

DELIVERD VIA EMAIL & CERTIFED MAIL

**Cottonwood Ranch HOA –  
Cottonwood Ranch HOA Vegetation Removal Compliance Request  
Homeowner Submission Packet**

**Submitted by:**

Dane Spotts & Jeanne Love Spotts  
Lot 246  
1938 W. Trail Blazer  
Cottonwood, AZ

**Date of Meeting / Submission:** October 13, 2025

**To:** Cottonwood Ranch Homeowners Association – Board of Directors

**Attn:** HOA President / Meeting Presenter

**From:** Dane Spotts & Jeanne Love Spotts, Lot 246

**Date:** October 13, 2025

**Subject:** Formal Submission for Record — Common Area Vegetation Removal / “Firewise” Project

Dear Members of the Board,

We are submitting the attached packet of materials **for inclusion in the official record** of the upcoming Cottonwood Ranch HOA meeting scheduled for **October 13, 2025**. This submission is made in good faith and with respect for the Board’s role and responsibilities to the community.

Our purpose is to **seek transparency, documentation, and clarification** regarding the planned “significant trimming” and removal of common-area vegetation currently being referred to as a “Firewise” or landscape maintenance project. Because these activities may involve protected native plant species along with the destruction of protected wildlife and habitat, which require coordination with state and local authorities, we believe it is important that the HOA provide written documentation of compliance and professional evaluation before proceeding any further with this project.

The enclosed packet includes:

1. **Homeowner Questions for the Record**
2. **Executive Summary - Cottonwood Ranch HOA Vegetation Removal Compliance Request**
3. **Appendix A – Protected Native Plants and Required Documentation**
4. **Addendum B – Firewise and Environmental Compliance Requirements**
5. **Addendum C – Protected Wildlife & Habitat Impact Considerations**
6. **Addendum D - Pollinator and Bee Habitat Protection**
7. **Addendum E – Emergency Stop-Work Request**

We respectfully request that:

- This submission be acknowledged and entered into the meeting minutes.

- The Board provide written responses and copies of all relevant documentation referenced herein on a webpage available to all homeowners.
- No additional vegetation removal or trimming occur until compliance with **AZDA, Firewise, Arizona Game & Fish Department (AZGFD), and City of Cottonwood Fire Department** requirements has been verified.

This action is intended solely to ensure that all HOA activities remain compliant with Arizona law, maintain environmental integrity, and protect the shared interests of all homeowners within Cottonwood Ranch.

Thank you for your attention and cooperation in addressing these important matters. We look forward to your responses and to working together in the best interest of the community.

Sincerely,

**/s/ Dane Spotts**

**Dane Spotts**

**Date: October 13, 2025**

**/s/ Jeanne Love-Spotts**

**Jeanne Love Spotts**

**Date: October 13, 2025**

(Homeowners, Lot 246 – Cottonwood Ranch HOA)

*Submitted for official record prior to the October 13, 2025 Board Meeting.*

## Homeowner Questions for the Record

**To:** Cottonwood Ranch HOA Board Members /

**Subject:** Questions Regarding Planned Common-Area Vegetation Removal / Trimming

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### Purpose

These questions are submitted to obtain clear, factual information about the Board's decision, authority, scope, and compliance with applicable laws, in advance of the meeting and to be included in the official record.

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### Section 1 – Authority and Process

1. Under what section of the CC&Rs or Bylaws does the Board derive the authority to approve the large-scale trimming or removal of common-area foliage?
2. Was this decision made by a **formal vote** of the Board? If yes, when and where is that vote recorded in the meeting minutes?
3. Were homeowners notified in advance of the proposed work and given an opportunity to provide comment before any contract was signed or work commenced?
4. Was a **professional arborist assessment or landscape management plan** obtained prior to approval? If yes, please provide a copy.
5. What is the exact **scope of work and cost estimate** for this trimming/removal project, and which vendor or contractor was selected?
6. Has the Board obtained a **professional Firewise or Wildfire Risk Assessment** from a qualified Firewise representative, forestry official, or certified arborist prior to approving this vegetation removal project? If so, please provide a copy of the full report, including the assessor's credentials and specific recommendations for this property.
7. Under what authority or on what professional recommendation is this project being classified as "Firewise" mitigation, and has the HOA verified that the work meets official Firewise standards and Arizona Department of Agriculture (AZDA) requirements?

