

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, June 26, 2009
Saturday, June 27, 2009
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

Chairman Robert D. Hernbrode
Vice Chair Jennifer L. Martin
Commissioner Robert R. Woodhouse
Commissioner Norman W. Freeman
Commissioner Jack F. Husted

Director Larry D. Voyles
Deputy Director Gary R. Hovatter
Deputy Director Bob Broscheid
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Shelley Cutts

Chairman Hernbrode called the meeting to order at 8:00 a.m. This meeting followed an agenda revision #1 dated June 24, 2009. The Commission went directly into Executive Session.

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1. Executive Session

The Commission voted to meet in Executive Session in accordance with A.R.S. § 38-431.03 (A)(3) and (4) for the purpose of discussion and consultation with legal counsel.

Motion: Husted moved and Martin seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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The Public Meeting reconvened at 9:23 a.m.

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Chairman Hernbrode called the meeting back to order and lead those present through the Pledge of Allegiance. The Commission introduced themselves and Chairman Hernbrode introduced the Director and the Director's staff.

Director Voyles announced that Regions I-VI were linked via video teleconference and that regional staff and regional members of the public were able to attend and participate in this meeting through the teleconference system.

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2. Litigation Report

The Litigation Report (attached to these minutes) was provided to the Commission prior to this meeting and was available to the public. There were no comments or questions on this report.

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2A. Request for Commission Approval under A.R.S. §17-405 to Transfer Game and Fish Funds to Meet Federal Match Requirements.

Presenter: Bob Broscheid, Deputy Director

Recent budget deliberations between the Legislature and the Office of the Governor made it necessary for the Department to develop contingency plans for continuation of operations and services by the Department in the absence of approved appropriations for the Game and Fish; Watercraft; and the Game, Nongame, and Endangered Wildlife funds that will allow continued operations and public services after June 30, 2009.

In order to receive federal funding from Federal Aid, SWG, and Coast Guard, the Department must provide adequate matching funds. In FY 09, the Department provided the following match amount from the Game and Fish Fund: \$2,808,000. Under A.R.S. 17-405 (B), the Commission has the authority to authorize transfers of Game and Fish Fund monies to the Federal Revolving Fund in excess of appropriations. Upon signature of appropriations for FY 2010, all expenses that are to be temporarily accounted for in other funds will be reversed and debited to the funds for which they were originally approved.

The Department utilizes both appropriated and non-appropriated funds. If the State Budget is not signed by the Governor by July 1, 2009, appropriated funds will not be authorized for expenditure. However, non-appropriated funds will be available since the Commission has already authorized their expenditure for FY 2010. Non-appropriated funds include: The Wildlife Conservation Fund; The Heritage Fund; The Off-Highway Vehicle Fund; The Federal Revolving Fund (including matching grants programs and agreements such as Sport Fish and Wildlife Restoration Grant monies, State Wildlife Grant monies, State Boating Safety Grant monies, and monies for small contracts and agreements); and The Donations and Trusts Fund.

Motion: Husted moved and Freeman seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE TRANSFER OF MATCHING FUNDS IN THE AMOUNT OF \$2,808,000 FROM THE GAME AND FISH FUND, AS AUTHORIZED BY A.R.S 17-405.B., TO THE FEDERAL REVOLVING FUND TO MATCH THE FEDERAL APPORTIONMENTS AND TO FACILITATE CONTINGENCY OPERATIONS IF NECESSARY ON OR BEFORE JUNE 30, 2009.

Vote: Unanimous

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3. Statewide Shooting Range Grant Requests for FY 2010

Presenter: Anthony Chavez, Statewide Shooting Range Administrator

Mr. Chavez briefed the Commission using a Power Point presentation on the ten grant applications received for Fiscal Year 2010 and Department recommendations as follows:

General Joe Foss Shooting Complex-Buckeye Sportsman's Club (Buckeye): The club requested \$49,681.00 for the construction of four trap and skeet fields at the General Joe Foss Shooting Complex. The Department recommended partial funding of \$20,500 to initiate the project and complete the first trap and skeet field.

7-Mile Shooting Range-Mohave Sportsman's Club (Kingman): The Mohave Sportsman's Club requested \$6,300.00 to upgrade walkways and make the Trap and Skeet ADA accessible at 7-Mile Shooting Range. The Department recommended funding the total amount requested.

Northeastern Arizona Sportsman's Association (St. Johns): The club requested \$1,990.00 for construction and relocation of the main range entrance at the Northeastern Arizona Shooting Range. The Department recommended funding the total amount requested.

Usery Mountain Shooting Range-Rio Salado Sportsman's Club (Mesa): The club requested \$49,550.00 to construct and relocate a lateral safety berm on the main range to increase and add ten new shooting positions at the Usery Mountain Shooting Range. The Department recommended funding \$35,000 of the total amount requested.

Tucson Trap and Skeet Club (Tucson): The club requested \$92,392.00 for the construction and replacement of direct burial electrical lines to meet safety code at the Tucson Trap and Skeet Club. The Department recommended partial funding of \$30,000 of the total amount requested.

Tucson Rod and Gun Club: The club requested \$110,160.00 to construct the first phase of a shooting range. The club has not secured a location and will be submitting an application in the future for a Special Use Permit (SUP) from the Forest Service. The Department recommended not funding.

Phoenix Rod and Gun Club: The club requested \$18,000.00 for the purchase of rifles to be used in the Juniors Smallbore program. The Department is very supportive of the development of youth shooting programs and is committed to working with the Club to develop a plan to seek additional sources of funding and encouraged the Club to apply for a Sportsman's Grant during the next cycle. The Department recommended not funding.

Paloma Ferrea Pistol Club: The club made a request for an undetermined amount for the expansion of an existing building at the Pistol Silhouette on the Ben Avery Shooting Facility. The Department is supportive and committed to making improvements on Ben Avery as outlined in the Master Plan. This club is not the property holder and therefore is ineligible for funding.

Town of Duncan: The Town of Duncan requested \$37,900.00 to improve the current range by adding Ramada's, benches, restroom facilities and improve access. The range plan was not well defined in the application. The Department is very supportive of the development of a range in Duncan and has committed to working with the Town to develop a revised more detailed plan of development and will encourage the Town to apply for a Shooting Range Development Grant in the next cycle. The Department recommended not funding.

Granite Mountain Archery Range-Granite Mountain Archers: The club requested \$26,894.00 for the development of a field course archery range. The range plan and operations was not well defined in the application. The Department is very supportive of developing archery ranges in the Prescott area and is committed to working with the club to develop a plan of development

and encourage the club to apply for a Shooting Range Development Grant in the next cycle. The Department recommended not funding.

The Commission discussed the privately-owned ranges and their availability to the public, and confirmed with the Department that the ranges receiving grants are truly open and available to the public.

Commissioner Husted confirmed with Mr. Chavez that the grant cap is \$50,000 and suggested that the clubs requesting more than that might need to be better informed.

Public Comment

Don Saba, Tucson Rod and Gun Club, was present from the Tucson regional office and available in case the Commission had any questions.

Motion: Husted moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE THE SHOOTING RANGE GRANT APPLICATIONS FOR THE FY10 GRANT CYCLE AS PRESENTED AND RECOMMENDED BY THE DEPARTMENT FOR A TOTAL OF \$93,790.00.

Vote: Unanimous

Motion: Hernbrode moved THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO MOVE FORWARD WITH ALL DUE DILIGENCE TO COMPLETE A MEMORANDUM OF UNDERSTANDING (MOU) AND TO COMPLETE A COLLECTION AGREEMENT WITH THE TUCSON ROD AND GUN CLUB.

Commissioner Martin stated that she agreed with assisting the Tucson Rod and Gun Club in developing a range, but that at this point they have not acquired the location.

The Commission discussed the Club's difficulties and need for assistance in funding the NEPA process necessary for obtaining an SUP from the Forest Service.

Ms. Cutts advised that public monies cannot be transferred to private entities except through a competitive grant process or through procurement, and not through a collection agreement under an MOU.

Mr. Odenkirk added that the Department is allowed to transfer funds to another government agency, so the Department could provide funds to the Forest Service for the NEPA process. This could be a mechanism to make the funds available and assist the Tucson Rod and Gun Club with acquiring the SUP.

Motion withdrawn.

Commissioner Husted requested that the Department explore and develop a recommendation on how the Commission can create a new fund, use grant funds, or create another mechanism so the Commission can help breach the hurdles as discussed (the NEPA process required for the SUP – a stumbling block for many across the state), and that the Department report back to the Commission in the near future.

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4. Information, Education and Watchable Wildlife Activities Briefing

Presenter: Ty Gray, Assistant Director, Information and Education Division

The Commission was provided with an Information, Education and Watchable Wildlife Programs Update prior to this meeting (also available to the public), which presented new information as well as progress on related activities. The update covered activities and events that occurred since the May 2009 Commission meeting and was provided in fulfillment of the Department's commitment to brief the Commission on a regular basis.

Using a PowerPoint presentation, Mr. Gray highlighted the following items from this reporting period:

- Hunting Heritage Workgroup
 - Held at Vincent Ranch on June 20
 - 19 Groups were represented including SCI Tucson, Southern AZ Wildlife Callers, NWTF, Coconino County Sportsmen, MSA, ADBSS, AZ Antelope Foundation, SE Arizona Sportsmen, Phoenix Varmint Callers, Xtreme Predator Callers, Outdoor Experience For All, Chandler Rod and Gun, AES, Arizona Pointing Dog Club, ADA, Mohave Sportsmen's Club, Rim Country Bow Hunters; 5 others were interested but couldn't attend
 - Topics included the North American Model, uniting sportsmen's groups/organizations in Hunting Heritage work efforts, Department recruitment and retention efforts, NSSF grant summary, building youth/family Hunting Camps, scheduling camps for 2009/2010
 - The next meeting is scheduled for Jan 30, 2010 in Tucson
- Conservationist Committee Workday
 - Scheduled for July 17-19 in the Buck Springs Area (Unit 5A) coordinated by AES and the Conservationist Committee
 - Activities will include fence removal, educational activities, and a Conservationist Committee Meeting
 - Currently 127 are registered
- State Fair Wildlife Building
 - This year the Department did not renew the lease for the State Fair Wildlife Building
 - The Department will use those lease and maintenance funds to provide a mobile display to be used at the State Fair as well as other locations and events.

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5. Legislative Engagement and State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles informed the Commission that Congresswoman Anne Kirkpatrick would not be available to call in for the scheduled Time Certain at 10:00 a.m. due to activities on the floor at the House of Representatives. Mr. Guiles provided his regular briefing using a PowerPoint presentation on the current status of selected state and federal legislation as well as state budget issues. The Department has been providing the Commission with regular daily/weekly updates on legislative matters during this legislative session, and provided informational materials at this meeting (available to the public). The presentation included updates on the following:

State of the Budget

- The Arizona Supreme Court found in favor of the Legislature
- The Bills are to be transmitted by June 30
- Negotiations continue
- The Department continues to work with the Legislature on the AGFD Watercraft Fund

State Legislation

- HB 2157: Wildlife; aquatic invasive species; moving through the process; recently approved unanimously in committee; will hopefully move through the Senate fast and return to the House for final read
- HB 2064: Wildlife; guides; wasted meat; this bill is likely dead due to the legislative situation this year; the Commission may want to consider running this bill again next year
- SB 1077: State Trust Land Reform; last action on 6/22 by Senate NRIPD Committee; Provisions include: Lands subject to reasonable public access; specifies land designated for conservation either free or for sale without auction; certain lands selected by the Selection Board may be made available for purchase by the U.S. Government or by in-lieu selection; conditional enactment if SCR approved by voters and AZ-NM Enabling Act amended by December 31, 2014; a stakeholders meeting was held yesterday on this bill and a consensus has not been reached.

Public Comment

Suzanne Gilstrap, representing the Arizona Sportsmen for Wildlife, addressed the Commission to discuss SB 1077 and that Arizona's sportsmen and the Arizona Game and Fish Department were not included in the stakeholders meetings and the drafting of this legislation. Ms. Gilstrap provided a draft amendment to this bill (attached) that addressed public access on state trust lands and asked the Commission to support the amendment on any State Trust Land Reform bill that goes forward.

Motion: Husted moved THAT THE COMMISSION VOTE TO NOT SUPPORT SB 1077 IN ITS CURRENT FORM.

The Commission discussed the status and the language of SB 1077 with Mr. Guiles and Ms. Gilstrap and was in consensus to break for time to review the amendment provided by Ms. Gilstrap.

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Meeting recessed for a break at 10:45 a.m.

Meeting reconvened at 10:55 a.m.

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5. (continued) Legislative Engagement and State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Amended Motion: Husted moved THAT THE COMMISSION VOTE TO OPPOSE SB 1077 IN ITS CURRENT FORM BUT THAT THE COMMISSION WOULD SUPPORT IT WITH THE AMENDMENT AS PROVIDED BY MS. GILSTRAP.

Ms. Cutts advised that the Commission would want to understand the bill in its entirety before voting to support it.

Commissioner Woodhouse stated that state land reform has been controversial for years and that at this late stage in the Legislative Session, and without it being on the Commission agenda for discussion with constituents, the Commission may not want to step into it at this time.

Motion died for lack of second.

Motion: Woodhouse moved and Martin seconded THAT THE COMMISSION VOTE TO SUPPORT THE CONCEPT THAT STATE LAND EXCHANGES WITH PRIVATE LAND OWNERS BE FOR THE PURPOSE OF CONSERVING OPEN SPACE FOR WILDLIFE AND HABITAT AND INCLUDE A PUBLIC ACCESS COMPONENT.

Commissioner Husted stated that this motion does not do anything for this particular legislation and further that the Commission should develop a policy that says they will not take positions on things at the last minute. The Department/Commission should have been at the table on this legislation from the very beginning.

The Commission discussed the motion and whether it may or may not be effective.

Motion to Amend: Hernbrode moved THAT THE COMMISSION VOTE TO AMEND THE MOTION TO INCLUDE A STATEMENT TO THE EFFECT THAT THE COMMISSION WOULD NOT SUPPORT ANY LAND REFORM BILL THAT DID NOT INCLUDE EXCHANGES.

Motion died for lack of second.

Motion to Amend: Husted moved THAT THE COMMISSION VOTE TO AMEND THE MOTION TO HIS ORIGINAL MOTION TO NOT SUPPORT SB 1077.

Motion died for lack of second.

(Vote on Woodhouse's motion, seconded by Martin)

Vote: Aye - Hernbrode, Martin, Woodhouse, Freeman
Nay - Husted
Passed 4 to 1

The Department will keep the Commission apprised of SB 1077 as it moves forward.

