

October 23, 1951

Secretary of Army,
through the Phoenix Real Estate Office,
U. S. Army, Corps of Engineers,
210 West Adams Street,
Phoenix, Arizona

Gentlemen:

The authorities of the State of Arizona, acting for and in behalf of the Arizona Game and Fish Commission, are signing the accompanying lease between the Secretary of Army and the State of Arizona under protest. The execution of the present lease is done only to formalize the present occupancy of the buffalo, antelope and other wildlife on the Fort Huachuca Military Reservation.

Therefore, the State of Arizona respectfully requests consideration in amending the present lease to provide for stability of tenure. This could be accomplished by amending paragraph 16 on page 3 of the executed lease and substituting therefor terms which would provide for an indefinite period of occupancy to continue until such time as the wildlife use thereon is found entirely incompatible with military operations.

The State of Arizona also respectfully requests that the land use provisions of the lease be amended in such a manner as to provide for concurrence by the U. S. Fish and Wildlife Service. The State of Arizona makes the above request and has signed the attached lease under protest for the following reasons:

1. The Arizona Game and Fish Commission formally acquired title to Fort Huachuca Military Reservation in 1945 under the terms of Public Law 537, and has occupied the reservation since that time for the purpose of restoring, propagating and conducting research projects on the various Arizona wildlife species, until recapture of the title by the Army.
2. The following itemized account lists the money expended by the State of Arizona through the Arizona Game and Fish Commission on development, maintenance and research projects designed to improve wildlife conditions on the Fort Huachuca Military Reservation.
 - A. \$25,603.53 for development and maintenance.
Wildlife Restoration Division
 - B. \$13,668.78 for research, survey and investigation projects.
Wildlife Restoration Division

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C. \$15,500.00 for water developments and buffalo corral.
Game and Fish Protection Fund

The terms of the presently executed lease call for an additional expenditure of some thirty to fifty thousand dollars of State funds over a period of five years, which is designed under the terms of the land use provisions to improve land use practices and thereby promote wildlife conservation activities.

3. The funds already expended for wildlife conservation practices on the Fort Huachuca Military Reservation consist of both Federal and State money. This money is authorized to be spent only upon substantial programs concurred in and approved by the U. S. Fish and Wildlife Service. The land use provisions of the presently executed lease require certain water developments which are of doubtful value. There is some question as to whether or not the results obtained would justify the expenditures required under the lease. Therefore the U. S. Fish and Wildlife Service, which is the Federal agency responsible for wildlife conservation practices, should concur in these land use provisions, particularly those of doubtful nature.
4. Section 16 of the presently executed lease provides that on or before August 31, 1956 the lessee shall vacate the demised premises while Section 3 of the land use provisions provides that it is the intention of the Army to cooperate with the Arizona Game and Fish Commission in promoting stability of tenure of the existing wildlife reserve. These two above mentioned paragraphs within the same lease seem to be in direct contradiction. Tenure is somewhat further obscured by the terms of the lease which provide for no option to renew. Further, it seems improper and inadvisable that the State of Arizona should contemplate the expenditure of additional sums of money for wildlife conservation activities on the Fort Huachuca Military Reservation as long as there appears to be such insecure tenure. The presently executed lease contains a provision that the lease is revocable at will by the Secretary of Army, and it would appear that such provision is all that would be necessary in any lease in order to protect military operations if and when the wildlife use thereon is found to be entirely incompatible. There is certainly no objection by the State of Arizona to the provisions which would call for exclusive use of the reservation by the military when it is deemed necessary by the Secretary of Army.
5. It is felt that the maintenance of a portion of the Fort Huachuca Military Reservation as a wildlife area is definitely in the public interest. The residents of Tucson, Bisbee, Douglas, as well as many other resident and nonresident townspeople have shown considerable interest in the wildlife activities conducted within the reservation these past few years. If and when the Army is through with the area the State of Arizona wishes to continue the wildlife program thereon on the same basis as existed when the Arizona Game and Fish Commission owned and occupied its portion of the military reservation previous to recapture of the title by the Army.

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- 6. It is hoped that the wildlife refuge status may be maintained indefinitely regardless of military use in that the buffalo and antelope are well established and it is the only area in the world upon which five distinct species of quail now reside.
- 7. Enclosed you will find a published manuscript of some of the research work which has been conducted within the military reservation.

Your earnest consideration of the above described reasons for amending the presently executed lease is hereby requested. It is further requested that the presently executed lease be amended with stability of tenure given to the State of Arizona by providing a lease of indefinite period, to continue in full force and effect until such time as the wildlife use thereon is found, in your opinion, to be entirely incompatible with military operations.

Yours very truly,

STATE OF ARIZONA, by and through

 W. J. Richards, Chairman

Approved _____, 1951

 Howard Pyle, Governor
 State of Arizona

ATTEST:

ATTEST:

 Wesley Bolin, Secretary of State

 Thomas L. Kimball,