8. Has the Board coordinated with the **City of Cottonwood Fire Department** or **Yavapai County Firewise Coordinator** for approval before removal of large amounts of native vegetation? If yes, please provide copies of any correspondence or approvals.
  9. What environmental review or impact study was performed to assess the effects of this project on soil stability, drainage, and wildlife habitat in the area?
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## **Section 2 – Environmental & Aesthetic Impact**

10. Has the Board considered the environmental consequences (e.g. loss of shade, wildlife habitat, erosion control) of removing or heavily thinning native vegetation?
  11. Is there a plan for **restoration or replacement plantings** to mitigate aesthetic and ecological impact?
  12. Were any City, county, or state permits required (in addition to AZDA native plant permits) for this work, and have they been secured?
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## **Section 3 – Fiscal & Contractual Accountability**

13. Which budget or fund (Operating, Reserve, or Special Project) will pay for this work?
  14. Did the Board solicit **multiple bids**? If so, how were vendors evaluated, and what criteria were used for selection?
  15. What is the **total approved expenditure**, and who signed the contract on behalf of the Association?
  16. Will the HOA provide homeowners with copies of the executed contract, scope of work, and contractor credentials?
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## **Section 4 – Owner Communication & Transparency**

17. Why were homeowners not given **detailed notice or a vote** prior to approval of a project that significantly alters common-area landscape?
18. Will the Board **pause further trimming or removal** until all documentation is reviewed by homeowners?

19. What steps will the Board take to ensure **transparency, accountability, and homeowner oversight** for similar future projects?

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### Section 5 – Documentation Requests

20. Please provide copies of the following:

- The **Board meeting minutes** approving the project.
  - The **contract, work order, or agreement** with the landscape firm.
  - The **full arborist/Firewise assessment report**, if obtained.
  - The **Notice of Intent / AZDA permits / tags / seals** for removal of protected native plants as well as all approvals from Arizona Game & Fish Department (**AZGFD**) as required
  - Any **correspondence with City, County, or Fire agencies** regarding this project.
  - Any **environmental impact assessment or restoration plan** associated with the work.
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### Statement for the Record

These questions are submitted in good faith for inclusion in the official HOA meeting record. Responses will be documented and retained for compliance, homeowner review, and potential legal evaluation under applicable Arizona statutes and HOA governance.

### Acknowledgment

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

*(HOA Board Member / Presenter signature)*

### Respectfully submitted,

Dane Spotts & Jeanne Love Spotts  
Homeowners, Cottonwood Ranch HOA

# Executive Summary – Cottonwood Ranch HOA Vegetation Removal Compliance Request

## Purpose

This Executive Summary accompanies the formal submission of Addenda A–E regarding the Cottonwood Ranch HOA’s proposed “Firewise” trimming and vegetation-removal project scheduled to begin on October 15, 2025. The purpose of this summary is to outline the immediate environmental, legal, and procedural concerns raised by homeowners and to formally request that the Board pause all vegetation-altering activities until full regulatory review and compliance documentation have been obtained.

## Summary of Concerns

### 1. Federal Oversight Unavailable:

The federal government is presently shut down, and key agencies responsible for environmental and wildlife protection—including the U.S. Fish & Wildlife Service, Arizona Game & Fish Department, and Arizona Department of Agriculture—are not operational for review or site inspection.

### 2. Risk of Legal Violations:

The proposed 50 percent mesquite trimming may violate several active laws, including:

- The Migratory Bird Treaty Act (16 U.S.C. § 703 et seq.)
- Arizona Revised Statutes Title 17 (Wildlife Protection)
- Arizona Native Plant Law (A.R.S. § 3-903 et seq.)
- The Arizona Pollinator Protection Plan (AZDA, 2017)

### 3. Habitat and Ecological Damage:

Mesquite thickets in the community washes provide nesting and foraging habitat for migratory birds, native bees, and small mammals. Removal or over-trimming during the active bloom and nesting season (March–October) could cause irreversible harm to these species and the local ecosystem.

### 4. Conflict of Interest in Arborist Oversight:

The arborist or consultant evaluating vegetation health or Firewise compliance must be independent from the company performing the trimming. Allowing a contractor to self-

assess its own work constitutes a conflict of interest and violates ethical and fiduciary standards.