Congressional Legislation

- SB 409: Southeast Arizona Land Exchange and Conservation Act (Resolution Copper)
 - Sponsors: Arizona Senators McCain and Kyl
 - Last action: 6/17 - Testimony heard in Senate subcommittee: Public Lands and Forests
 - Administration opposes: Department of Interior and Forest Service testified
 - Companion Bill: HR 2509 (Congresswoman Kirkpatrick)(No Movement) this legislation requires Secretary of Agriculture to determine if NEPA required/EIS.

The Commission directed the Department to resend the Commission's letter to the Arizona's Congressional Delegation (copy attached) to reiterate the Commission's concerns regarding SB 409.

- HR 2565: National Fish Habitat Conservation Act
 - Sponsor: Congressman Ron Kind (WI)
 - Last action: 6/16 – Testimony heard in subcommittee: Insular Affairs, Oceans and Wildlife
 - Companion Bill SB 1214 (No Movement)
 - Establishes National Fish Habitat Board (Codifies); creates habitat goals and priorities; recommends projects; coordinates at regional level
 - Department of Interior Funds for approved conservation habitat projects 50% non-federal/100% federal
 - Supporters: AFWA, NOAA, USFWS Trout Unlimited.

Motion: Martin moved and Woodhouse seconded THAT THE COMMISSION VOTE TO SUPPORT HR 2565.

Vote: Unanimous

Director Voyles offered that the Department will provide the Commission with a presentation on how the matching funds model works.

- HR 2807: America's Wildlife Heritage Act
 - Sponsor: Congressman Ron Kind (WI)
 - Last action: 6/10 - Multiple-assigned: Committee on Natural Resources and Agriculture
 - Provisions direct Secretaries of Agriculture and Interior to: Establish management plans for sustainable populations of species; establish monitoring programs as part of federal land management plans; coordinate with state agencies, including state's comprehensive wildlife strategies; 1 year (post-enactment) regulations for implementation released.

Motion: Martin moved and Woodhouse seconded THAT THE COMMISSION VOTE TO SUPPORT HR 2807.

Vote: Unanimous

- HR 1916: Duck Stamp Bill

- Last Movement: 5/13 – subcommittee hearing held
- HR 2062: Migratory Bird Treaty Act
 - Last Movement 5/13 – subcommittee hearings held
- SB 796: Hardrock Mining and Reclamation Act of 2009
 - Scheduled hearing in Senate Energy and Natural Resources Committee: 7/14
- HR 2454: American Clean Energy and Security Act: 6/26 – scheduled House Floor vote

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6. Request to Approve Amendments to the Commission Approved Budget for Fiscal Year 2010 in the Wildlife Conservation Fund.

Presenter: Bob Broscheid, Deputy Director

The Commission was asked to approve amendments to the Fiscal Year 2010 Wildlife Conservation Fund Budget as approved by the Commission in June 2008. This request was necessary to ensure the Department's ability to maintain mission critical operations in Fiscal Year 2010 where projected revenue shortages necessitate making changes to the Commission approved budget in Fiscal Year 2010. None of these amendments require supplemental appropriations from the Arizona State Legislature. The proposed amendments are shown below sorted by program category:

Description	Commission Approved	Reductions	Amended Budget
Access	\$592,950	\$150,000	\$442,950
Administration	\$2,857,061	\$0	\$2,857,061
Fish Management	\$165,940	\$51,000	\$114,940
Game Management	\$220,900	\$125,000	\$95,900
Habitat Management	\$388,000	\$0	\$388,000
Law Enforcement	\$133,500	\$33,500	\$100,000
Nongame	\$634,788	\$85,388	\$549,400
Outreach	\$1,207,140	\$513,690	\$693,450
Shooting Sports	\$354,150	\$100,000	\$254,150
Water Development	\$900,000	\$500,000	\$400,000
Wildlife Areas Operations	\$1,673,870	\$356,100	\$1,317,770
Total Amount:	\$9,128,299	\$1,914,678	\$7,213,621

Motion: Freeman moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED AMENDMENTS FOR THE WILDLIFE CONSERVATION FUND FOR FISCAL YEAR 2010 AND AUTHORIZE THE DIRECTOR TO MAKE ANY NECESSARY MODIFICATIONS AS REVENUE STREAMS CHANGE.

Vote: Unanimous

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7. Request to Approve Amendments to the Commission Approved Budget for Fiscal Year 2010 in the Off Highway Vehicle Fund.

Presenter: Bob Broscheid, Deputy Director

The Commission was asked to approve amendments to the Fiscal Year 2010 Off Highway Vehicle (OHV) Fund Budget as approved by the Commission in June 2008. The Commission was also asked to approve eight new positions in the Off Highway Vehicle Fund. This will ensure the Department's ability to maintain off highway educational and law enforcement operations in Fiscal Year 2010 in accordance with Title 28-1176 and Title 28-1177 relating to the required off-highway vehicle user indicia or decal. The Department is legislatively mandated to provide seven dedicated OHV law enforcement officers as well as deploy an OHV Education Program Specialist. The seven enforcement positions will be distributed evenly to each Region with Region VI receiving two positions. The Education Program Specialist will be established under the Education Branch in the Phoenix Headquarters. Positions will be established as OHV Fund revenues allow. None of these amendments require supplemental appropriations from the Arizona State Legislature. The proposed amendments are shown below sorted by budget lines:

Description	Commission Approved	Additions	Amended Budget
Personal Services	\$125,633	\$374,667	\$500,300
Employee Related Expenditures	\$61,595	\$271,805	\$333,400
Travel Budget	\$3,200	\$3,500	\$6,700
All Other Operating Expenditures	\$222,550	\$46,500	\$269,050
Equipment	\$0	\$0	\$0
Enforcement Activities (Cost Transfer Line)	\$475,000	\$0	\$475,000
Total Amount:	\$887,978	\$696,472	\$1,584,450

Motion: Husted moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED AMENDMENTS FOR THE OFF HIGHWAY VEHICLE FUND FOR FISCAL YEAR 2010 AND VOTE TO ESTABLISH EIGHT NEW POSITIONS IN THE OFF HIGHWAY VEHICLE FUND.

Vote: Unanimous

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8. Request to Approve the Expenditure of Unspent Balances in the Heritage Fund, Wildlife Conservation Fund, and Off Highway Vehicle Fund for Fiscal Year 2010.

Presenter: Bob Broscheid, Deputy Director

The Commission was asked to approve the expenditure of unspent fund balances from Public Access; Identification, Inventory, Acquisition, Protection, and Management; Habitat Evaluation and Protection; Urban; Environmental Education; and Administration and Support Services (Interest monies) for Fiscal Year 2010. The Commission was also asked to approve the expenditure of unspent fund balances from the Wildlife Conservation Fund and the Off Highway Vehicle Fund for Fiscal Year 2010. These requests ensure that remaining unspent balances in the Heritage, Off Highway Vehicle, and Wildlife Conservation Fund programs are available for expenditure in Fiscal Year 2010 for additional qualifying projects, and to ameliorate the Department's ability to respond to revenue shortfalls and unforeseen needs. All property acquisition proposals utilizing unspent Heritage Acquisition monies will be brought before the Commission for individual review and approval for actual funding authority.

Motion: Freeman moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE THE EXPENDITURE OF UNSPENT FUND BALANCES FROM THE PUBLIC ACCESS; IDENTIFICATION, INVENTORY, ACQUISITION, PROTECTION, AND MANAGEMENT; HABITAT EVALUATION AND PROTECTION; URBAN; ENVIRONMENTAL EDUCATION; ADMINISTRATION AND SUPPORT SERVICES (INTEREST MONIES) PROGRAMS; THE WILDLIFE CONSERVATION FUND, AND THE OFF HIGHWAY VEHICLE FUND, FOR FISCAL YEAR 2010.

Vote: Unanimous

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12. Call to the Public

Roger Palmenbert, representing himself, asked the Commission to stop the Department project regarding two Cottonwood galleries on a portion of the entrance property to Becker Lake Wildlife Area. Mr. Palmenbert stated that the project is adjacent to his property and will irreparably and adversely impact his property.

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Meeting recessed for lunch at 12:09 p.m.

Meeting reconvened at 1:40 p.m.

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9. An Update on Current Issues, Planning Efforts, and Proposed Projects on All Lands in Arizona and Other Matters Related Thereto

Presenter: Josh Avey, Habitat Branch Chief

A copy of the Lands Update report was provided to the Commission prior to this meeting and is included as part of these minutes. The update addressed the latest developments relating to the implementation of land and resource management plans and projects on private, state and federal lands in Arizona and other related matters, and included decisions or activities since the May 2009 Commission meeting. This update is in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding decisions and actions on all State and Federal lands in Arizona.

Mr. Avey provided the following additional updates:

- BLM's Hassayampa Field Office is scheduled to release the draft Recreation Plan for the Table Mesa area for public comment on June 30. The Department has reviewed the plan and maps, and there are several areas in the Table Mesa area that will be closed to dispersed recreational shooting. BLM has done an exemplary job in consolidating those closures to areas that are potentially unsafe to the public. One issue for the Department is that the closed areas will be posted but the open areas cannot be posted due to federal policy. This will make it difficult to know where shooting is allowed. Once the plan and maps go out to the public, the Department will be able to provide the Commission with additional information. The Department will also look further into the federal policy that does not allow signage for areas open to shooting.

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9A. Request for the Commission to Approve the Use of the Upper Verde River Wildlife Area – Wells Parcels as a Match for the North American Wetlands Conservation Act Grant.

Presenter: Josh Avey, Habitat Branch Chief

The Nature Conservancy in partnership with the Department has prepared an application for the North American Wetlands Conservation Act (NAWCA) Grant. A requirement of the grant is to identify eligible property values which would serve as match for the grant. The purchase of the Wells parcels on February 15, 2008, makes this property acquisition an eligible match. Recordation of a Notice of Grant Requirement on the deed would be a requirement of the NAWCA grant.

Motion: Martin moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE THE USE OF THE UPPER VERDE RIVER WILDLIFE AREA – WELLS PARCELS AS A MATCH FOR THE NORTH AMERICAN WETLANDS CONSERVATION ACT GRANT, AND EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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10. Consent Agenda

The following items were grouped together and noticed as consent agenda items to expedite action on routine matters. These items were provided to the Commission prior to this meeting and the Department requested that the Commission approve these matters as presented, subject to

approval or recommendations of the Office of the Attorney General. Director Voyles presented each item to the Commission and none were deemed necessary to remove for discussion.

a. Request for the Commission to Approve the Agreement for Permit with Arizona Public Service for the Purpose of Continuing Service for Construction, Operation, and Maintenance of Electric Poles and Lines at Page Springs Hatchery – Bubbling Ponds, Yavapai County, Arizona.

Presenter: Josh Avey, Habitat Branch Chief

Arizona Public Service Company requested a renewal of their agreement for an easement to construct, operate and maintain electric poles, lines and services at the Arizona Game and Fish Commission's Page Springs Hatchery – Bubbling Ponds property, Yavapai County, Arizona. This agreement would serve to renew the ten-year lease for a 15-foot wide right-of-way easement for an existing utility line. This Permit is in the public interest and consistent and compatible with the operation of the Page Springs Hatchery – Bubbling Ponds. Costs for the easement will be based on an appraisal. The ten-year agreement will remain current through July 26, 2019.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE THE AGREEMENT FOR PERMIT WITH ARIZONA PUBLIC SERVICE FOR THE PURPOSE OF CONTINUING SERVICE FOR CONSTRUCTION, OPERATION AND MAINTENANCE ELECTRIC POLES AND LINES AT PAGE SPRINGS HATCHERY – BUBBLING PONDS, YAVAPAI COUNTY, ARIZONA, AND EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

b. Request for the Commission to Approve a Memorandum of Understanding with US Forest Service to be a Cooperating Agency in the National Environmental Policy Act process concerning the Rosemont Copper Project.

Presenter: Josh Avey, Habitat Branch Chief

The Department and the Coronado National Forest agree to cooperate in the National Environmental Policy Act process concerning the proposed Rosemont Copper Project in the Santa Rita Mountains south of Tucson. This Memorandum of Understanding (MOU) provides a framework for the intergovernmental relationship with regard to development of the Forest Services' Environmental Impact Statement, defines the respective roles and responsibilities, identifies the Forest as the lead federal agency, and affirms the commitment of the Forest Service to fully consider the views of the Department. This document designates the Department as a cooperating agency in the Environmental Impact Statement.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE U.S. FOREST SERVICE TO ALLOW THE DEPARTMENT TO BE A COOPERATING AGENCY IN THE NATIONAL ENVIRONMENTAL POLICY ACT PROCESS CONCERNING THE ROSEMONT COPPER PROJECT.

c. Request for the Commission to Approve a Memorandum of Understanding with BLM for the Development of the Solar Programmatic Environmental Impact Statement (PEIS).

Presenter: Josh Avey, Habitat Branch Chief

BLM and the Department of Energy (DOE) are currently developing a Programmatic Environmental Impact Statement (PEIS) for Solar Energy Development. The Department requested to have Cooperating Agency status in the development of the PEIS. The purposes of this MOU are:

- A. To designate Arizona Game and Fish Department as a Cooperating Agency in the Solar PEIS/RMP amendment process.
- B. To provide a framework for cooperation and coordination among the DOE, the BLM, and the Cooperating Agency that will ensure successful completion of the Solar PEIS/RMP amendments in a timely, efficient, and thorough manner.
- C. To recognize that as Joint Lead Agencies, the BLM and the DOE have the responsibility for the completion of the Solar PEIS and their respective Records of Decision (RODs).
- D. To describe the respective responsibilities, jurisdictional authority, and expertise of each of the Parties in the Solar PEIS/RMP amendment process.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING TO ALLOW THE DEPARTMENT TO BE A COOPERATING AGENCY IN THE DEVELOPMENT OF THE SOLAR PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT (PEIS).

d. Request for the Commission to Approve an Amendment to the Intergovernmental Agreement with the Pima County Regional Flood Control District for the Purpose of Developing a Biological Monitoring Plan, as a Component of the Multi-Species Conservation Plan

Presenter: Josh Avey, Habitat Branch Chief

The Arizona Game and Fish Department and the Pima County Regional Flood Control District (District) applied for and received approval of an Assistance Grant from the U.S. Fish and Wildlife Service Section 6 Cooperative Endangered Species Conservation Fund for Habitat Conservation Planning purposes. The Intergovernmental Agreement (IGA) for this grant was filed with the Secretary of State on October 22, 2007. This amendment to the IGA is required to extend the grant period and formalize changes to the due dates for the deliverables.

