ARIZONA HOUSE OF REPRESENTATIVES
Fiftieth Legislature – First Regular Session

COMMITTEE ON AGRICULTURE AND WATER

Minutes of Meeting
Thursday, March 3, 2011
House Hearing Room 5 -- 9:00 a.m.

Vice-Chairman Crandell called the meeting to order at 9:00 a.m. and attendance was noted by the secretary.

Members Present

Mrs. Barton
Mrs. Brophy McGee
Mrs. Judd
Ms. Miranda C
Mrs. Pancrazi
Mr. Urie
Mr. Crandell, Vice-Chairman
Mr. Jones, Chairman

Members Absent

Mr. Gallego

Committee Action

SB1194 - DP (6-0-0-3)

CONSIDERATION OF BILLS

SB1194 - structural pest management; regulation - DO PASS

Chairman Jones moved that SB1194 do pass.

Gina Kash, Majority Research Analyst, stated that SB1194 relocates the Office of Pest Management into the Arizona Department of Agriculture and transfers the administrative supervision of the Office of Pest Management to the director of the Arizona Department of Agriculture through December 31, 2013 (Attachment 1).

Chairman Jones announced the names of those who signed up in support of SB1194 but did not speak:
Courtney Gilstrap LeVinus, Arizona Pest Professionals Organization
Shelly Tunis, Attorney, Yuma Fresh Vegetable Association
Philip Bashaw, Arizona Farm Bureau Federation; Arizona Farm Bureau
Jack Peterson, Arizona Department of Agriculture
Joe Sigg, Lobbyist, Arizona Farm Bureau
Chris Udall, Executive Director, Agri-Business Council of Arizona

Question was called on the motion that SB1194 do pass. The motion carried by a roll call vote of 6-0-0-3 (Attachment 2).

PRESENTATIONS

Healthy Forests and Their Relationship With Watersheds

Scott Hunt, State Forester, Arizona State Forestry Division, provided the mission of the Arizona State Forestry Division: Manage and reduce wildfire risk to Arizona's people, communities, and wildland areas and provide forest resource stewardship through strategic implementation of forest health policies and cooperative forestry assistance programs (Attachment 3). Mr. Hunt provided the following information:

Arizona Wildfire Protection:

- State Forester - Authority to prevent and suppress wildland fires on 30 percent of the land in Arizona - 22 million acres.
- Division responds to an average of 476 wildfires burning 24,000 acres per year on state and unincorporated private lands.
- Division provides fire managers and twelve 20-person inmate fire crews and supplemental summer preparedness resources to combat wildfires.
- Cooperative agreements with 250 fire departments and federal agencies for other resource availability.

Cooperative Forestry:

- Authority to perform all management and administrative functions assigned or delegated to this state by the United States relating to forestry and financial assistance and grants relating to forestry.
- Furnish technical advice to the people of the state on forestry matters.
- Assist the State Land Department with forest-related management on State Trust Lands.
- Conduct education and outreach in forest communities.

2010 Division Statistics:

- 157 wildfires that burned 10,668 acres of state and private land (60 percent below average).
- 12 Division inmate fire crews spent 319 days on wildfires and treated over 15,000 acres of hazardous forests and woodlands on state, private, and federal lands while not working on wildfires.
- Trained 1,700 local Arizona firefighters in wildland firefighting skills.
- Completed comprehensive Statewide Forest Assessment and Strategy.
- 86 grants in progress totaling $14 million to high fire risk communities to treat hazardous vegetation.
- 226 forest landowners provided forestry technical assistance.
- Aerial detection insect and disease surveys were completed on 1.3 million acres of Arizona forests and wildlands.
- Awarded $1.4 million American Recovery Reinvestment Act (ARRA) funds for developing biomass harvesting and transportation systems for the Drake Cement Plant to convert from coal to wood heated kilns.

Forest Watersheds:

- Healthy forests are the foundation of healthy watersheds.
- Forested lands in Arizona contribute nearly 90 percent of the total stream flow in the state, much of which occurs during spring snowmelt.
- Ponderosa pine forests, in particular, are the source for a large portion of the state's water. While occupying only 20 percent of the total land surface of the Salt and Verde River basins, ponderosa pine forests account for almost 50 percent of the total water yield.
- Stable healthy stream channels and riparian areas are needed to maintain water quality (nature's filter).
- In much of Arizona's coniferous forests, the number of trees per acre and canopy cover has both increased to the point where little ground cover remains. Much of the precipitation is intercepted by the dense canopy.

Forest Water Yield:

- Studies conducted in the Beaver Creek and Castle Creek watersheds in Arizona show that forest treatments in ponderosa pine can increase water yield.
- Initial water yield increases of 15-40 percent are realistic when ponderosa pine forests are thinned, depending on soil type. These increases are caused in part by changes in one or more of the following hydrologic factors:
    1. reduced interception losses
    2. reduced transpiration (use of water by vegetation)
    3. more efficient conversion of the snowpack to stream flow
- Application of best management practices (BMPs) reduces potential for erosion and water quality degradation from related forest management activities (thinning, harvesting, prescribed burning, roads).