## Requested Board Actions

### 1. Immediate Stop-Work Order:

Suspend all trimming, thinning, or removal activities until government oversight resumes and lawful compliance is confirmed in writing.

### 2. Independent Environmental Assessment:

Engage a neutral, certified arborist or qualified environmental professional to conduct an ecological impact review prior to rescheduling the project.

### 3. Homeowner Notification:

Provide written notice to all members confirming the suspension of vegetation work pending compliance verification.

### 4. Transparency and Recordkeeping:

Include this entire submission, Addenda A–E, and all related correspondence in the official HOA meeting record in accordance with A.R.S. § 33-1805.

## Statement for the Record

This summary and accompanying addenda are submitted in good faith to ensure the Cottonwood Ranch HOA complies with all applicable environmental, wildlife, and governance laws. The goal of this action is not to prevent legitimate Firewise maintenance but to ensure it is conducted lawfully, safely, and without irreversible harm to native habitat. Homeowners respectfully request that all vegetation activities be paused until regulatory agencies are able to confirm compliance.



## Appendix A – Protected Native Plants & Required Documentation

### Background

The Cottonwood Ranch common areas host numerous native species, including Mesquite (*Prosopis* spp.). Under **Arizona Native Plant Law (A.R.S. § 3-903 et seq.)** and related implementing rules, many native plants are protected and cannot be lawfully removed or damaged without proper authorization from the **Arizona Department of Agriculture (AZDA)**.

The HOA, as the managing agent of common property, is legally obligated to comply with these statutes prior to initiating any large-scale trimming, cutting, or removal.

### Relevant Legal Authorities & Protections

- Landowners must give notice and obtain permits for removal of “protected native plants.” [Arizona Department of Agriculture+1](#)
- AZDA maintains lists of protected species (Appendix A in its native plant rules). [Arizona Department of Agriculture+2Arizona Department of Agriculture+2](#)
- Some species (e.g. Mesquite, Palo Verde, Desert Willow, Yucca) are in **Salvage Assessed / Harvest Restricted** categories, requiring tagging, permitting, and adherence to rules. [UA Cooperative Extension+1](#)

### Examples of Protected Species

Common Name	Botanical Name	AZDA Category	Implication
Mesquite (e.g. Velvet, Honey)	<i>Prosopis</i> spp.	Salvage Assessed / Harvest Restricted	Removal or damage requires proper AZDA notice, tagging, and permit.
Palo Verde	<i>Parkinsonia</i> spp.	Salvage Assessed	Permit / tag may be required prior to removal.
Desert Willow	<i>Chilopsis linearis</i>	Salvage Assessed	Requires legal protections under AZDA rules.
Yucca / Soap tree Yucca	<i>Yucca</i> spp.	Salvage Restricted	Requires notice / permit for removal.

## **Requirements Prior to Removal or Severe Alteration**

Before any HOA-approved trimming, thinning, or removal of native trees or shrubs that may fall under these protected categories, the Board must provide homeowners and AZDA with the following:

### **1. Notice of Intent to Destroy or Remove Protected Native Plants**

- Must be submitted to the Arizona Department of Agriculture, Environmental Services Division, at least 20 days in advance for parcels under one acre or 30–60 days for larger tracts (A.R.S. § 3-904).
- The notice must describe the species, quantity, and location of all protected plants affected.

### **2. Proof of Permit or Written Authorization**

- Any removal requires a Native Plant Removal Permit issued by AZDA.
- Each affected plant must have an official AZDA tag or seal affixed before work begins.

### **3. Vendor/Contractor Documentation**

- The landscaping company must be informed of and adhere to AZDA regulations.
- Copies of their permits, tags, and license must be available for homeowner inspection.

### **4. Environmental Impact or Replacement Plan**

- A plan outlining replacement plantings or mitigation efforts should be documented in the HOA records, especially where canopy reduction or wildlife habitat loss occurs.

### **5. Owner Access to Records**

- Homeowners are entitled to review and receive copies of these permits and notices, as they concern shared common property and potential state-law violations.