Pima County's Draft Multi-species Conservation Plan (MSCP) covers 32 wildlife species and four species of plants. This grant will allow the District to develop an ecological monitoring program that addresses these species. In accordance with the agreement, the District will develop a biological monitoring plan, monitoring protocols, and timeline for completion of the final Section 10 permit application and MSCP. The District will also provide the Department with invoices for expenses incurred during the development of these documents. The Department will provide advice and technical assistance during the planning process, and will reimburse the District for eligible expenses identified in the agreement.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE THE AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT FOR THE PURPOSE OF DEVELOPMENT OF A BIOLOGICAL MONITORING PLAN, AND EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

e. Proposed Revisions to the Heritage Public Advisory Committee Charter

Presenter: Ty Gray, Assistant Director, Information and Education Division

The Heritage Public Advisory Committee (HPAC) Charter has not been updated since March of 2005. Several items in the Charter have changed, are no longer in effect, or need clarification. The Commission was provided with a copy of proposed revisions to the HPAC Charter for review and consideration prior to this meeting.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED REVISIONS TO HERITAGE PUBLIC ADVISORY COMMITTEE CHARTER.

f. Intergovernmental Agreement between the Arizona Game and Fish Commission and the City of Maricopa regarding hunting within city limits.

Presenter: Rod Lucas, Mesa Regional Supervisor

Department and Maricopa officials initiated the necessary process and have completed an appropriate agreement to allow for hunting with firearms in the City of Maricopa to allow the discharge of firearms by licensed hunters pursuing wildlife during an open season to the extent and in areas where such activities are deemed safe and practical within the City of Maricopa. This agreement will allow for identified hunting areas to be modified in order to include future annexations, and will allow for the closure of areas no longer deemed appropriate for hunting. The final agreement is a culmination of efforts by the Department and the City of Maricopa to recognize and manage hunting with firearms as a safe and important activity in the local area. Some of the land that lies within the incorporated boundary of Maricopa is excellent small game habitat, and receives significant use by Arizona hunters. This agreement would permit hunting with firearms as long as other laws were followed, such as no shooting within a quarter mile, misuse of firearms, etc., and in areas deemed safe to hunt.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF MARICOPA TO ALLOW HUNTING IN CITY LIMITS.

Motion: Woodhouse moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEMS A, B, C, D, E, AND F AS PRESENTED.

Vote: Unanimous

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11. Commission Attendance at Y.P.G. Field Trip, June 30, 2009.

Presenter: Marty Fabritz, Executive Staff Assistant

Mr. Fabritz advised the Commission of the tour of the Yuma Proving Grounds scheduled for June 30, 2009. A public notice of a quorum and an agenda has been posted and all Commissioners may participate if so desired.

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16. Department Privacy Policy

Presenter: Gary R. Hovatter, Deputy Director, I.E.D/F.O.D

Mr. Hovatter provided the Commission with an update on the status of the development of a Department Privacy Policy. The Department has developed and put in place a new policy in compliance with current state law requiring the confidentiality and nondisclosure of public personal identifying information including electronic identifiers (personal email addresses). This update was in partial fulfillment of an action item from the May 2009 Commission meeting, Action Item #38. The Department plans to continue development of a more clear articulation to produce a total policy adding the Department's progressive e-commerce and other electronic and IT communications.

Commissioner Freeman commented that when a member of the public provides the Department with their email address, it's with the expectation that they will only receive emails from the Department and not from other sources.

Commissioner Husted expressed concern for protecting phone numbers that are provided to the Department as well as email addresses.

The Department will explore the current state laws and open record policies on protecting phone numbers provided by the public.

Commissioner Freeman stated that he wanted the record to be clear on what the Department is doing to protect personal information.

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13. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife

Presenter: Gene Elms, Law Enforcement Branch Chief

Record of these proceedings is maintained in a separate minutes book in the Director's Office.

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14. Petition from Mr. James M. Forshey, Tucson, Arizona, requesting review of CHAMP Permit Rule (R12.4.217.G)

Presenter: Gene Elms, Law Enforcement Branch Chief

In April 2009 the Department received a petition from Mr. James M. Forshey asking for consideration in changing the CHAMP Rule due to the undue hardship it creates on the CHAMP holder. Mr. Forshey's petition was specific to R12.4.217.G. It is Mr. Forshey's opinion that the person who is designated as the assistant by the CHAMP holder should not be required to possess a valid hunting license when assisting in the retrieval of a DEAD animal. Mr. Forshey

also states in his petition that it is easy to get an assistant to help on a hunt but it is more difficult to find an assistant with a current license.

Commissioner Martin confirmed with Mr. Elms that the person who assists a Champ holder's hunt only needs to have a license and not a tag. Mr. Forshey appears to believe an assistant needs both.

Motion: Woodhouse moved and Martin seconded THAT THE COMMISSION VOTE TO DENY MR. FORSHEY'S REQUEST AND FURTHER DIRECTED THE DEPARTMENT TO EXPLAIN THE RULE TO MR. FORSHEY THAT AN ASSISTANT TO A CHAMP HOLDER ONLY NEEDS THE LICENSE AND NOT THE TAG.

Vote: Unanimous

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17. Call to the Public

There were no requests to speak at this time.

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Meeting recessed for the day at 3:46 p.m.

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Meeting reconvened Saturday at 8:00 a.m.

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Chairman Hernbrode called the meeting back to order and lead those present through the Pledge of Allegiance. The Commission introduced themselves and Chairman Hernbrode introduced the Director and the Director's staff. Commissioner Woodhouse was present from the Tucson Regional Office via video teleconference.

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1. Summary of alternatives for site selection of the Northern Arizona Regional Shooting Facility, including projected scale, timeline, and budget commitments.

Presenter: Josh Avey, Habitat Branch Chief

Using a Power Point Presentation, Mr. Avey provided the Commission with a summary of alternatives for site selection of the Northern Arizona Regional Shooting Facility, including projected scale, timeline, and budget commitments. The presentation included charts and graphs, maps, photos and evaluations of each site, and survey results indicating public support and preferences.

Per Commission Direction at the March 2009 Commission meeting, the Department coordinated with all legitimate stakeholders to produce a list of viable alternative approaches for the establishment of a Northern Arizona Shooting Range, while attempting to keep with Commission objectives (Develop a local range with the potential to expand into a regional range; within 30 minutes from downtown Flagstaff; fully operational by 2013, a 3-5yr period). This effort identified new sites and re-considered previously evaluated ones with private property owners, Coconino National Forest, the Hopi tribe, Camp Navajo, the State Land Department, the Willard Springs grazing permittee and representatives from the Munds Park Community.

Personnel from the Department's Development, Education, and Habitat Branches in partnership with the Flagstaff Regional Office evaluated a total of 23 sites. This presentation summarized the Department's findings of alternative sites located on Forest lands, private parcels, State Trust lands, and Tribal lands in northern Arizona. Evaluations were conducted applying criteria used to identify the proposed Willard Springs site, which provides continuity with the evaluation process and allows the use of this material in any future NEPA documentation.

Of the 23 sites evaluated, the Department proposed that Raymond Ranch, Winona/Telephone Range and Cochrane Hill were potential sites for further evaluation and recommended that the Commission consider the following proposed alternatives:

1. Continue due diligence on the proposed Willard Springs Land Exchange with the Forest. Execute the Agreement to Initiate and appropriate \$788k for the EIS NEPA document completion.
2. Continue due diligence on the proposed Willard Springs Land Exchange with the Forest, execute the Agreement to Initiate and dedicate \$100k in funding to initiate the NEPA EIS scoping for FY 2010. Dedicate (\$50k) to simultaneously evaluate AGFD/USFS recommended alternative sites (Cochrane Hill and Winona sites) to determine if acquiring these sites would reduce the proposed timeline or costs of the land exchange process.
3. Abandon all efforts on the proposed Willard Springs Land Exchange and pursue an 80-acre Special Use Permit for a Local Shooting Range without the ability for future expansion on the Kaibab and simultaneously on the Coconino National Forest and further evaluate the Raymond Ranch W.A.

The Commission discussed their objectives for shooting facilities statewide and Director Voyles reminded the Commission that expanding on shooting sports and facilities statewide was one of the 2009 Director's Goals and Objectives. The Commission further discussed and weighed the Department's three proposed alternatives.

Commissioner Husted requested a list of properties to be exchanged to the Forest Service for the Willard Springs location, which Mr. Avey will provide.

Public Comment

The following members of the public addressed the Commission in opposition to the Willard Springs site:

- Steve Fairaizl, Environmental Consultant representing the Shuster Foundation requested the Commission take another 60-90 days to consider other alternatives and that the Commission tour the sites and hold a special meeting before any decision making – Also discussed proposed housing development near Willard Springs site
- Teisha Driggs, Windmill Ranch and permittee of grazing property at Willard Springs
- Bill Moore, representing Shuster Companies, discussed development plans near the Willard Springs site and questioned why some of the alternative sites didn't meet the Department/Commission's criteria
- Fredreick Harris, resident of Munds Park, recommended the Cochrane Hill and Winona sites
-

The following members of the public addressed the Commission in support of the Willard Springs site:

- Jimmy Mehen, Flagstaff resident, recommended moving forward with alternative #1 and alternative #2
- Bill McLean (former Game and Fish Commissioner), representing himself, stated that while Cochrane Hill may work, Willard Springs is the premiere site, and recommended alternatives #1 and #2

Andy Groseta, owner of Groseta Ranches L.L.C., recommended the Dirty Smith property owned by Groseta Ranches.

Paul Groseta, with Groseta Ranches, recommended the Drye property as well as the Dirty Smith property.

Nora Rasure, Forest Supervisor, Coconino National Forest, supports a shooting range in Northern Arizona and is committed to providing forest lands for that use and in working with the Game and Fish Department as the lead in developing that facility. The process for finding the right location has been very challenging. Most places on the Forest are loved and used by someone, so there will always be some type of conflict in uses that will have to be addressed. Ms. Rasure did not have a recommendation for the Commission at this time. The Department has looked at some potential sites and they all have trade-offs and benefits. What's important to the Forest is to minimize the impacts to the environment, resources and the community.

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Meeting recessed for a break at 10:17 a.m.

Meeting reconvened at 10:34 a.m.

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1. (continued) Summary of alternatives for site selection of the Northern Arizona Regional Shooting Facility, including projected scale, timeline, and budget commitments.

Presenter: Josh Avey, Habitat Branch Chief

The Commission discussed funding and budget issues with Mr. Avey regarding alternatives #1 and #2.

Motion: Martin moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE RECOMMENDATION #2 (CONTINUE DUE DILIGENCE ON THE PROPOSED WILLARD SPRINGS LAND EXCHANGE WITH THE FOREST, EXECUTE THE AGREEMENT TO INITIATE AND DEDICATE \$100K IN FUNDING TO INITIATE THE NEPA EIS SCOPING FOR FY 2010. DEDICATE (\$50K) TO SIMULTANEOUSLY EVALUATE AGFD/USFS RECOMMENDED ALTERNATIVE SITES (COCHRANE HILL AND WINONA SITES) TO DETERMINE IF ACQUIRING THESE SITES WOULD REDUCE THE PROPOSED TIMELINE OR COSTS OF THE LAND EXCHANGE PROCESS).

Vote: Unanimous

The Commission discussed and was in consensus to leave the following objectives the same as established at the May 2009 Commission meeting with the understanding that not meeting the objectives merely requires an explanation/justification.

Established Commission Objectives:

1. Type of Facility - Develop local range with the potential to expand into regional range
2. Proximity - Within 30 minutes from downtown Flagstaff
3. Timeline - Fully operational by 2013 (3-5 year period)
4. Budget- Not dedicated

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2. Shooting Sports Activities Briefing

Presenter: Jay Cook, Education Branch Chief

The Commission was provided with a Shooting Sports Activities Briefing prior to this meeting (also available to the public) on Department activities related to shooting sports. The report included shooting programs and shooting range development statewide and covered activities that occurred since the May 2009 Commission meeting. This briefing is part of the Department's ongoing commitment to provide the Commission with updates on a regular basis.

Mr. Cook recapped several items in the briefing using a Power Point presentation and then introduced Dave Daughtry, Shooting Sports Program Manager with Pima County Natural Resources, Parks and Recreation.

Mr. Daughtry provided the Commission with a Power Point presentation on Pima County Shooting Ranges, current activities and developments, and future development plans, and further thanked the Commission for their Shooting Range Grants Program that provides for development and improvements to shooting ranges.

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3. Consideration of Applications for Special Big Game Hunt License Tags for Antelope, Bighorn Sheep, Black Bear, Buffalo, Elk, Javelina, Mountain Lion, Mule Deer, White-tailed Deer, and Turkey for 2010-2011

Presenter: Brian F. Wakeling, Game Branch Chief

Mr. Wakeling briefed the Commission using a Power Point presentation on the Commission's authority regarding the Special Tag Program, the history of the program, the Special License-Tag applications, and a summary of past fund raising efforts. The Commission was asked to consider and take action on applications from organizations for the 2010-2011 Special Big Game License Tags as per R12-4-120. A detailed description of all proposals were provided to the Commission for review and consideration prior to this meeting and was made available for public review at all Department offices.

The Department received applications for Special Big Game License Tags from the following nonprofit organizations in accordance with A.R.S. 17-346 and Commission Rule R12-4-120:

Arizona Antelope Foundation (AAF): Requested three (3) Special Antelope License Tags. One tag will be auctioned at the Arizona Antelope Foundation banquet, the second tag will be auctioned at the Arizona Elk Society banquet and the third tag will be included in the Arizona Big Game Super Raffle. In addition to the antelope tags, the AAF respectfully requested the privilege of auctioning at their 2010 fundraiser banquet, a buffalo tag, black bear tag, or any other game tag not designated to a species specific organization.

Arizona Big Game Super Raffle (ABGSR): Requested ten (10) Special Big Game tags, specifically: one (1) Special Antelope License Tag; one (1) Special Bighorn Sheep License Tag; one (1) Special Black Bear License Tag; one (1) Special Buffalo License Tag; one (1) Special Whitetail Deer License Tag; one (1) Special Elk License Tag; one (1) Special Javelina License Tag; one (1) Special Mountain Lion License Tag; one (1) Special Mule Deer License Tag; and one (1) Special Turkey License Tag. All tags will be sold in the Arizona Big Game Super Raffle using direct mail, publication advertising, and Internet marketing and sales.

Arizona Bowhunters Association (ABA): Requested one (1) Special Javelina License Tag; one (1) Special Black Bear License Tag; and one (1) Special Buffalo License Tag. The tags will be auctioned at the ABA 2010 Annual Awards Banquet.

Arizona Deer Association (ADA): Requested one (1) Special Mule Deer License tags; two (2) Special Whitetail Deer License Tags; and one (1) Special Mountain Lion License Tag; all tags to be auctioned at the ADA's Annual Fundraiser in 2009. If awarded two of the Whitetail Deer tags, the ADA will sell one of them through a special ADA-sponsored Whitetail Deer tag raffle. If the Arizona Big Game Super Raffle is not approved, the ADA requested one additional Special Mule Deer License Tag and one additional Special Whitetail Deer License Tag for auction. The ADA fully supports the MDF request for one special mule deer permit for auction, but if this mule deer tag is not awarded to the MDF, the ADA requested that the Commission strongly consider awarding the tag to ADA to market and sell. The ADA also requested that they be considered for any tags that are not specifically requested or not awarded to other conservation groups.

