Conservation Alliance -- all are dedicated to the preservation of Arizona's land, air, water and quality of life for future generations. The ACA recently held a press conference to share its report of "Arizona's Conservation Priorities 2004" with Arizona's citizens. A copy of the report was pro-

vided to the governor and each state legislator. AWF Board member, Mary Jo Miller, and Director of Administration, Patricia Turpin, served on the ACA Leadership Committee, and AWF Board member, Jack Simon, was the Group Leader for the Wildlife, Habitat and Resource Protection Working Group. The report covers the following areas: air quality, transportation and energy policy; citizen participation; conservation funding; environmental justice and board issues; growth management and land use; water resources; and wildlife, habitat and resource protection. The priorities include items such as incentives for renewable energy sources, call for a statewide energy plan, protection of the initiative and referendum processes, support of law and policies that address environmental justice issues, conservation of state trust lands, preservation of free flowing streams and riparian areas, protection of water quality, and development of programs to achieve statewide water sustainability.

Wish List

Secure, weather-proof storage space for files and other documents.

Postage scale



Rulemaking,” to solicit public comment on what types of waters should be removed from protection under the Clean Water Act. At the same time, they also issued a guidance memo to their field staff, directing them to immediately cease protection of what the U.S. EPA estimates is about 20 million acres of wetlands and other waters. While the rulemaking has now been abandoned, this damaging guidance memo remains in effect, needlessly putting critical wetlands, streams and other waters at risk of unlimited pollution and destruction.

The guidance memo is most notable for the fact that it provides very little real guidance to field staff trying to figure out what the Supreme Court’s SWANCC decision means. It gives an unbalanced and confusing (now out of date) discussion of lower court decisions that confuses more than it enlightens. It does give clear direction that all “isolated” waters are to be removed from protection, though it does not define “isolated.” This clearly goes beyond the SWANCC ruling which only eliminated protection for some “isolated” waters. It even allows that some streams should no longer receive protection. Perhaps most damaging, the guidance requires field staff to gain approval from headquarters prior to protecting any water that might be considered “isolated.” If staff decide not to enforce the Act, they do not have to justify their decision or even keep track of their action. To date, only a handful of cases have been elevated to headquarters, strongly signaling that regulators are taking the path of least resistance and failing to regulate waters that are still

protected by law. While the guidance memo and resulting failures to implement the Act begin to add up to major damage to the aquatic system, it is not surprising that the formal rule changes were abandoned. The administration received an unprecedented 135,000 letters on the Notice of Rulemaking, with 99 percent opposing any weakening of the Act. States weighed in heavily in opposition, with 39 out of 42 opposing weakening of federal protections. This overwhelming opposition led 218 members of the House of Representatives (a majority) and 23 Senators to sign a letter to the President, asking him to abandon the rulemaking and rescind the guidance memo. Another key voice came from the hunting and fishing community. A Hunter/Angler Campaign for Clean Water was launched in July at a 12-state summit in Chicago sponsored by The National Wildlife Federation, Prairie Rivers Network, Ducks Unlimited and Trout Unlimited. A second summit in Atlanta and outreach to other regions expanded and accelerated the campaign. These sportsmen and women generated thousands of letters to the President, talked to the media, and met with their federal legislators. In the end, the President met with leaders of the hunting and fishing community before announcing that the rulemaking would be withdrawn.

With the rulemaking off the table, attention must now turn to ensuring that less formal policy decisions do not continue to undermine the Act. While withdrawal of the guidance memo will be a major focus, ensuring that the administration enforces the Clean Water Act to the full extent of the law in every region of the country must also be a major focus. Efforts are under way in several states to establish state-level protection, or to defend existing protection, for waters no longer protected under federal law. These efforts deserve strong support. Ultimately, however, the battles will continue until Congress passes the Clean Water Authority Restoration Act (H.R. 962 and S. 473). This bill would end the SWANCC loophole and prevent the current efforts to carve this narrow loophole into a major gap in the protection of our nation’s waters. Until then, there is much work to be done to ensure protection for our nation’s waters.

To learn how you can help and get the latest on the guidance and legislation: www.nwf.org/wetlands

BANWR Work Projects: Fun and Valuable

On Saturday January 10, AWF volunteers dismantled and delivered to the BANWR yard nearly one mile of five-strand barbed wire fence left over from when the area was a ranch. Fencing is a hazard to deer and Pronghorn Antelope which can become fatally entangled in it. AWF Board president, Mike Perkinson, and director, Don Farmer, cooked dinner for the volunteers as a reward for their hard work.

The next fence removal work day at BANWR is scheduled for March 20, 2004. This is your chance to make a difference for Arizona's wildlife. Please see page 6 for more details.



Bonnie Swarbrick, Volunteer Coordinator for the Buenos Aires Wildlife Refuge, happily displays the nearly one mile of wire fence removed by AWF volunteers.

Photo by Don Farmer, AWF Board of Directors



A volunteer cuts wire fence in preparation for rolling and removal.

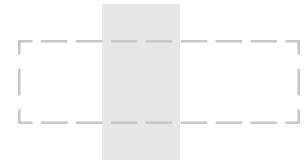
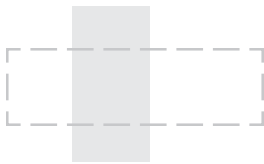


Photo by Don Farmer, AWF Board of Directors



Another volunteer rolls the wire in preparation for it to be carried out and trucked away.

Photo by Don Farmer, AWF Board of Directors



Next Work Project

On March 20, 2004, the AWF will sponsor another fence removal project at the Buenos Aires Wildlife Refuge. See page six for a description of the work project we held in January. We'll provide camp dinner. If you'd like to participate, please call the office at 480-644-0077, or email us at awf@azwildlife.org.

BOW

Mark your calendars: Becoming an Outdoor's Woman will be held April 2 to 4, 2004 and August 20 to 22, 2004. Last August, nearly 100 women learned skills from kayaking and archery to fly fishing and rock climbing. If you would like registration materials and information about available classes, call (480) 644-0077 or send an email to awf@azwildlife.org.

Environmental Legislative Day

On Tuesday, February 10, 2004, from 9:00am to noon on the House Lawn at the State Capitol (1700 W. Washington, Phoenix). Come and learn about the key environmental issues that will be addressed at the legislature this session. There will be issues presentations and briefings from legislators focusing on water, energy and public health issues.

Ferret Spotighting

In a continuing effort to monitor the progress of the black-footed ferret reintroduction project, Arizona Game & Fish is seeking volunteers to help with spotlighting these nocturnal animals. There were a record number of sightings and wild-born kits in 2003. Spotlighting trips will be held on February 3, 11, 20-22, and 27-29. Call G&F at 928-422-0155 or email azferret@af.state.az.us for more information.

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