## **Requested Documentation**

To ensure compliance with state law and transparency to homeowners, please provide the following:

1. Copy of the Notice of Intent to Destroy or Remove Protected Native Plants submitted to AZDA.
2. Copy of any AZDA-issued Permits or Tags associated with this project.
3. Name, license, and certification of the landscape contractor or arborist responsible for removal.
4. Detailed scope of work identifying each species, approximate size, and location of plants affected.
5. Any environmental or restoration plan associated with the work.

### **Summary & Homeowner Rights**

Because Mesquite and other native species in the common areas may fall under AZDA's protection, the HOA must provide written proof of compliance, including notices, permits, arborist reports, tags, and plans—**before** any trimming or removal. Failure to do so may violate state statutes and expose the HOA to liability.

Failure to comply may constitute a violation of **A.R.S. § 3-903 et seq.**, which can result in **civil penalties** and may void the HOA's insurance coverage in the event of damage or unauthorized destruction of protected flora.

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## Addendum B – Firewise and Environmental Assessment Compliance

### Purpose

The Board has referred to this trimming and clearing activity as part of a “Firewise” or wildfire mitigation effort. While fire safety is an important community concern, the term “*Firewise*” has specific regulatory meaning and procedural requirements under **Arizona State Forestry Division** and **National Fire Protection Association (NFPA) Firewise USA® Program** guidelines.

Under these programs, **no large-scale vegetation removal or alteration** should occur **without a documented assessment** and **written plan** developed or reviewed by a **qualified Firewise assessor, forestry officer, or certified arborist**.

This addendum addresses the requirements that must be met when the HOA claims a vegetation project is part of a “Firewise” mitigation or wildfire risk reduction plan.

### Questions to the Board

1. Has the HOA obtained a **formal Firewise or Wildfire Risk Assessment Report** for Cottonwood Ranch from a certified Firewise representative, the Arizona Department of Forestry and Fire Management (DFFM), or a qualified forestry consultant?
2. If so, please provide a **copy of that report**, including:
  - The **date of assessment** and the **qualified assessor’s name/credentials**.
  - The **specific areas and vegetation types** identified for mitigation.
  - The **recommended scope of thinning, trimming, or removal** and any environmental safeguards noted.
3. If no assessment has been performed, under what authority or professional recommendation is the HOA classifying this as a “Firewise” project?
4. Did the Board confirm that all Firewise activities comply with **Arizona Department of Agriculture Native Plant Protection laws**, as outlined in **Appendix A**?
5. Has the HOA obtained **written approval or coordination** with the **City of Cottonwood Fire Marshal** or **Yavapai County Firewise Coordinator** before initiating this work?

6. What **environmental review or habitat impact analysis** was conducted to ensure that large-scale removal of native vegetation does not cause soil erosion, drainage issues, or habitat loss?

### **Applicable Authorities & Standards**

- **Arizona Department of Forestry & Fire Management (DFFM)** Firewise / Defensible Space programs
- **NFPA Firewise USA® Program** (certification, assessment, planning)
- Coordination with **City of Cottonwood Fire Department** or **Yavapai County Firewise Coordinator**
- AZDA's native plant protection statutes and rules

### **Required Documentation & Procedures**

1. **Firewise / Wildfire Risk Assessment Report** — prepared by a certified assessor, forestry professional, or qualified arborist. Should include assessor credentials, recommended mitigation zones, species affected, and safeguards.
2. **Approval / Coordination with Local Fire Authorities** — Written communication or concurrence from local fire marshal or county Firewise coordinator.
3. **Compliance with AZDA Native Plant Laws** — Copies of notices, permits, tags, and seals must be provided.
4. **Environmental / Restoration Plan** — To mitigate erosion, preserve habitat, maintain drainage, and ensure ecological balance.
5. **Access for Homeowners** — All reports, permits, and plans must be available for homeowner inspection.

### **Statement for the Record**

If the HOA is citing Firewise compliance as justification for vegetation removal, the community has the right to review the official Firewise Assessment and confirm that the proposed actions meet both **fire-safety standards** and **state environmental protections**.

The absence of such documentation would indicate that this project has not been verified as an official Firewise mitigation plan and may be subject to review by the Arizona Department of Agriculture and/or City of Cottonwood Fire Department.

## Appendix C – Protected Wildlife & Habitat Impact Considerations

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### Purpose

This appendix identifies migratory, threatened, and sensitive wildlife species present in and around Cottonwood Ranch that could be adversely affected by large-scale trimming or removal of native vegetation. It draws upon federal and state wildlife-protection laws, verified species records, and habitat surveys from Audubon Southwest, Arizona Game & Fish Department (AZGFD), and eBird Verde Valley.