Arizona Desert Bighorn Sheep Society (ADBSS): Requested three (3) Special Big Game License Tags – two (2) Special Bighorn Sheep License Tags and one (1) Special Mountain Lion License Tag. One (1) tag to be auctioned for a *Mexicana* desert bighorn sheep in the southern GMU's with the auction occurring at the Wild Sheep Foundation (formerly FNAWS) convention in Reno, NV during February 4 – 6, 2010. One (1) tag to be auctioned by the ADBSS for a Rocky Mountain bighorn sheep in the eastern GMU's, and one (1) Special Mountain Lion

License tag to be auctioned at the ADBSS fundraiser banquet on March 6, 2010. The ADBSS supports the issuance of the third Special Bighorn Sheep License for a *Nelsoni* Desert Bighorn Sheep hunt in the northern GMU's to the ABGSR, but if the Nelsoni tag is not given to the ABGSR directly, the ADBSS would request that they be granted the tag to be raffled through the ABGSR or on their own. ADBSS is also willing to auction any other Special Tags the Commission would like to issue at their fund raiser banquet.

Arizona Elk Society (AES): Requested one (1) Special Elk License Tag and one (1) Special Buffalo License Tag. Both tags will be auctioned at the AES annual fundraising banquet in March 2010. The AES is willing to auction any other special tags at their fundraising banquet in March 2010 that the Commission may elect to issue to their organization.

Mule Deer Foundation (MDF): Requested one (1) Special Mule Deer License Tag, one (1) Special Buffalo License Tag, one (1) Special Whitetail Deer License Tag, one (1) Special Black Bear License Tag, and one (1) Special Javelina License Tag. The Special Mule Deer License Tag, the Special Buffalo License Tag and the Special Whitetail Deer License Tag will be auctioned at the MDF 2010 National Convention in Salt Lake City, Utah, February 11 – 14; 2010, in conjunction with the Western Hunting & Conservation Expo. The MDF would auction or raffle the Special Black Bear License Tag and the Special Javelina License Tag through a MDF Arizona chapter fundraiser and banquet.

National Wild Turkey Federation (NWTF): Requested three (3) Special Turkey License Tags. One of the tags will be sold by auction at the NWTF's 2010 Annual Convention in Nashville, TN; one tag will be raffled or auctioned by the Arizona Chapter of the NWTF; the third tag will be sold in conjunction with the AZBGSR.

Rocky Mountain Elk Foundation (RMEF): Requested one (1) Special Elk License Tag to be auctioned at the RMEF's 26th Anniversary Elk Camp convention in Reno, NV, March 4 - 7, 2010.

Safari Club International – Phoenix Chapter (PCSCI): Requested one (1) Special Whitetail Deer License Tag to be auctioned at the PCSCI's 2010 banquet. In the event that any black bear, javelina, turkey or mountain lion tags are available, the PCSCI would like to make a general request for such tags which they will raffle at their spring function.

Sierra Club – Grand Canyon Chapter (SCGC): Requested one (1) mountain lion tag. The tag will be sold at auction or silent auction.

Public Comment

The following members of the public addressed the Commission in support of their respective organization's requests for the Special Tags:

- Jim Unmacht, President, Arizona Desert Bighorn Sheep Society
- Jimmy Mehen, President, Arizona Antelope Foundation
- Miles Moretti, President, Mule Deer Foundation
- Charlie Kelly, President, Arizona Big Game Super Raffle
- Ty Noessle, Vice President, Phoenix Chapter Safari Club International
- John Koleszar, Vice President, Arizona Deer Association
- Dick King, Liaison, Arizona Bowhunters Association

- John Tuter, State Leadership Team, Rocky Mountain Elk Foundation
- Sandy Bahr, Chapter Director, Sierra Club – Grand Canyon Chapter
- Steve Sams, State Chapter President, National Wild Turkey Federation
- Tice Supplee, past President, Arizona Antelope Foundation

Bob Weaver, representing himself, suggested that the Rocky Mountain Bighorn sheep tag be raffled instead of auctioned, at least every other year, because only people with deep pockets get those auction tags, and that the money raised go directly into Rocky Mountain bighorn sheep habitat projects, etc.

The Commission voted on the Special Tags for ABGSR and for the antelope, bighorn sheep, and elk Special Tags as follows:

Arizona Big Game Super Raffle

Motion: Freeman moved and Husted seconded THAT THE COMMISSION VOTE TO AWARD THE ARIZONA BIG GAME SUPER RAFFLE ONE TAG OF EACH BIG GAME SPECIES TO BE RAFFLED IN THE ARIZONA BIG GAME SUPER RAFFLE.

Vote: Unanimous

Antelope

Motion: Martin moved and Freeman seconded THAT THE TWO TAGS FOR ANTELOPE BOTH BE AWARDED TO THE ARIZONA ANTELOPE FOUNDATION.

Vote: Unanimous

Bighorn Sheep

Motion: Woodhouse moved and Martin seconded THAT THE TWO TAGS FOR BIGHORN SHEEP BOTH BE AWARDED TO THE ARIZONA DESERT BIGHORN SHEEP SOCIETY.

Vote: Unanimous

Elk

Motion: Hernbrode moved and Martin seconded THAT THE TWO TAGS FOR ELK BE AWARDED AS FOLLOWS: ONE TO ARIZONA ELK SOCIETY AND ONE TO THE ROCKY MOUNTAIN ELK FOUNDATION.

Vote: Unanimous

Using a ballot system the Commission selected their preferences for the remainder of the Special Tags, which were compiled by the Department as shown below:

	HERNBRODE	MARTIN	WOODHOUSE	FREEMAN	HUSTED
JAVELINA TAG I	ABA MDF	ABA PCSCI	ABA MDF	ABA MDF	ABA ADA

TAG 2					
<u>MULE DEER</u> TAG 1 TAG 2	ADA MDF	ADA MDF	ADA MDF	ADA MDF	ADA MDF
<u>TURKEY</u> TAG 1 TAG 2	NWTF NWTF	NWTF NWTF	NWTF NWTF	NWTF NWTF	NWTF NWTF
<u>WHITE TAIL</u> TAG 1 TAG 2	ADA MDF	ADA MDF	ADA ADA	ADA PCSCI	ADA PCSCI
<u>MOUNTAIN LION</u> TAG 1 TAG 2	ADBSS SCGC	ADBSS ADA	ADBSS ADA	ADBSS ADA	ADBSS ADA
<u>BLACK BEAR</u> TAG 1 TAG 2	ABA AAF	PCSCI ABA	ABA MDF	ABA AAF	ABA AAF
<u>BUFFALO</u> TAG 1 TAG 2	ABA AES	ABA PCSCI	ABA AES	AAF AES	MDF AES

The Commission continued voting on the Special Tag recipients as follows:

White-tail Deer

Motion: Hernbrode moved and Martin seconded THAT THE TWO TAGS FOR WHITE-TAILED DEER BE AWARDED AS FOLLOWS: ONE TO THE ARIZONA DEER ASSOCIATION AND ONE TO THE MULE DEER FOUNDATION.

Vote: Unanimous

Javelina, Mule Deer, Turkey, Mountain Lion, Black Bear and Buffalo

Motion: Woodhouse moved and Husted seconded THAT THE COMMISSION VOTE TO ACCEPT THE BALLOT MAJORITY ON THE REST OF THE TAGS (JAVELINA TAGS TO ABA AND MDF; MULE DEER TAGS TO ADA AND MDF; BOTH TURKEY TAGS TO NWTF; MOUNTAIN LION TAGS TO ADBSS AND ADA; BLACK BEAR TAGS TO ABA AND AAF; AND BUFFALO TAGS TO ABA AND AES).

Vote: Unanimous

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4. Consideration of Proposed Commission Order 29 for Special Big Game License-Tag Seasons for Mule Deer, White-tailed Deer, Antelope, Elk, Turkey, Javelina, Bighorn Sheep, Buffalo, Black Bear, and Mountain Lion for the 2010-2011 Special Tag Hunting Seasons

Presenter: Brian F. Wakeling, Game Branch Chief

Mr. Wakeling presented the Commission with Commission Order 29: Special Hunts, establishing seasons and season dates, bag and possession limits, permit numbers, and open areas for Special Big Game Hunt License Tags. A detailed description of all proposals was available for public review and was provided to the Commission for review prior to this meeting.

A.R.S. 17-346 authorizes the Commission to set seasons for up to three special license tags for each big game species. The Department presented Commission Order 29 for the 2010-2011 special big game license tag hunting seasons for Mule Deer, White-tailed Deer, Antelope, Elk, Turkey, Javelina, Bighorn Sheep, Buffalo, Bear, and Mountain Lion. The Department recommended that all special big game license tag hunt seasons be open year round, with the season for each species commencing on August 15, 2010 and ending on August 14, 2011, and recommended open areas for the special license-tag hunts as follows:

Mule Deer: Special license-tags will be valid statewide (except Camp Navajo in Unit 6B, Mohave County Park Lands in Unit 16A, and Fort Huachuca in Unit 35A).

White-tailed Deer: Special license-tags will be valid statewide (except Camp Navajo in Unit 6B, Mohave County Park Lands in Unit 16A, and Fort Huachuca in Unit 35A).

Antelope: Special license-tags will be valid for Units 1-10 (except Camp Navajo), 11M, 12A, 12B, 13A, 13B, 15A, 15B, 17A, 17B, 18A, 18B, portions of 19A, 19B, 21, 30A, 31, 32, 34B, 35A (except Fort Huachuca), and 35B.

Elk: Special license-tags will be valid statewide (except Camp Navajo in Unit 6B, Mohave County Park Lands in Unit 16A, and Fort Huachuca in Unit 35A).

Javelina: Special license-tags will be valid statewide (except Camp Navajo in Unit 6B, Mohave County Park Lands in Unit 16A, and Fort Huachuca in Unit 35A).

Turkey: Special license-tags will be valid for Units 1, 3B-10 (except Camp Navajo in Unit 6B), 11M, 12A, 13A, 13BS, 17A, 17B, 20A, 22, 23, 27, 29, 31 and 35A (except Fort Huachuca in Unit 35A).

Bighorn Sheep: One special license-tag will be valid for Units 9, 10, 12A, 12B, 13A, 13B, 15A, 15B, 15C, 15D, and 16A (except Mohave County Park Lands). A second special license-tag will be valid for Units 16B (north of Lake Havasu City), 22, 24B, 28 (south of US Hwy 70), 31, 32, 40B, 41, 43A, 43B, 44A (west of the Swansea Road and south of Bill Williams River Rd.), 44B, 45A, 45B, 45C (including the Kofa NWR), 46A, and 46B (including the Cabeza Prieta NWR). And a third special license-tag will be valid for portions of Units 1, portions of Unit 27, and portions of Unit 28.

Buffalo: Special license-tags will be valid for Units 12A, 12B, and 13A.

Black Bear: Special license-tags will be valid statewide (except Camp Navajo in Unit 6B, Mohave County Park Lands in Unit 16A, and Fort Huachuca in Unit 35A).

Mountain Lion: Special license-tags will be valid statewide (except National Wildlife Refuges, Mohave County Park Lands).

Motion: Freeman moved and Martin seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 29: SPECIAL HUNTS, AS PRESENTED.

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Meeting recessed for lunch at 1:00 p.m.

Meeting reconvened at 1:34 p.m.

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Commissioner Woodhouse was not present for the rest of this meeting.

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5. Call to the Public

Fredrick Harris was not present at this time, but had turned in a Speaker Card in opposition to proposed I-17 fencing.

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6. Consideration of Proposed Commission Orders 19, 20 and 24 for the 2009-2010 Hunting Season.

Presenter: Mike Rabe, Small Game Program Supervisor

Mr. Rabe briefed the Commission using a Power Point presentation that included historical information, graph comparisons and maps regarding Commission Order 19 (dove), Commission Order 20 (band-tailed pigeons), and Commission Order 24 (sandhill cranes) establishing seasons and season dates, bag and possession limits, and open-closed areas. A detailed description of all proposals were provided to the Commission prior to this meeting for review and consideration and was also available for public review at all Department offices.

Commission Order 19 – Dove

The Department recommended that there be no change to the season structure for mourning doves and white-winged doves. The 2009 recommendation is for a September season of 15 days from September 1-15 as per Federal Frameworks; the North Zone will be open to all-day shooting. South Zone shooting hours will be ½-hour before sunrise to noon for adults, and all-day shooting hours for juniors. The late season recommendation is for the season to be open from November 20, 2009 to January 3, 2010 for mourning doves only and allow all-day shooting statewide. This recommendation is the maximum number of days allowed under Federal Frameworks.

For the early season there will be an aggregate bag of 10 mourning doves and white-winged doves, no more than 6 of which can be white-winged doves, as per Federal Frameworks. Possession limit shall be 20 mourning doves after opening day and 12 white-winged doves in the early season. For the late season, bag is 10 mourning doves per day and 20 in possession.

The dates for the Robbin's Butte Junior hunt were recommended for September 5-6, 2009. Within the area, shooting stations will be established to accommodate 2 junior hunters each. Should demand exceed supply, shooting stations will be assigned by a drawing at 4:45 a.m. at the Robbins Butte Wildlife Area headquarters. To facilitate hunt operation, hunters will be

required to check in and out. Bag limits and shooting hours will be the same as for the general season. Personnel from the Hunter Education Program and Region VI will conduct the hunt.

The Department recommended continuation of the extended falconry-only dove season initiated in 1991. Recommended Falconry-Only season dates are September 16 through November 1. This season recommendation includes the maximum number of hunt days available for falconry (47). Falconry is also a legal method of take during both the regular early and late dove seasons.

The Department recommended that Eurasian collared dove season be open yearlong beginning September 1 with an unlimited bag limit. Shooting hour restrictions for non-juniors hunters pursuing mourning and white-winged dove (half day in early season for adults) will not apply to the taking of Eurasian collared doves. Therefore, hunters could take Eurasian collared doves all day. Falconry will be a legal method of take and also open year round.

Motion: Martin moved and Freeman seconded THAT THE COMMISSION VOTE TO ADOPT, SUBJECT TO FINAL FEDERAL FRAMEWORKS, COMMISSION ORDER 19: DOVE, AS PRESENTED.