Indicators of Declining Forest Health:

- Too many trees
    - Many of Arizona's forests contain 500 plus trees per acre.
    - Overstocked forests are conducive to high-intensity crown fires (low-intensity fires are normal in open pine forests and keep the forests in a healthy state).
- Large acreage high-intensity wildfires
- A decade of wildland fires
- Insect outbreaks
    - "Ips" Bark Beetle
    - Douglas-fir Beetle
    - Fir Engraver Beetle
- Aspen decline
- Drought-related tree mortality
    - Climate records are showing a +1.9 degree average change in temperature in Arizona from 1951-2006.
    - 70 percent of Arizona's watersheds show increased temperatures.
- Invasive plants
    - Knapweed
    - Scotch Thistle

    - Buffel Grass
    - Salt Cedar - Colorado River
- Watersheds and people adversely affected
    - 2002 Rodeo Chedeski Fire runoff in Ephemeral stream channel with sediment and ash.
    - No vegetation to hold runoff.
    - 2010 Schultz Fire erosion damage exposed major waterline that feeds City of Flagstaff.
    - 2010 Schultz Fire caused flooding in Timberline area

Strategies To Increase Forest Ecosystem Health:

- Develop policies, plans and incentives to encourage the development and perpetuation of forest products businesses that will diversify the economy and facilitate forest ecosystem restoration activities.
- Encourage implementation of forest restoration and prioritization of funds for landscape scale treatments.
- Build public support for accomplishing forest restoration, community protection, and fire management across the state.

Work Currently in Progress:

- Governor's Forest Health Council
- 4 Forest Restoration Initiatives in Northern Arizona
- Westwide Risk Assessment
- Firescape Projects in Southern Arizona
- National Forest Watershed Condition Framework

Mr. Hunt answered questions regarding:

- current litigation landscape for forest management
- future canal projects
- possible forestry tour and information
- watershed increase due to healthy forests
- estimated costs to restore forests to 1875 health conditions
- timberline industry cost effectiveness
- congressional support
- origin of Arizona State Forestry Division
- Arizona State Forestry Division's annual budget and sources of revenue
- Ponderosa Pine industry
- relationship to Department of Emergency & Military Affairs (DEMA)
- overgrowth
- Reservation land forests and Bureau of Indian Affairs
- conditions for optimum forest health

Governor's Agricultural Best Management Practices

Rick Lavis, Arizona Cotton Growers Association, explained that he helped to write the Agricultural PM10 Best Management Practices in 1988 that are currently in Arizona Revised

Statutes. He offered a brief synopsis of the agricultural industry's history with the Environmental Protection Agency (EPA) and PM10 emissions beginning in 1997. Mr. Lavis provided the Members with a guide to Agricultural PM10 Best Management Practices (BMPs), as well as two other handouts regarding emission reductions and inventory (Attachments 4, 5 and 6).

Mr. Lavis explained that the EPA notified the agricultural industry that the crop side of the industry was responsible for 13 percent of the area's PM10 emissions. Due to suggestions made by the EPA, the agricultural industry created the Agricultural PM10 Best Management Practices Program based on the following:

1. menu of choices
2. economic feasibility for a farmer
3. scientific verifiability

Mr. Lavis stated that the following three categories were created by the Program:

1. cropland
2. non-cropland
3. tillage and harvest

Mr. Lavis provided a history of lawsuits and various bills introduced and passed, and practices implemented to reduce PM10 emissions. He also explained the many ongoing changes and revisions that are required to maintain EPA compliance for PM10 emissions.

Mr. Lavis addressed Members' questions regarding:

- windblown dust and EPA monitors
- possible triggers for the EPA monitors
- term "County Air Sheriff" (Air Quality Director)
- EPA monitor citations and relocations

Bas Aja, Arizona Cattlemen's Association, provided the Members with two handouts pertaining to the Arizona Department of Agriculture Livestock and Crop Conservation Grant Program and air quality (Attachments 7 and 8). Mr. Aja explained that there are livestock BMP programs and described the physiological makeup of the bovine and how its very structure is prone to making dust. He provided the 29 different practices and reporting requirements for dust abatement etc. in the livestock industry. Some of those BMPs are:

- concrete aprons around watering troughs and feed bunks
- harvesting manure to keep the bed shallow to reduce dust
- shade requirements to maintain moisture in the pen surface
- 3 gallons of water per head of cattle per day to abate dust

Mr. Aja stated that BMPs do reduce PM10 emissions but those reductions may not be enough to meet EPA standards and requirements. He explained that in a recent meeting with EPA, he was notified that EPA is looking to reduce the PM10 requirements from 150 down to between 85 and 65, which would be significantly challenging for the livestock and agricultural industries in Arizona to comply with.

In response to a question from Vice-Chairman Crandell, Mr. Aja related the findings from the London Soot Study, which was an extensive study, performed in the 1950's, of particulate matter (soot) in the atmosphere.

In response to a request from a Member, Mr. Aja regaled the Committee with the story of the Cow Town EPA monitor. He explained that in the 1960's there was a flood that led to the moving of the livestock industry to Pinal County which was named "Cow Town". Through a series of events, a lawsuit between developers and the livestock industry took place that ruled in favor of the livestock industry. The developer who lost the case found a way to use the Clean Air Act to have a monitor placed right next to Cow Town to drive it out of business. Mr. Aja listed the various industrial plants, feed yards, railroads and businesses that triggered the monitor. Because of the monitor, the industry met and created the voluntary Cow Town Plan which dropped the excessive readings on the monitor from 222 days of annual exceedances to eleven.

Without objection, the meeting adjourned at 10:37 a.m.

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Charly Laube, Committee Secretary
April 26, 2011

(Original minutes, attachments and audio on file in the Office of the Chief Clerk; video archives available at http://www.azleg.gov)