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### 1. Federally Threatened or Endangered Species in the Cottonwood / Verde River Corridor

<u>Common Name</u>	<u>Scientific Name</u>	<u>Federal Status</u>	<u>Habitat Dependence &amp; Risk from Vegetation Removal</u>
Southwestern Willow Flycatcher	<i>Empidonax traillii extimus</i>	Endangered (ESA)	Nests in dense willow–cottonwood–mesquite thickets near water. Removal during May–Aug destroys active nests and critical habitat.
Western Yellow-billed Cuckoo	<i>Coccyzus americanus occidentalis</i>	Threatened (ESA)	Requires dense riparian woodland and mesquite bosques. Clearing removes nesting and foraging structure.
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Protected under MBTA & Eagle Act	Uses tall riparian trees for nesting and perching; disturbance within ¼–½ mile of nests is restricted.
Golden Eagle	<i>Aquila chrysaetos</i>	Protected under MBTA & Eagle Act	Hunts open areas; nests in cliffs or large trees. Removal of perches violates buffer guidelines.

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### 2. Other Migratory and Sensitive Bird Species Common in Cottonwood

(Protected under MBTA and/or AZGFD SGCN list)

<u>Common Name</u>	<u>Habitat / Effect of Vegetation Removal</u>
Great Horned Owl ( <i>Bubo virginianus</i> )	Nests in large trees or old hawk nests; canopy loss destroys nest sites.
Barn Owl ( <i>Tyto alba</i> )	Uses tree cavities; trimming reduces roost and hunting cover.
Red-tailed Hawk ( <i>Buteo jamaicensis</i> )	Large canopy nests; disturbance Feb–Jun can cause abandonment.
Cooper’s Hawk ( <i>Accipiter cooperii</i> )	Nests in dense tree cover; canopy reduction exposes nests.
Gila Woodpecker ( <i>Melanerpes uropygialis</i> )	Excavates cavities in trunks/cacti; tree loss removes nesting substrate.
Verdin ( <i>Auriparus flaviceps</i> )	Nests in mesquite/acacia; spring–summer trimming destroys active nests.
Phainopepla ( <i>Phainopepla nitens</i> )	Feeds on mesquite berries; canopy loss removes food + shade.
Greater Roadrunner ( <i>Geococcyx californianus</i> )	MBTA-protected ground-nesting species; clearing of low shrubs or mesquite destroys nests.
Summer & Western Tanagers ( <i>Piranga rubra</i> , <i>P. ludoviciana</i> )	MBTA-protected canopy nesters; trimming mature mesquite or cottonwood disrupts breeding.

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### 3. Legal and Environmental Compliance Requirements

1. Migratory Bird Treaty Act (16 U.S.C. § 703 et seq.) – Unlawful to kill, capture, or destroy any migratory bird, nest, or eggs without federal permit.
2. Endangered Species Act (16 U.S.C. § 1531 et seq.) – Requires U.S. Fish & Wildlife Service (USFWS) consultation for activities affecting listed species.
3. Arizona Game & Fish Department Regulations (A.R.S. § 17-231 et seq.) – Protect nesting birds and regulate habitat disturbance.

4. Pre-Project Nesting Survey – Qualified biologist must confirm absence of active nests before work (March–August).
  5. Seasonal Restrictions – Avoid vegetation work during nesting season; maintain protective buffers.
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#### **4. Statement for the Record**

Cottonwood Ranch lies within a known riparian-adjacent corridor supporting raptors, owls, and migratory songbirds protected by federal and state law. Any large-scale trimming or removal of mesquite or other native vegetation must be preceded by wildlife assessment and verified compliance with the MBTA, ESA, and Arizona Wildlife Regulations. Failure to do so could result in civil or criminal liability for the Association, Board members, or contractors.