Vote: Unanimous
4 to 0
Woodhouse absent

Commission Order 20 – Band-tailed Pigeon

The Federal Frameworks for band-tailed pigeons within the four-corner states allow for seasons of not more than 30 consecutive days between September 1 and November 30 with a bag and possession limit of 5 and 10, respectively. The Department recommended that the season in the North Zone be September 11-October 4. This allows for 4 weekends of hunting opportunity. In the South Zone, where band-tailed pigeons reproduce later, the Department recommended that the band-tailed pigeon season open on September 18 and run through October 4, 2009. This provides 3 weekends of hunting opportunity. Bag and possession limits of 5 and 10, respectively, were recommended statewide.

Motion: Freeman moved and Martin seconded THAT THE COMMISSION VOTE TO ADOPT, SUBJECT TO FINAL FEDERAL FRAMEWORKS, COMMISSION ORDER 20: BAND-TAILED PIGEON, AS PRESENTED.

Vote: Unanimous
4 to 0
Woodhouse absent

Commission Order 24 – Sandhill Crane

The Department proposed to increase the number of tags issued to hunters from 2 to 3 for the 2009 season. The reason for the increase is because so few RMP birds are being harvested in the season. Since the RMP birds mediate the number of cranes Arizona hunters can harvest, there is no longer a need for the conservative bag (2 per hunter) under previous recommendations. Given current harvest rates of RMP cranes, this more liberal bag will not exceed Arizona's allocation of RMP cranes.

Increasing the bag per hunter is preferable over increasing the number of hunters in the field because almost all of the hunting opportunities within the allowable areas (30A, 30B, 31, and 32) are on private lands and more hunters would likely create unacceptable landowner-hunter conflicts. Also, 58 tags were left over in 2008 when 85 permits were offered for each of the four general hunts. In 2009, general hunt permits were decreased to 75 per hunt and 50 junior tags were available. Thirty out of the fifty junior's tags were left over in 2009. This new hunt structure is an attempt to align both the junior and general hunt demand with available tags.

Lower Colorado River Valley Cranes: This year, the Department does not recommend implementing a hunt for LCRV cranes. The Pacific Flyway Council approved an extension for a 3-year extension on Arizona's request for a hunt on LCRV cranes in March, 2009. Should this extension be granted by the Fish and Wildlife Service in June, then Arizona can continue to pursue a hunt for this population of cranes.

Mid-Continent and Rocky Mountain populations: The allowed Federal season dates and bag limits for the Mid-Continent and Rocky Mountain Populations of cranes in Arizona are as follows: The outside dates of the season must fall between September 1 and January 31 and not exceed 30 days. The bag limit may not exceed 3 per day or 9 per season. This year, the Department recommended several changes to the hunt structure from last year. The Junior hunt implemented last year will be continued, only the number of permits is reduced from 50 to 25 (only 10 juniors hunted last year). Because of the junior hunt, the number of permits for each general hunt was reduced from 85 to 75; since the junior hunt had such little impact, the Department recommended restoring the number of permits for the general hunt to 85. This will increase the total number of shotgun permits (including juniors) from 350 to 375. The Department recommended a 3-day archery-only hunt November 13-15, 2009 with 25 permits. Since this hunt typically results in the harvest of 0-2 cranes, the likelihood of archery harvest impacting the RMP allocation is minimal. This is the same archery hunt as was approved last year.

In summary, the Department recommended four general 3-day hunts beginning on November 21, with 85 permits in each hunt. Each hunt will have a non-hunt day between hunts. A junior hunt will occur on December 11-13. All hunters that successfully draw for cranes receive 3 tags. With the recommended season structure, we estimate total harvest will be between 300 to 400 cranes. The predicted removal of RMP birds is estimated at 60-90 birds.

Motion: Martin moved and Freeman seconded THAT THE COMMISSION VOTE TO ADOPT, SUBJECT TO FINAL FEDERAL FRAMEWORKS, COMMISSION ORDER 24: SANDHILL CRANE, AS PRESENTED.

Vote: Aye – Martin, Freeman, Husted
Nay - Hernbrode
Passed 3 to 1
Woodhouse absent

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7. E-Commerce Update

Presenter: Harry Seck, Assistant Director, Special Services Division

Mr. Seck provided the Commission with an update and discussion on the status of the Department's E-Commerce activities, including online watercraft registration renewals, license sales and big game applications.

The Department is currently engaged in the development of the online watercraft registration renewal systems and the online license sales. The online watercraft registration renewal system is scheduled to be completed in September 2009 and the online license sales is scheduled to be completed by January 4, 2010. The Department is also working on and testing an online application to provide draw results to the public, and is working with the current Internet vendor to ensure that there is enough band-width for all the people that will visit the site in the first 2-3 days following the draw results.

Commissioner Freeman requested that the Department verify with the vendor that the Department's purchase of increase bandwidths can be documented, and to provide for the ability to notify via email and/or the ability to change email addresses and mailing addresses in the sportsman's database.

Commissioner Husted asked when a person would be able to apply online for a big game hunt permit.

Mr. Seck estimated between July and August of 2010.

Public Comment

Dick King, ABA, suggested that with the new online system the Department could easily require mandatory harvest reporting of big game animals, a system several other states already have in place.

* * * * *

8. Presentation on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Presenter: Bob Broscheid, Deputy Director

Deputy Director Broscheid provided the Commission with a Power Point presentation and overview of the CITES process and the implementation of international treaties and resolutions related to the sustainability in international trade of wild flora and fauna. This presentation was for informational purposes only. Mr. Broscheid is currently the Western Association of Fish and Wildlife Agencies' representative with CITES.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international trade agreement among countries (Parties) to ensure that international trade in specimens of wild animals and plants does not threaten species survival. The text of CITES was finalized at a meeting of representatives of 80 countries in March 1973, and on July 1, 1975 CITES took effect. Although CITES is legally binding on the Parties, it does not take the place of national laws, but provides a framework to be respected by each party, which has to adopt its

own domestic legislation to make sure that CITES is implemented at the national level. CITES, with 172 Parties, is among the largest conservation agreements in existence.

Long known as a forum where critical decisions are taken about such high-profile issues as the ivory trade and whale harvest, CITES is increasingly the focus of efforts to protect fish and timber species that are traded globally in profitable commodity markets. Commercial fishing and the timber industry set aside, the international trade in wildlife and flora is big business, estimated to be worth billions of dollars annually and to involve more than 350 million plant and animal specimens every year. Unregulated international trade can push species to the brink, especially when combined with habitat loss and other pressures.

CITES works by subjecting international trade in specimens of selected species to certain controls. These require that all imports, exports, re-exports, and introduction from the sea of species covered by CITES has to be authorized. The species covered by CITES are listed in 3 Appendices, according to the degree of protection they need.

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10. Call to the Public

Tice Supplee, representing Audubon Arizona, provided the Commission with an update on Audubon Arizona activities.

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9. Proposed Dates and Locations of Arizona Game and Fish Commission meetings for 2010 and January 2011.

Presenter: Marty Fabritz, Executive Staff Assistant

Mr. Fabritz presented the Commission with a potential schedule for Commission meeting dates and locations for 2010 and January 2011. The dates for the January 2010 Commission meeting and Meet the Commission were set at the June 2008 Commission meeting (January 15/16, 2010). The dates for Legislator Day in 2010, as well as dates and locations for the remainder of calendar year 2010 and January 2011, need to be determined. Suggested dates and locations were as follows:

<u>Date</u>	<u>Location</u>
January/February	Phoenix-Legislator Day - TBD
February 5-6	Phoenix
March 5-6	Phoenix
April 16-17	Phoenix (hunt orders)
May 14-15	Phoenix
June 25-26	Phoenix (hunt orders)
August	2 Day Commission Workshop
August 6-7	Phoenix (hunt orders)
September 10-11	Phoenix
October 8-9	Phoenix (fish orders)
November	2 Day Commission Workshop

December 3-4	Phoenix (hunt orders)
January 14, 2011	Phoenix - Commission Meeting
January 15, 2011	Phoenix - Meet the Commission

Motion: Husted moved and Martin seconded THAT THE COMMISSION VOTE TO ADOPT THE SCHEDULE DATES AS PRESENTED, BUT THAT THE COMMISSION RETURN TO HOLDING THEIR MEETINGS AT THE TRADITIONAL LOCATIONS THROUGHOUT THE STATE, IF THE BUDGET ALLOWS, AND THAT WOULD BEGIN IN JANUARY 2010.

Vote: Aye - Hernbrode, Martin, Husted
Nay - Freeman
Passed 3 to 1
Woodhouse absent

* * * * *

11. Review and Update of Upcoming Commission Calendar Activities and Events

The Commission reminded the Department that this agenda item does not need to be a regular monthly agenda item.

Harry Seck, Assistant Director, Special Services, reported that the Department has established a common Outlook Calendar for the Commission and that the Department is currently updating it with activities and events that the Commission may be interested in participating. Mr. Seck will provide the Commission with instructions on its use following this meeting.

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12. Director and Chairman's Report

Director Voyles reported the following activities since the last Commission meeting:

- Attended the NRA Conference and banquet at the Phoenix Convention Center
- Attended the ASARCO press conference at ADEQ
- Met with Mike Anable at the Governor's Office along with Ron Sieg and regarding Watercraft Safety & Hopi Trust Land
- Attended the AMOC Director's Summit held at the Region I Office
- Had a breakfast meeting with the new BLM State Director Jim Kenna
- Met with Keith Manning, Maricopa County Attorney's Office, LE Liaison (follow up from NRA conference)
- Met with Scott Johnson, Defenders of Wildlife, Gary Stenson, WCC Board, and Tony Guiles regarding the America's Wildlife Heritage Act
- Had a breakfast meeting with Jim Unmacht regarding bighorn sheep management issues
- Provided all the Commissioners with a Department budget briefing
- Attended Kurt Bahti's retirement dinner in Sonoita
- Met with Bobbie Boido, President of AZ SCI at the SCI International Museum along with Leonard Ordway
- Attended a meeting with the Navajo Nation in Window Rock

- Swore in three new WM Trainees
- Met with Pete Cimilano, Charlie Kelly and others regarding cooperative efforts in conservation
- Attended the Audubon Society Annual Nature Film Festival and Silent Auction
- Participated in an aerial tour provided by the Department for Director Odle, Maricopa County Air Quality
- Met with Rob Young and Richard Bunger regarding Dutch Joe Ranch
- Participated in an Audubon Meeting conference call
- Attended a Framework Policy Committee meeting in Cottonwood
- Attended the graduation ceremony for several Department employees graduating from the Certified Public Manager Program
- Met with Don Delorenzo, Corbin Newman and several Department staff members regarding big game retrieval and travel management on Arizona forests
- Had a breakfast meeting with RJ Cardin, Director of Maricopa County Parks and Recreation.

Chairman Hernbrode reported the following activities since the last Commission meeting:

- Attended the Watchable Wildlife Workshop in Globe
- Participated in the budget review with Director Voyles
- Attended five of the Department's nine hunt guidelines meetings (traveled to Flagstaff, Mesa, Payson, Pinetop, Sierra Vista)
- Attended the scoping meeting for the State Land Reform bill.

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13. Commissioner's Reports

Each Commissioner reported on their activities since the last Commission meeting.

Commissioner Martin:

- Attended the NRA convention
- Provided testimony in the Senate on the Aquatic Invasive Species bill
- Participated in the budget review with the Director
- Continued to prepare for the AES/Conservationist Work Day event in July
- Prepared for today's meeting.

Commissioner Freeman:

- Attended a hunt guideline meeting in Prescott
- Attended a meeting with Mike Anable at an Arizona Sportsmen for Wildlife Board Meeting
- Had multiple discussions with constituents regarding access issues
- Attended the budget meeting with the Director
- Talked with Farm Bureau friends on Maricopa County dust and access issues
- Attended a kids fishing day at Goldwater Lake sponsored by the Arizona Game Rangers Association.

Commissioner Husted:

- Met with Department staff in Showlow regarding a shooting range
- Met with another group in Springerville regarding a shooting range
- Was provided a briefing from the Department regarding Resolution Copper
- Met with the White Mountain Conservation League, Town of Springerville, ADOT, DPS, and Department staff regarding a deer vs. automobile issue at the Becker Lake Wildlife Area
- Spent the day with the Riparian Council in Springerville.

* * * * *

14. Approval of Minutes and Signing of Minutes

Motion: Martin moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM APRIL 8, 2009, APRIL 14, 2009, APRIL 17-18, 2009, APRIL 23, 2009, MAY 15, 2009, AND MAY 27, 2009.

Vote: Unanimous
4 to 0

The Commission signed the minutes following approval.

* * * * *

15. Future Agenda Items and Action Items

Deputy Director Broscheid reported capturing the following action and future agenda items from this meeting:

- The Department will perform an analysis and provide the Commission with alternatives to resolve the dilemma with the Tucson Rod and Gun Club (and other clubs statewide), specifically regarding the NEPA requirement associated with obtaining an SUP from the Forest Service in order to be eligible for the statewide shooting grants (updates will be provided in the monthly Shooting Sports Activities Briefing)
- Continue to work with sportsmen and other stakeholders to ensure the Commission's issues regarding wildlife and public access are included in the State Land Reform legislation (provide updates in the monthly legislative updates)
- Draft a letter that reflects the Commission's concerns with the southeastern Arizona land exchange regarding Resolution Copper and SB 409 and HR 2509 (letter re-crafted and sent out yesterday – copies will be sent to all Commissioners)
- Schedule a tour of the Resolution Copper site with BHP and coordinate with the Commission
- Provide a presentation to the Commission of the role and function of NAWCC and the National Fish Habitat Committee and what those models are for the partnership
- As part of the e-commerce update, verify with the vendor that the Department's purchase of increase bandwidths can be documented and provide the ability to notify via email and/or ability to change email addresses and mailing addresses in the sportsman's database
- Check the revocation dates for Mr. Benjamin Scott and forward to the Commission

- The Department will call James Forshey to explain the provisions of R12-4-217 that his assistant needs only a valid hunting license

Commissioner Martin suggested adding as a future agenda for public discussion the suggestion raised by Mr. Weaver that the Rocky Mountain desert bighorn tag be alternated between raffle and auction.

Commissioner Husted suggested that before next year the Department develop a new method for selecting which organizations are awarded each Commissioner's tag.

Chairman Hernbrode reminded the Department that they will provide the Commission with locations for the 2010 Commission meetings.

Chairman Hernbrode suggested that the Commission discuss the 2-page document submitted by the ADA at the August Commission Workshop.

* * * * *

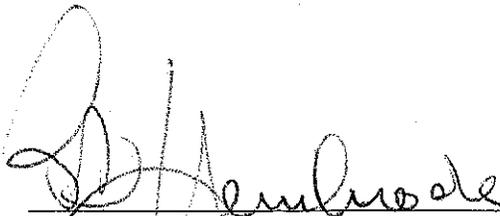
Motion: Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

Vote: Unanimous

* * * * *

Meeting adjourned at 3:35 p.m.

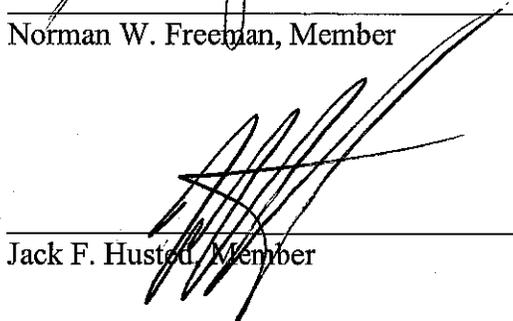
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Robert D. Hernbrode, Chairman

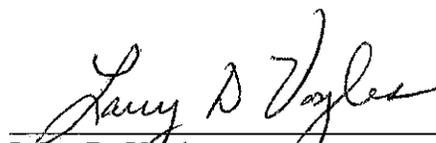

Jennifer L. Martin, Vice Chair


Robert R. Woodhouse, Member


Norman W. Freeman, Member


Jack F. Huston, Member

ATTEST:


Larry D. Voyles
Secretary and Director

**Game and Fish Litigation Report
Presented at the Commission Meeting
June 26, 2009**

The Assistant Attorneys General for the Arizona Game and Fish Commission and the Arizona Game and Fish Department are representing these agencies in the following matters in litigation. This report does not include claims and lawsuits for damages against these agencies in which the agencies are represented by Assistant Attorneys General in the Liability Defense Section of the Attorney General's Office.

1. *Wilderness Watch, Inc. et al. v. United States Fish and Wildlife Service et al., CV01185-MHM.* Plaintiffs filed suit on June 15, 2007, challenging the decision of the U.S. Fish and Wildlife Service ("FWS") to redevelop two water structures on the Kofa National Wildlife Refuge. The water structures provide supplemental water to wildlife populations that have suffered due to persistent drought. Plaintiffs allege that these water developments violate the National Environmental Policy Act because the FWS did not first determine the environmental impact of these projects. Plaintiffs also allege that such permanent structures are prohibited by the Wilderness Act. Plaintiffs seek declaratory and injunctive relief. They are asking the court to find that the FWS violated the law and to order the FWS to remove the structures.

The Commission has voted to file an application with the court to intervene on behalf of the FWS. Any court order finding that the FWS violated federal law will impair the Commission's ability to restore the wildlife populations in the refuge and in other wilderness areas in Arizona. The Attorney General's Office anticipates that a motion to intervene will be filed by August 15th.

On August 7, 2007, the State filed its Motion to Intervene. Plaintiffs, in response to the State's motion, did not object to the State's permissive intervention, so long as the court imposes restrictions on the State's participation, such as page limits, requiring the State to file joint briefs with the other intervenors, and prohibiting the State from duplicating arguments made by the federal defendants. On August 29, 2007, the State filed a reply in support of its Motion to Intervene and opposed any restrictions on the State's intervention.

On August 20, 2007, the State also filed a response to plaintiffs' Motion for Temporary Restraining Order.

On August 30, 2007, the federal defendants filed an answer to plaintiffs First Amended Complaint.

The court has issued a scheduling order for the parties to file motions for summary judgment. The plaintiffs' motion is due December 14, 2007; the defendants' cross-motion and response is due February 1, 2008; plaintiffs' response/reply is due February 29, 2008 and defendants' reply is due March 14, 2008.

Plaintiffs have withdrawn their motion for a temporary restraining order so the status quo will remain until the court rules on the motions for summary judgment.

As for the motions to intervene filed by the State of Arizona and various conservation organizations, the court has indicated it will not likely rule on these motions prior to the time the

parties file their motions for summary judgment. The court, however, granted permission to the applicants for intervention to file motions for summary judgment. Also, the plaintiffs stated on the record that they have no objection to the State of Arizona intervening in the case.

On February 1, 2008, the State of Arizona, the federal defendants and conservation groups filed separate cross motions for summary judgment and responses to the plaintiffs' summary judgment motion.

On February 29, 2008, the plaintiffs filed a response to the cross motions for summary judgment. Defendants have until March 14, 2008, to file replies.

On March 4, 2008, the court granted the motions to intervene by the State of Arizona and the conservation groups.

On March 14, 2008, the State of Arizona and the other defendants filed replies to the plaintiffs' cross motion for summary judgment.

On April 2, 2008, the organization Public Employees for Environmental Responsibility ("PEER") filed a motion for leave to file an amicus curie brief in support of the plaintiffs' cross motion for summary judgment. At the same time, PEER lodged its amicus brief with the court clerk. Each defendant has filed a response opposing PEER's motion for leave. Not only is the motion untimely, the brief that PEER has lodged contains many additional factual assertions not included in the administrative record. This attempt to supplement the administrative record with new information violates the established law in this area.

The parties filed supplemental briefs on June 3, 2008, addressing the issue whether the Wilderness Act or the National Wildlife Refuge Improvement Act controls in this case. Oral argument on the cross motions for summary judgment took place on June 12, 2008. The court has taken the motions under advisement.

The court issued an order on September 5, 2008, denying the plaintiffs' cross motion for summary judgment and granting the defendants' and interveners' cross motions for summary judgment. Judgment in favor of the defendants was entered on September 11, 2008.

The plaintiffs filed a notice of appeal on October 29, 2008. The court entered a time schedule order on November 4, 2008. The plaintiffs (now appellants) filed an opening brief on February 13, 2009. The defendants and intervenors filed motions for thirty day extensions to file responsive briefs. The court granted the motions and extended the date to file the briefs to April 15, 2009.

The court issued an order on April 27, 2009, granting the plaintiffs an additional 21 days from the date of the order to file a reply brief. The reply is now due on May 18, 2009.

2. Anderson v. Arizona Game and Fish Department, et al., C20089051. On January 7, 2009, the Department was served with a Summons and Complaint for Judicial Review of Administrative Decision in this action. Plaintiff seeks judicial review of the Commission's June 27, 2008 action revoking his licenses to take wildlife for ten years and the Commission's December 5, 2008 decision to deny Plaintiff a rehearing in the matter. The case was filed in Arizona Superior Court in Pima County and has been assigned to the Hon. Kenneth Lee.

On January 27, 2009, the State filed a Motion to Dismiss Plaintiff's Complaint for failure to name the state agency as a defendant as required by A.R.S. § 12-908. On that date, the State also filed a Conditional Answer to Plaintiff's Complaint in the event that the court denied the State's Motion to Dismiss. On January 28, 2009, Plaintiff filed a Motion to Amend his Complaint to add the Commission as a party to the action. On February 3, 2009, the State filed its Opposition to Plaintiff's Motion to Amend his Complaint. At a hearing on March 9, 2009, the Court granted Plaintiff leave to amend his Complaint. Plaintiff filed his Amended Complaint on March 10, 2009, and re-filed the same Amended Complaint on April 6, 2009. On March 27, 2009, the State filed a Conditional Answer to Plaintiff's Amended Complaint concurrently with a Motion to Dismiss Amended Complaint or Alternatively for Change of Venue.

The State's Motion was heard by the Court on May 26, 2009. The Court has taken the matter under advisement.

(5/11/09) (JFO/SDC)

Lands Update
For the Arizona Game and Fish Commission
June 19, 2009
Phoenix, Arizona

FEDERAL LAND MANAGEMENT PLANNING

Kaibab National Forest

The Forest recently released its Comprehensive Evaluation Report for public review and comment. The report had two primary elements: ecological condition and trend and socio-economic condition and trend. The Department has been actively involved in iterative reviews of those elements with Forest staff. The Department has been working most actively to integrate the State Wildlife Action Plan (SWAP) Species of Greatest Conservation Need (SGCN) into the Forest's species diversity analysis, and to ensure Potential Natural Vegetation Types adequately addressed wildlife habitat needs (e.g., pronghorn in grasslands). We will continue to be involved in future versions of this report.

In response to the Forest's recent Decision Notice for the Travel Management Rule (TMR), the Department submitted some final comments expressing our appreciation for the Forests' efforts to incorporate motorized big game retrieval (MBGR) into their plan. The plan allowed for retrieval of elk on the Tusayan District. The Department reiterated the need for consistency statewide and therefore requested the Kaibab National Forest consider adding deer to the MBGR portion of the Tusayan District TMR. The Department also recommended that the one-mile driving distance limitation for MBGR be deleted because it makes the issue more complicated than necessary. The Department also made recommendations for the removal of signs to help avoid confusion on closed roads. On June 15 several conservation groups, including the Center for Biological Diversity, the Grand Canyon Wildlands Council, Public Employees for Environmental Responsibility, and the Sierra Club appealed the Decision. The conservation groups are appealing the decision on several bases, including failure to comply with the Travel Management Rule and the National Environmental Policy Act, failure to look at an alternative that would offer resource protection, and failure to properly consider the impacts of this project on wildlife, air and water quality, and global climate change. The groups are asking the Forest Service to withdraw its decision and develop appropriate analysis of the environmental impacts of this project.

U.S. FOREST SERVICE

Four Forests Initiative

The US Forest Service (USFS) Southwest Regional Office is considering an accelerated, landscape-scale forest restoration project on four forests (Coconino, Kaibab, Apache-Sitgreaves, and Tonto), aka the Four Forests Restoration Initiative. The Four Forests Initiative calls for mechanical tree thinning and fire to restore fire-adapted ecosystems and reduce fire risk in Arizona forests. The effort seeks private sector involvement to offset costs of restoration, accelerate treatments, and bring economic development to rural communities in northern

Arizona. Eventually 2.4 million acres will be considered, but the first phase may thin 300,000 acres over 10 years. Discussions are in the early phases, and the Department is participating in a collaborative steering group building a general framework for this effort. The collaborative steering group is made up of multiple agencies, non-governmental organizations (NGO's), local governments, and wood product industries. Recently, the collaborative steering group has been addressing some critical points of disagreement surrounding a 16-inch diameter cap on tree thinning and literal versus flexible interpretation of the Small-Diameter Wood Supply Analysis for Northern Arizona. All parties have reached a compromise on those points of disagreement, and the compromise centers on the creation of a formal, collaborative process to identify exceptions to diameter caps and rigid sideboards at the project level. The compromise also centers on development of a rigorous adaptive management process where restoration actions are modified if monitoring suggests we are not meeting ecological objectives. The Department is actively supporting the effort at this time as long as the terms of the compromise are adhered to, and we will remain actively engaged in all phases of this initiative. At this time, the collaborative steering group is waiting on Forest response to the recent compromise.

Coronado National Forest

The Department continues to work with the Nogales Ranger District and the Coronado Supervisor's office on the Peña Blanca Lake dredging project. The south end of the lake has been completed and the work is now concentrated on the north end of the lake near the dam. The new projected completion date is the end of July. Plans are currently underway to begin placing fish structure in the south end of the lake.

The Department continues to work with the Safford Ranger District and the Coronado Supervisor's office on the Gila Trout Project in the Pinaleño Mountains. The Environmental Assessment (EA) is under review and is expected to come out soon. The stocking of Frye Creek is planned for this fall and renovations of Ash and Marijilda drainages are planned for subsequent years.

The Department is still working on the Memorandum of Understanding with the Forest for the Rosemont Copper Project, through which the Department will be recognized as a Cooperating Agency. Pima County and U.S. Representatives Raul Grijalva and Gabrielle Giffords have taken the Forest to task for saying that the Forest Service cannot consider the No Action Alternative. The Forest states that they cannot categorically prohibit mining activity or deny reasonable mineral operations under the mining laws. Giffords, Grijalva, and the County believe that the Forest is interpreting its legal authority too narrowly. Giffords and Grijalva have written a letter asking U.S. Agriculture Secretary, Tom Vilsack, to review the Forest decision. In another letter to the Arizona State Mine Inspector, Pima County is objecting to approval of a state reclamation plan for Rosemont prior to completion of the National Environmental Policy Act (NEPA) process and development of the federal reclamation plan.

The Forest has distributed to the public the Draft Environmental Impact Statement (DEIS) for the Pinaleño Ecosystem Restoration Project. The DEIS discloses the results of an impacts analysis of a proposal by the Forest to thin dense tree stands, remove standing dead trees, down woody debris, and use prescribed fire to further restoration of the Pinaleño Mountains forest ecosystem. It also discloses the impacts of removing woody biomass from treated areas. The project is anticipated to be implemented over the next 10 years. The area affected includes 5,754 acres on the Pinaleño Mountains near Safford, on the Safford Ranger District. The Forest worked closely with the Department to develop this proposal that will address both forest health and sensitive wildlife needs. A major objective of the project is to protect and enhance the habitat of the Mount Graham red squirrel. The 45-day public comment period will close on August 4, 2009. The DEIS is available on the web at www.fs.fed.us/r3/coronado.

Coconino National Forest

The Forest recently released their Proposed Action for the Hart Prairie Fuels Reduction and Forest Restoration project in the Peaks Ranger District. This 12,775-acre project calls for fuels reduction and prescribed burning of primarily ponderosa pine. It also calls for restoration of pine, aspen, meadow, and Bebb willow habitats. Aspen restoration is heavily emphasized in this project, and the Forest has recognized that aspen decline is the result of not only elk browse but also drought, insects, disease, and pine encroachment. Long-term monitoring plots in the project area indicate up to 100% elk browse of young aspen. The Forest is proposing fencing, jackstrawing (felling trees in a criss-cross pattern to inhibit ungulate travel), and removal of unneeded livestock water tanks as management tools to reduce elk browse of aspen. The Department is actively involved in field reviews with the Forest to cooperatively identify resource issues and management actions to address this issue.

Kaibab National Forest

The Department completed its involvement in the Kaibab Forest Health Focus (KFHF). The goal of the KFHF was to use ForestERA (NAU) data and modeling to prioritize treatment areas on the North Kaibab, Williams, and Tusayan Districts. "High value" areas prioritized for treatment were 1. near the south rim and along the Coconino Rim on the Tusayan, 2. the western ponderosa pine belt, adjacent southern boundary with Grand Canyon, and the North Canyon watershed on the North Kaibab, and 3. areas surrounding municipalities, southwest of Bill Williams, Kendrick, and Sitgreaves, and the Sycamore Canyon area on the Williams District. Treatment areas were delineated in roughly 10,000-20,000-acre blocks to facilitate NEPA. This was not a NEPA effort, but results will inform the Objectives section of Forest Plan Revision (revised every 5 years) and will prioritize future NEPA projects. During the KFHF process, a wildlife sub-group identified approaches to adequately address wildlife habitat needs. The goal will be to assess the potential effects of treatments on wildlife at the project level, and to assess wildlife connectivity among and between treatments at the landscape level. A draft report is expected next month.