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#### **5. Recommended Questions for the Board**

1. Has the Board obtained a wildlife or nesting-habitat assessment by a qualified biologist before approving vegetation removal?
  2. Has the Board verified that no migratory bird nests or roosting raptors will be affected and that work will occur outside nesting season?
  3. Has the Board consulted with USFWS or AZGFD to ensure compliance with federal and state laws?
  4. Will the Board pause all vegetation work until such consultation and written clearance are obtained?
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#### **6. Local Habitat and Legal Compliance Summary**

The mesquite thickets bordering the Cottonwood Ranch washes and common areas form an important micro-ecosystem sustaining numerous native and migratory bird species. Field observations and regional wildlife surveys (Audubon Southwest, AZGFD, and eBird Verde Valley) confirm frequent nesting or feeding in mesquite canopies by:

- Vermilion Flycatcher (*Pyrocephalus obscurus*)
- White-winged Dove (*Zenaida asiatica*)



- Crissal Thrasher (*Toxostoma crissale*)
- Broad-billed Hummingbird (*Cynanthus latirrostris*)
- Summer Tanager (*Piranga rubra*)

Many of these species are migratory or seasonal breeders utilizing mesquite for nesting, foraging, and shade. Their nests are often concealed within the mid-canopy branches most affected by trimming operations.

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### **Applicable Law and Regulatory Authority**

1. Federal Law – Migratory Bird Treaty Act (16 U.S.C. § 703 et seq.)
  - Prohibits pursuit, harm, or destruction of any migratory bird, nest, or eggs without permit.
  - “Take” includes disturbance or destruction of active nests during breeding season.
  - Enforced by U.S. Fish & Wildlife Service; violations may incur civil / criminal penalties.
2. Arizona Wildlife Regulations (A.R.S. § 17-231 et seq.)
  - Arizona Game & Fish Department holds concurrent authority to protect nesting birds and habitats.
  - Disturbance or destruction of active nests is prohibited.
3. City of Cottonwood and Yavapai County Environmental Policies
  - Require vegetation management practices that preserve habitat, prevent soil erosion, and maintain natural drainage.

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### **Required Compliance Actions**

1. Pre-Activity Nesting Survey – A certified biologist or wildlife consultant must survey for active nests (Feb–Aug).
2. Seasonal Work Restrictions – No trimming or removal of mesquite during active nesting periods.

3. Agency Coordination – Written consultation with USFWS, AZGFD, and City of Cottonwood Environmental Services before any large-scale vegetation project.
  4. Documentation & Recordkeeping – All surveys, correspondence, and verifications must be retained in HOA records and made available for homeowner inspection per A.R.S. § 33-1805.
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### **Legal Notice**

Failure to ensure compliance with the above-referenced laws may constitute violations of federal and state wildlife-protection statutes and could subject the Cottonwood Ranch Homeowners Association, its Board members, and contractors to civil or criminal penalties.

# Addendum D – Pollinator and Bee Habitat Protection

## Purpose

This addendum supplements the Cottonwood Ranch HOA submission to address the ecological and legal significance of pollinator and bee habitat located within the mesquite corridors and common-area washes of the community. The intent is to ensure that all vegetation removal or trimming activities are conducted in compliance with Arizona's pollinator-protection policies and public-safety standards.

## Background

Mesquite trees and associated desert flora provide essential habitat for both managed honeybees and numerous native bee species, including Leafcutter Bees (*Megachile* spp.), Carpenter Bees (*Xylocopa* spp.), and Sweat Bees (*Halictidae* family). These species nest in tree cavities, decaying mesquite wood, and soil burrows beneath the canopy. Their pollination supports native plants, garden vegetation, and the broader Verde Valley ecosystem.

The Arizona Department of Agriculture (AZDA) identifies mesquite and desert riparian areas as high-value pollinator zones under its Pollinator Protection Plan. Disturbance during active flowering or nesting seasons can permanently disrupt pollination cycles and local biodiversity.

## Applicable Laws and Regulatory Authority

### 1. Arizona Department of Agriculture – Apiary Program

- Regulates and protects managed honeybee colonies.
- Requires a permit for relocation or destruction of any established hives.
- Contact: [apiary@azda.gov](mailto:apiary@azda.gov) | <https://agriculture.az.gov/plantsproduce/bees>

### 2. Arizona Pollinator Protection Plan (AZDA, 2017)

- Provides statewide guidance to minimize harm to pollinators from land-management activities.
- Advises against trimming or spraying during bloom or high activity periods.

### 3. Environmental Protection Agency (EPA) Pollinator Protection Standards

- Establish best practices for vegetation management and pesticide use in pollinator habitats.
- Emphasize coordination with certified pest-management professionals for any bee-related public-safety concerns.