The Department recently participated in two field trips on the Williams District to discuss an aspen management project. During the summer of 2008, the Forest completed an aspen stand inventory and results indicated aspen in predominantly poor conditions across roughly 250-300 aspen stands. Proposed treatments discussed at the field meeting included 1) thinning conifers

that are competing with aspen, 2) protecting aspen regeneration with fencing or jackstrawing, and 3) prescribed fire or mechanical treatments to stimulate aspen regeneration. An upcoming Proposed Action may also include planting of aspen stems in certain fenced areas to re-establish aspen where clones have diminished. The group is considering comparative treatments, such as fencing half of an aspen stand and jackstrawing on the other half. The next step in this process is planning the scope of the NEPA document. The Department will be serving on the Interdisciplinary Team.

In May, the Department planned pinyon and juniper treatments for the Westside Habitat Improvement Project on the North Kaibab. These will be small openings in the existing woodlands likely achieved by mechanical grinding. In addition to the grinding, the Department and the FS have purchased a small ATV seeding implement to seed native browse species into the openings. The Grand Canyon Trust recently dedicated three volunteer weekends to collect seed, prune cliffrose, and hand seed into treatment areas.

Tonto National Forest

The Forest has out for review (due date July 3, 2009) the Biological Assessment and Evaluation for Resolution Copper Mining, LLC., for their Plan of Operations to conduct exploratory drilling, and access road construction and improvement on certain lands east of the town of Superior. The Department will review the document and submit comments by the due date.

Tonto Basin and Pleasant Valley Ranger Districts have solicited comments (Due July 8, 2009) on a proposal to conduct exploratory uranium drilling on the Bull and Jim Claims located near SR288, northeast of Roosevelt Lake. These uranium deposits are about 10 miles south of the Workman Creek claims. Activities proposed involve a total of four drill pads with total ground disturbance totaling about ½ acre. The Department will review and provide comments by the due date.

BUREAU OF LAND MANAGEMENT (BLM)

Hassayampa Field Office

The Bureau of Land Management is in the process of working with stakeholders and agencies in an effort to develop a functional, feasible recreation plan for the Table Mesa Road area. In effect, this plan is the next step following the recently developed Resource Management Plan (RMP). The Hassayampa Field Office has been collecting public comments and mapping concepts since last November; incorporating alternatives for a draft Recreation Plan. The Draft Plan will be presented to the public on June 30th.

Havasu Field Office

The Department continues to coordinate closely with the Field Office in the development of subsequent implementation-level plans, including Travel Management Plans and associated route designations.

Phoenix District Office

The Department continues to coordinate closely with the Field Office in the development of subsequent implementation-level plans, including Travel Management Plans and associated route designations.

The Department has begun coordination with BLM and Nextera Energy Resources on a proposed solar energy generating station to be located on BLM lands in Little Rainbow Valley just south of Buckeye Hills and north of the Sonoran Desert National Monument (SDNM). The site was chosen due to proximity to the Jojoba Substation as well as an existing high voltage powerline ROW on BLM lands. The project will impact approximately 4,000 acres of Lower Sonoran Desert Scrub (Creosotebush-White Bursage) habitat. The Jojoba Project is within an area designated as a wildlife habitat linkage for movement of wildlife between Buckeye Hills, Sierra Estrellas and the Maricopa Mountains. The linkage was identified through a collaborative process known as the Maricopa County Linkages Workshop (2007), as well as ongoing resource management planning (RMP) with the BLM for the Phoenix South and SDNM RMP revision. The Department is working with Nextera to develop project mitigations as well as a project monitoring proposal to evaluate project impacts and inform adaptive mitigation solutions. The BLM has not initiated scoping for the project. The Department may become a Cooperating Agency for the NEPA process. Nextera will be operating in Arizona under the company name Sonoran Solar LLC. Nextera is a wholesale power producer operating in 26 states as well as Canada.

Yuma Field Office

The Proposed Resource Management Plan and Final Environmental Impact Statement have been released to the public. The Final Resource Management Plan and Record of Decision will be issued after protest resolution. The Department continues to work with BLM on the development of subsequent implementation-level plans, including the La Posa Travel Management Plan.

Tucson Field Office

The Tucson Field Office (TFO) is in the final review stage for the Middle Gila Transportation Management Plan and is in the process of reviewing comments received on the final draft.

The TFO is in the process of completing inventory of all existing routes for future travel management planning. Previous inventory included all of 37B and the south half of 24A including State Trust Land (STL) in cooperation with the Arizona State Land Department (ASLD). The TFO would like to use these data and additional route information from the west slope of the Galiuro Mountains on State Land as part of this effort at no cost to ASLD or the Department. The Department is also currently assessing recreation access needs in this area and needs this inventory to be completed and accessible for our purposes. ASLD has provided the Department permission to conduct the inventory using BLM resources. The Department will continue to coordinate closely with the Field Office in the development of subsequent implementation-level plans, including Travel Management Plans and associated route designations.

Safford Field Office

The Department continues to coordinate closely with the Field Office in the development of subsequent implementation-level plans, including Travel Management Plans and associated route designations.

BLM NATIONAL MONUMENTS & CONSERVATION AREAS

Ironwood Forest National Monument (IFNM)

The Tucson Field Office (TFO) continues to work on the development of a proposed final Resource Management Plan and Environmental Impact Statement for the Ironwood Forest National Monument. The Department is coordinating with TFO on the final draft of the Resource Management Plan which is due out to the public for comment this fall. The Plan is currently under BLM State Office and Washington Office administrative review.

Grand Canyon-Parashant National Monument / Vermillion Cliffs National Monument

On May 9, 2008, the Records of Decision and Approved Resource Management Plans for the Grand Canyon-Parashant and Vermillion Cliffs National Monuments were released to provide guidance for BLM-administered lands in northern Arizona. The final plan includes a series of unique route networks and designations. Various organizations have filed law suits against the BLM for these plans referencing off-road vehicle route designations and livestock grazing decisions as being incompatible with the presidential proclamations that created the monuments. One law suit against both BLM and FWS alleges that the Resource Management Plans fail to protect California condors in the Grand Canyon from lead ammunition.

Agua Fria National Monument

The Proposed Resource Management Plans and Final Environmental Impact Statement for the Agua Fria National Monument and Bradshaw-Harquahala Planning Area were released on August 8, 2008. The Department continues to work with the Field Office in the development of subsequent implementation-level plans, including Travel Management Plans and associated route designations.

Sonoran Desert National Monument (SDNM)

The BLM continues to develop its preliminary preferred alternatives for the draft Resource Management Plan in association with the Lower Sonoran management area to be released for public review. The Department continues participating to proactively develop comments throughout the planning process.

Las Cienegas National Conservation Area

For over a year, the Department has been working with the Bureau of Land Management's Tucson Field Office to finalize an Environmental Assessment on the Department's proposal to "Reintroduce Black-tail Prairie Dogs on the Las Cienegas National Conservation Area". The last Lands Update to the Commission on this project was is October 2008, just after the Department reestablished the black-tailed prairie dog population on State Trust Lands within the Las Cienegas Conservation Area. The BLM's Environmental Assessment was distributed for a 30

day public comment period on April 8, 2009. Ten responses were received. The responses were about equal in supporting or opposing the reestablishment, but a majority called for an intensive monitoring program to document the projects successes or failures, and the effects on the grassland habitat. The Department held a conference call with BLM personnel on June 1, 2009 to discuss the comments received, and to help formalize the response. Personnel from the BLM have scheduled a briefing with their State Director on June 19, 2009, at which, they may obtain the appropriate signatures to finalize the Environmental Assessment and the Finding of No Significant Impact. The Department will continue to wait for this process to be completed before we move forward with reestablishment of a second area within the Las Cienegas National Conservation Area. If completed, this second area would be prepared this fall for a late fall release similar to last year.

NATIONAL PARK SERVICE

Walnut Canyon National Monument

The National Park Service and the US Forest Service have been authorized, per the Federal Lands Omnibus Bill, to conduct a study of the Walnut Canyon area to assess the suitability and feasibility of designating all or part of the area as an addition to Walnut Canyon National Monument. The study will assess continued management of the area by the Forest Service, or any other designation or management option that would provide for protection of resources and continued public access. The study will coordinate with the City of Flagstaff and Coconino County, as both local jurisdictions call for open space protection of the area. The bill authorizes an 18-month study to begin once funds are disbursed, however it is unknown if the study has yet begun.

Petrified Forest National Park

The Petrified Forest National Park Expansion Act of 2004 expanded the boundary of the park by an additional 129,000 acres. Late in 2002 the Department expressed concern over this legislation. The main concerns were access to the eastern portion of the expansion area and future wildlife and habitat management, including the need to maintain important water sources for wildlife on the land that was included in the expansion. The first concern was addressed with the map showing that the boundary does not extend all the way to the Navajo Indian Reservation. The second concern was addressed by the Governor's Office agreeing to request that specific language be incorporated into the legislation regarding the development of a MOU between NPS and the Department for the cooperative wildlife and habitat management within the Park. In May of 2007 15,228 acres of land was transferred from BLM to NPS. Public scoping on an amendment to the General Management Plan that will address management of the expansion began in early 2008. In July of 2008 a newsletter was issued addressing the comments that NPS had received. The newsletter also stated that Congress had yet to appropriate funds to acquire private lands in the expansion area. NPS issued a notice to terminate preparation of an Environmental Impact Statement (EIS) for the General Management Plan amendment, Petrified Forest National Park, Arizona. The National Park Service has since determined that an Environmental Assessment (EA) rather than an EIS is the appropriate level of environmental documentation for the plan. According to their timeline a draft plan should be available to the public by the end of 2009 with the final being completed hopefully in 2010.

U.S. FISH AND WILDLIFE SERVICE

Kofa National Wildlife Refuge (Kofa NWR)

Efforts to capture and collar additional lions on the Kofa NWR have resulted in the capture and collaring of one adult male lion. FWS monitoring of waterhole cameras have shown evidence of at least three lions still routinely using the Kofa Mountains Complex. The Commission voted to extend the Department's self-imposed moratorium on lethally removing offending lions captured and collared on the Refuge through July 31. The U.S. Fish and Wildlife Service (Service) requested the Department extend the moratorium due to the complexity of conducting the environmental assessment (EA) for managing mountain lion predation on desert bighorn sheep on the Refuge, and the Service's estimated timeline of the end of the public scoping period for the EA. The Service anticipates completing the EA by the end of 2009. The total number of collared sheep is approximately 40. Efforts continue on a study to document and monitor body condition of bighorn sheep on Kofa NWR. The annual bighorn sheep survey on Kofa NWR was completed in October 2008 and the resulting population estimate was 436. This estimate is similar to the previous two years. In May, two Department interns began monitoring areas outside of the Kofa NWR for signs of lions and collecting data from trail cameras; they will continue this work until approximately early August. Additional information on the management of bighorn sheep, lions, and water on the Kofa NWR can be found on the Department's web site.

GENERAL UPDATES

Arizona Department of Transportation (ADOT)

Hoover Dam/Bighorn Sheep (Milepost 2-17 Project)

ADOT approved the Department's fencing design change proposal for the MP 2-17 SR 93 project. This design change, which called for a significant increase in 7' funnel fencing associated with the crossing structures, will increase the likelihood that bighorn sheep overpasses will function effectively. Following extensive review and deliberation, a "Value Engineering Design Change Proposal" that would have used alternative Conspan Arches for the bighorn sheep crossings, was rejected by ADOT and Federal Highway Administration due to fatal flaws from a traffic safety standpoint.

SR 87 Four Peaks to Dos S Ranch

ADOT is currently finalizing design plans for reconstruction and widening of approximately 5 miles of SR 87 between the Four Peaks turnoff and Dos S Ranch. This highway section traverses high quality desert tortoise habitat east of Sugarloaf Mountain and west of Four Peaks. The Department has conducted long-term research on the Desert tortoise populations within the area. Department biologists provided ADOT with recommendations on the extent and optimum locations for installing tortoise fencing in order to minimize highway mortality impacts. We also provided recommendations for culvert designs that may facilitate tortoise movement between populations east and west of the highway. The Department requested that ADOT consider adding additional crossing structures to the project that are not associated with drainages or washes to improve habitat connectivity. ADOT is not willing to consider these improvements

due to limited project funding and the late stage of project planning. The scope of the project includes lengthening some culverts and adding a few, but does not include significant changes such as converting culverts to bridge crossings that would facilitate wildlife movement. ADOT is also considering a department monitoring/research proposal to evaluate the effects the tortoise fencing may have on population distribution, road mortality, as well as detection of tortoise movement across SR 87.

US 60, Superior to Globe

ADOT and Federal Highways have begun the NEPA process for evaluation of alignment alternatives for US 60 from Superior to Globe. These alternatives were developed in 2008 during the Design Concept Report for US 60. Department personnel attended an agency scoping meeting on June 11th and submitted preliminary comments. A number of alternative alignments have been developed. The environmental impact of all but the no action alternative will have huge impacts to wildlife resources. Improving the road along the current alignment in Queen Creek Canyon will be very destructive to habitat, whereas building new alignments away from the canyon will put a new highway in unspoiled terrain which is high quality habitat for white-tail deer, javelina, bear etc. and create further fragmentation. The department will work to provide innovative wildlife crossing options.

10-year Special Use Permit for materials sources along SR 288 and maintenance activities

The Department responded with concerns to a scoping notice issued by the Forest to authorize a ten-year Special Use Permit to ADOT for continued use of 3 material sources along SR 288 in the Sierra Ancha Mountains. The borrow site materials support ADOT maintenance activities along SR 288 and would include stockpile and use of reclaimed asphalt. The Sierra Ancha Mountains are characterized by a high level of habitat and wildlife diversity and have not been impacted by highway development. In recent years the Department has witnessed that SR 288 maintenance activities have expanded the use of reclaimed asphalt to maintain what was previously a maintained dirt road. The Department believes the maintenance activities have improved the road surface to the extent that traffic patterns and speeds have increased. We are concerned about the environmental effects of stockpiling asphalt, potential impacts to aquatic resources and surface hydrology from road surfacing with asphalt, direct and indirect effects to wildlife and wildlife habitat fragmentation due to highways, and human safety concerns. The Department has recommended analysis of these potential impacts before reauthorization of the permit.

Buckeye Hills

It has been a few months since the Department has met with Maricopa County Parks and BLM on this issue. Our next meeting is June 25th where the agencies will review a draft Intergovernmental Agreement that is currently being developed by Department staff. The agreement will form a framework for cooperative management of 18,000 acres of BLM lands in the Buckeye Hills for wildlife management and compatible recreation.

City of Flagstaff/Coconino County

The Flagstaff Regional Planning process continues for the City and the County. Both jurisdictions are involved in a revision of the Flagstaff Regional Plan and have initiated Focus Group meetings to address land use, circulation, open space, and the environment, among others. The Department will be participating in each focus group, and have been formally invited to present wildlife values/issues/concerns to the Plan's Citizen's Advisory Committee. The Department is also working to share wildlife data with the Plan's GIS component, and will continue working to integrate wildlife goals and policies throughout this regional planning document.