## Required Compliance Actions

Prior to any further trimming, thinning, or removal of mesquite or flowering vegetation, the Board should ensure:

1. Pollinator Survey: A licensed pest-control or ecological specialist conducts a pollinator-habitat and nesting survey to identify active bee colonies or nesting activity.
2. Seasonal Restrictions: Vegetation work must not occur during primary bee activity and flowering periods (typically March through September) unless confirmed safe by a professional assessment.

In the Cottonwood region (Verde Valley, elevation ~3,300 ft), pollinator and bloom activity extends from March through October, with peak mesquite flowering and bee foraging occurring May through June and again following the monsoon rains of July–August. During this period, native bees and managed honeybees are actively nesting and foraging within mesquite canopies and soil burrows. Accordingly, no trimming, thinning, or removal of mesquite or flowering vegetation shall occur between March 1 and October 31, except under the supervision of a certified pollinator-habitat specialist who has verified the absence of active nesting or foraging colonies. The recommended maintenance window for any vegetation management is November through February, when pollinator activity is at its lowest and ecological disturbance risk is minimal.

3. Relocation Procedures: If an active hive or colony is found, it must be reported to the AZDA Apiary Program and relocated by a licensed and insured bee-removal specialist. Destruction of hives without state authorization is prohibited.

4. Documentation and Transparency: Copies of all survey results, relocation reports, and AZDA correspondence should be maintained in the HOA's permanent records and made available to homeowners under A.R.S. § 33-1805.

## Legal Notice

Failure to identify and appropriately handle bee colonies may constitute a violation of the Arizona Pollinator Protection Plan and Apiary Program Rules, and could expose the HOA to liability for the unauthorized destruction of protected pollinators or honeybee colonies.

## Statement for the Record

This addendum is submitted for inclusion in the official HOA record. We respectfully request that all vegetation activities be paused until a qualified pollinator-habitat assessment has been performed and full compliance with AZDA and EPA pollinator-protection standards has been verified.

# Addendum E – Emergency Stop-Work Request

## Purpose

This addendum is submitted as an emergency measure requesting the immediate postponement of the scheduled “Firewise” trimming and vegetation-removal project set to begin on Wednesday, October 15, 2025. At the time of this notice, the federal government is shut down, rendering critical oversight agencies—including the U.S. Fish & Wildlife Service, Arizona Game & Fish Department, and the Arizona Department of Agriculture—unable to perform environmental review, field verification, or compliance inspections.

## Basis for Emergency Pause

### 1. Loss of Federal Oversight:

No federal wildlife or habitat agency is presently available to evaluate or authorize vegetation-removal activities that may disturb protected migratory birds, pollinators, or native plants.

### 2. Legal Exposure:

Proceeding during the shutdown may violate the Migratory Bird Treaty Act, A.R.S. Title 17, and Arizona Native Plant Law (A.R.S. § 3-903 et seq.), which remain in effect even when enforcement staff are furloughed. Continuing work under these conditions could expose the Association, its Board, and contractors to liability once agencies resume operations.

### 3. Irreversible Environmental Harm:

The proposed 50 percent trimming of mesquite canopy during active pollinator and wildlife periods risks permanent destruction of habitat for migratory birds, native bees, and small mammals.

## Requested Board Action

### 1. Immediate Suspension of Work:

All vegetation-altering activities are to be paused until written confirmation of legal compliance is obtained from the appropriate federal and state authorities.

### 2. Notification of Members:

Homeowners should be notified in writing that trimming has been suspended pending lawful environmental review.

### 3. Independent Verification:

Upon government reopening, an independent arborist or qualified environmental professional—unaffiliated with the trimming contractor—should conduct a compliance assessment before any work resumes.

## Statement for the Record

This Emergency Addendum E is submitted for inclusion in the official HOA record. It shall serve as written notice that, given the absence of regulatory oversight during the current federal shutdown, proceeding with vegetation removal may constitute willful negligence and potential statutory violation. We respectfully request a formal written response confirming suspension of work until oversight agencies are fully operational.

Respectfully submitted,

/s/ Dane Spotts

/s/ Jeanne Love Spotts

Homeowners, Lot 246 – Cottonwood Ranch HOA