Great Western/Glassford Hill Extension Design Concept Report (DCR)

The Great Western DCR is a roadway development study being carried out by AECOM for Central Yavapai Metropolitan Planning Organization (CYMPO). The purpose of the study is to identify an alignment for a limited access roadway connector from a location near the Glassford Hill Traffic Interchange on SR 89A to Road 5 South at the end of the Chino Valley Extension. The Department recently drafted and funded a research project that will place broad-spectrum satellite collars on pronghorn in the project area. The telemetry data derived from this effort will be used to guide decision-making with respect to type and location for crossing structures that will accommodate antelope migration and dispersal.

Maricopa County Ordinances P-28 and P-27

On June 12th 2009 Director Larry Voyles met with Maricopa County Air Quality Department (MCAQD) Director Lawrence Odle to discuss Ordinance P-28. Department personnel along with staff from MCAQD took an aerial tour of Maricopa County and discussed the impact that the county wide application of Ordinance P-28 on wildlife related recreational opportunities. Director Odle, stated that there is a window of opportunity available for the agencies to work together to come up with creative solutions to our issues. Both Departments will appoint members to a team tasked with exploring and forming solutions that would be mutually beneficial.

The Departments are also working together to create a conference addressing dust ordinances and OHV regulations for regulatory agencies within Area A. The conference is anticipated to take place in October of 2009. The Arizona Game and Fish Department will also include dust concerns in the latest revision of the OHV Rules and Regulations and the Desert Wells Multi use Area brochures.

The Department is currently revising the Arizona OHV Rules and Regulation Guide and has included a section on dust issues across the state as well as Maricopa County.

The Department has also been working with the Arizona State Land Department on access issues in Maricopa County related to dust. ASLD has received 30 notices of violation from the Maricopa County Air Quality Department 29 were directly attributed to OHV use. ASLD has considered several closures to protect themselves from future notices. The Department and ASLD have formed teams that will address this issue along with others related to recreation on ASLD lands.

Sonoita Creek Ranch

In September 2008, the Arizona Game and Fish Department (AGFD) submitted a proposal to the U.S. Fish and Wildlife Service's Cooperative Endangered Species Conservation Fund for \$1 million to help purchase the Sonoita Creek Ranch through the Recovery Land Acquisition Grants Program. The land acquisition will protect habitat of the Gila topminnow and other federally listed species. In April, the USFWS notified AGFD that we were awarded partial funding for this proposal (\$307,000). Just this month, AGFD has been notified that USFWS has released other monies and is now able to fund the entire \$1 million grant proposal. AGFD must identify matching funds and make agreements with the seller to accomplish the grant award. AGFD is working with other partners, including Arizona State Parks and a local rancher, to carry out the acquisition.

Sonoran Valley Parkway

The Department continues to meet with representatives from the City of Goodyear, BLM and consultants on development of an Environmental Assessment for the proposed Sonoran Parkway. Project cooperators have conducted field meetings to investigate proposed road alignments and discuss wildlife impacts and opportunities for road designs that would facilitate wildlife permeability. The parkway will cross an identified wildlife habitat linkage between the Sierra Estrellas and the Sonoran Desert National Monument (SDNM) in Rainbow Valley south of Buckeye. The Department is working with the project proponent to preserve wildlife habitat connectivity within the linkage area. Research on wildlife movement in the area had been funded by a local developer who was also going to fund the road project. The developer went bankrupt and the City of Goodyear has decided to continue the project. At this time the City of Goodyear is not willing to fund research that could provide information on local wildlife movement patterns and inform roadway designs that could preserve habitat connectivity within the linkage or along the parkway alignment.

Department Involvement in Advocating for Wildlife-Friendly City and County Open-Space Planning

The Department has been actively involved with Arizona's Growing Smarter initiatives. Most recently, the Department was able to incorporate wildlife information and criteria into the Governor's Smart Growth Scorecard including the Department's Wildlife Friendly Guidelines to facilitate statewide wildlife conservation efforts and coordination in light of Arizona's continuing population growth and community development. Currently, there is a decline in momentum for state lead smart growth initiatives due to budgetary and political constraints. While we continue to participate in Arizona's smart growth efforts, the Department has focused on the identification of crucial habitats and important wildlife corridors (see update on wildlife linkages/corridors below). Department efforts also include the development of a vision statement and map to more clearly outline the Department's conservation goals and priorities for the future of Arizona's wildlife. These initiatives and products are key components that will be integrated into the Department's advocacy for wildlife-friendly city and county open space planning.

Wildlife Linkages/Corridors

Department personnel met with Yavapai County Supervisor, Carol Springer, to discuss launching a coordinated approach to Natural Resources Planning across the Central Yavapai Metropolitan Planning Organization (CYMPO) portions of Yavapai County. Supervisor Springer strongly supports this effort, and recommended that the Department make a formal presentation on Wildlife Corridors/Linkages Goals for the area at the July Coordinated Transportation – Land Use Meeting (CT-LU) attended by CYMPO administrator, Prescott ADOT, and Yavapai County Staff. Following this upcoming presentation, attendees will discuss the most appropriate means by which to engage the planners of the CYMPO Municipalities in this natural resources planning effort. Tentative support for participation in this coordinated approach to natural resources planning has been received from CYMPO, Prescott National Forest, Yavapai County, Prescott ADOT, ASLD, the Town of Chino Valley, and Cavan Real Estate Development - which owns a large portion of the deeded lands in the area between Chino Valley and Prescott Valley. It is hoped that by engaging in a coordinated approach to natural resources planning, important habitat components and wildlife corridors will be identified in the General Plans of Chino Valley, Prescott Valley, Prescott, Yavapai County, and Prescott National Forest, creating a contiguous, inter-connected conservation reserve system that is recognized in the general planning documents of each participating municipality and participating entity.

Additionally, in accordance with public open meeting laws, CYMPO's Multi-modal Transit Technical Advisory Committee (M-TAC) recommended and approved discussion of "Wildlife Linkages" as a future agenda item for upcoming M-TAC meetings. This discussion will likely be initiated at the September M-TAC meeting.



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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June 26, 2009

The Honorable Ron Wyden, Chairman
Subcommittee on Public Lands and Forests
304 Dirksen Senate Building
Washington, DC 20510

Re: S. 409; Southeast Arizona Land Exchange and Conservation Act of 2009

Dear Chairman Wyden:

The Arizona Game and Fish Commission (Commission) appreciates the opportunity to provide comments to the Subcommittee on Energy and Natural Resources as it deliberates S. 409; Southeast Arizona Land Exchange and Conservation Act of 2009. The Arizona Game and Fish Department (Department), under the authority of the Commission and under Title 17 of the Arizona Revised Statutes, has jurisdiction over wildlife in the State of Arizona. The Commission recommends the subject legislation address the following issues:

Financial Assurances

In spite of the Commission's repeated request that any land exchange be contingent upon completion of both an operations plan and a reclamation plan (including evidence of financial assurances for future mitigation), the implementation of such plans and monetary assurances obligating Resolution Copper remediate potential damages have not been addressed in the current legislation. Furthermore, because exchange lands require long-term management, it is important that S. 409 identify long-term guaranteed funding for those properties.

Mitigation Strategy

Without reviewing the specifics pertaining to how the mining operation will be conducted (mining method and smelting activities), the Department is unable to assess future potential risks to wildlife and recommend appropriate mitigation measures. Details identifying the leaching agents to be used and the plans for disposal of tailings would help determine the level of impacts to wildlife. An operational plan would provide such details and identify mitigation strategies to be employed throughout the life of the mining operation. Additionally, this plan should also include an emergency hazard response plan for potential contamination during mining operations, as well as identify and fund reclamation tasks when the mine is decommissioned.

NEPA Compliance

The proposed legislation states the National Environmental Policy Act (NEPA) compliance process will be conducted after the land exchange is consummated. NEPA provides for significant public involvement to ensure the protection of public resources and environmental

Chairman Wyden

Re: S. 409; Southeast Arizona Land Exchange and Conservation Act of 2009

Page 2

safeguards; as written, S. 409 will not afford the public opportunity to review and comment on the full disclosure of proposed mining operations and associated impacts (beneficial and adverse). An environmental analysis and associated mitigation plan should be developed to address impacts of the mining operation on the fish and wildlife resources and wildlife-related recreation.

Royalty Payments

S. 409 provides for annual royalty payments (Royalty) by Resolution Copper to the United States when their cumulative production exceeds the amount of production estimated in the appraisal analysis. Royalty rates will be calculated using a Federal Royalty Rate (yet to be established) or by applying the Royalty rate used in the royalty income approach analysis of the appraisal (which was approved by both parties). Any funds generated by these payments would be deposited into a special account in the U.S. Treasury and made available, without further appropriation, to the Secretary and the Secretary of Interior as they may jointly agree to use for acquisition of lands or interests in lands in the State of Arizona. It is difficult to estimate what the amount of Royalties might be, if any, since the Royalty figures associated with the appraisal are not available for inspection at this time. Additionally, the Royalty amounts would vary with the production and sales decisions of Resolution Copper. At this time there is no means of determining if these potential Royalty payments would be viable, much less substantive.

BHP-Billiton (BHP)

As the minority partner (45%) in the Resolution Copper Corporation (Resolution Copper) and owner of approximately 26,000 acres approved for development near the town of San Manuel, Arizona, BHP is in a unique position to manage this property in a manner that would provide permanent protection to the Lower San Pedro River Basin. If developed, increased water use at this property would negatively impact the adjacent riparian habitat and critical migratory wildlife corridor which provides crucial habitat for Federally protected and other sensitive species. This development may potentially impact significant conservation and mitigation investments made by the Salt River Project and the Bureau of Reclamation located downstream of San Manuel. The San Manuel development may also impact the Arizona State Land Department's extensive holdings, ultimately increasing pressure to develop additional lands along the Lower San Pedro River.

The Commission recommends Resolution Copper work with Arizona stakeholders to resolve and address the issues expressed above. For further coordination regarding this matter please contact Larry Voyles, Arizona Game and Fish Department Director at (623) 236-7278 or email at lvoyles@azgfd.gov.

Sincerely,



Bob Hernbrode, Chairman

Arizona Game and Fish Commission

cc: Larry D. Voyles, Director, Arizona Game and Fish Department
Arizona Congressional Delegation

Michael Anable, Senior Policy Advisor for Natural Resources, Agriculture and Environment, Office of the Governor

6/18/09 Suzanne's Amend
for STU Reform
to be offered in
NRIPD Comm.
623 - 236 - 7299

PROPOSED AMENDMENT
SENATE AMENDMENTS TO S.C.R. 1030/SB 1077
(Reference to Nelson amendment dated 06/18/2009)

Page 1, line 5, after "space" insert "WILDLIFE AND WILDLIFE HABITAT"

Page 4, line 15, after the comma insert "including hunting, fishing, camping and other recreational uses"

Page 7, between lines 10 and 11 insert "12. EXCHANGE OF LANDS WITH A PRIVATE LAND OWNER IF THE EXCLUSIVE PURPOSE OF THE EXCHANGE IS TO CONSERVE OPEN SPACE FOR THE BENEFIT OF WILDLIFE, WILDLIFE HABITAT, WILDLIFE HABITAT ENHANCEMENT OR CONSERVATION OF WILDLIFE CORRIDORS IN A MANNER PRESCRIBED BY LAW AND SUBJECT TO THE FOLLOWING CONDITIONS AND REQUIREMENTS:

- (a) THE EXCHANGE WILL RESULT IN CONSOLIDATION OF LAND OWNERSHIP PATTERNS IN THE BEST INTEREST OF THE STATE LAND TRUST AND WILDLIFE.
- (b) THE EXCHANGE IS IN THE BEST INTEREST OF THE STATE LAND TRUST AS DETERMINED BY THE LAND COMMISSIONER OR _____
- (c) AT LEAST TWO INDEPENDENT APPRAISALS COMPARING THE TRUE VALUE OF ALL LAND PARCELS TO BE EXCHANGED DEMONSTRATE THAT THE TRUE VALUE OF THE LAND THE STATE RECEIVES WILL EQUAL OR EXCEED THE TRUE VALUE OF THE LAND THE STATE EXCHANGES.
- (d) THE PARCELS OF TRUST LAND IN THE EXCHANGE ARE NO LARGER THAN NECESSARY TO MEET THE CONSERVATION PURPOSES OF THE EXCHANGE.
- (e) REASONABLE PUBLIC ACCESS FOR PUBLIC RECREATION PURPOSES IS PROVIDED OR MAINTAINED TO THE LAND THE STATE RECEIVES IN THE EXCHANGE AS DETERMINED BY THE ARIZONA GAME AND FISH DEPARTMENT.
- (f) THE ARIZONA GAME AND FISH COMMISSION MAKES A DETERMINATION THAT THE LAND EXCHANGE IS NEEDED FOR THE BENEFIT OF WILDLIFE, WILDLIFE HABITAT, WILDLIFE HABITAT ENHANCEMENT OR CONSERVATION OF WILDLIFE MIGRATION CORRIDORS.
- (g) THE ARIZONA GAME AND FISH DEPARTMENT IDENTIFIES AND ESTABLISHES REASONABLE ROAD ACCESS FOR THE LANDS ACQUIRED AND TRADED IN THE EXCHANGE TO SURROUNDING PUBLIC AND STATE LANDS FOR THE BENEFIT OF WILDLIFE PROTECTION AND PUBLIC RECREATION.

- (h) PUBLIC NOTICE OF THE EXCHANGE IS PROVIDED INCLUDING A MAP AND GENERAL DESCRIPTION OF THE LAND TO BE EXCHANGED.
- (i) PUBLIC HEARINGS ARE HELD AT THE LEGISLATURE AND IN A LOCATION ACCESSIBLE TO THE PUBLIC THAT IS IN THE VICINITY OF THE TRUST LAND BEING EXCHANGED.
- (j) THE EXCHANGE IS APPROVED BY THE LEGISLATURE.

Between lines 28 and 29 insert, "REASONABLE PUBLIC ACCESS MEANS PROVIDING ACCESS TO AND ALLOWING USE OF STATE LAND, WHETHER LEASED, DESIGNATED AND PERMANENTLY RESTRICTED FOR CONSERVATION PURPOSES OR MANAGED BY THE STATE LAND DEPARTMENT FOR PUBLIC RECREATION INCLUDING HUNTING, FISHING, CAMPING, HIKING AND OTHER APPROPRIATE RECREATIONAL USES.

Page 8, line 15, after the period insert "RIGHTS-OF-WAY SHALL BE RECORDED AT THE APPROPRIATE COUNTY RECORDER'S OFFICE TO PRESERVE OR RE-ESTABLISH PUBLIC RECREATIONAL ACCESS TO FEDERAL, STATE, COUNTY AND LOCAL GOVERNMENT PROPERTIES .