

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, October 9, 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

Chairman Hernbrode called the meeting to order at 8:15 a.m. This meeting followed an agenda revision #1 dated October 7, 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: Martin moved and Freeman seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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The Public Meeting reconvened at 9:10 a.m.

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Chairman Hernbrode called the meeting back to order and the Commission introduced themselves and Chairman Hernbrode introduced the Director and the Director's staff.

Awards and Recognitions

Chairman Hernbrode presented Director Voyles with his Service Pin for 35 years of service.

Director Voyles presented Service Pin Awards to the following Department employees:

30 Year Service Pin

Dan Dymond
Henry Apfel
Todd Pringle

25 Year Service Pin

Bill Persons
Jim Hinkle
John Hervert

20 Year Service Pin

Mark Quigley
Bob Price
Duane Aubuchon
John Romero
Connie Duncan
Troy Corman
Randy Babb
Devin Skinner
George Andrejko

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Meeting recessed for a break at 9:59 a.m.

Meeting reconvened at 10:14 a.m.

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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.

Commissioner Freeman requested that at a future Commission meeting the Department provide information or options regarding butterfly access specifically in Unit 2.

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3. Legislative Engagement and State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

The Commission was provided with a Congressional Update prior to this meeting. Mr. Guiles added that with the projected new budget deficit of 1.5 billion there may be a special session in November. The Department will continue to keep the Commission up to date.

Commissioner Husted asked to be informed of possible participation for the Commission with regard to the federal wild horse issue. The Department sent a letter to the Congressional Delegation and is cooperating with the Western Association of Fish and Wildlife Agencies (WAFWA) to send a letter to the delegation. Information was sent out regarding Secretary Salazar's proposals that will be discussed further.

Chairman Hernbrode directed the Department to send an additional letter or the existing letter with a cover letter, from the Commission, to environmental and sportsmen organizations in Arizona stating the Commission's position and soliciting support.

Chairman Hernbrode expressed concern that due to the amount of time needed to deal with state legislation there may be things missed in the federal legislation such as possible stimulus dollars. Chairman Hernbrode directed the Department to pursue the possibility of hiring or contracting a

person to track federal legislation by next the Commission meeting or sooner. Mr. Guiles will provide possible options for federal involvement prior to the next Commission meeting.

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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 September 2009 Commission meeting and was provided in fulfillment of the Department's commitment to brief the Commission on a regular basis.

Mr. Gray offered the following additions:

- The Department is developing a partnership with the Arizona Department of Juvenile Corrections (ADJV) to use their skills for projects on Department properties. The regional offices will be asked to submit projects appropriate for this work force. The ADJC will provide one officer for every eight students. The Department will come back to the Commission in December with a Memorandum of Understanding for the Commission's approval
- Adobe Mountain Open House is scheduled for November 21-22
- Nongame check off, Director's Goals & Objectives # 7, to develop a marketing plan to increase revenues associated with nongame check off. Feature article in Wildlife Views magazine at the first of the year right before tax season, followed up with a brief reminder. Also working on a Wildlife Views television segment, press releases, e-news, and developing a brochure to be made available at the free tax consultation locations. Mr. Gray will brief the Commission again in January.

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5. An Update on 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

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 September 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 offered the following additional updates:

- Updates on the Northern Arizona Shooting Range will be posted on a monthly basis in the Lands Update presented to the Commission so the public will know how we are proceeding
- The Department is also working on Solar Guidelines.

Chairman Hernbrode requested a copy of the Department Wind Guidelines be provided to him.

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6. A Presentation on How the Recently Passed Aquatic Invasive Species Legislation (HB2157) is Being Implemented within the Department.

Presenter: Lawrence M. Riley, Division Coordinator, Wildlife Management Division

Mr. Riley presented a PowerPoint presentation on the implementation of HB2157 within the Department. HB2157 authorizes the Department to establish an Aquatic Invasive Species Program. The bill also establishes the use of enforceable Directors Orders to list aquatic invasive species in affected waters. The Directors Orders may also require conditions which may need to be established in rule making. Due to the timing of the passage of this bill it is not affected by the Legislature's moratorium on administrative rule-making; however the Department will seek Executive approval to proceed with a rule-making process.

The Directors Orders will provide officers the authority to order certain actions to be taken to avoid the spread of the movement of aquatic invasive species. The statute also defined aquatic invasive species. The Department created an interdisciplinary team to develop a program that is composed of repeatable processes which will include specific procedures. The team, in particular, is focusing on the processes that involve the listing of aquatic invasive species and affected waters; and how Directors Orders should be issued.

The Team expects to have a list in late winter or early spring for the Commission to review. The listing of aquatic invasive species would be effective statewide. However, by being able to identify affected waters and conditions more specifically in separate Orders, the Directors Orders can be tailored with specific actions required to move boats or equipment from affected waters to any other unaffected water in the state. The team will also develop law enforcement procedures and make recommendations regarding the establishment of capacity. The team is hoping to have completed the processes by February of 2010.

The completion of procedures and Directors Orders is being timed to coincide with the beginning of boating season 2010. The Department would like to accomplish full implementation by summer of 2010; however this will be driven by available resources. Tom McMahon from the Department is working with Salt River Project (SRP), Central Arizona Project (CAP) and others. Mr. McMahon is also involved with the 100th Meridian Initiative and the Western Regional Panel of the Aquatic Nuisance Species Task Force. The team is taking into consideration that funding should be broad based, including agreements and partnerships with local law enforcement, and the burden should not exclusively rest on the anglers of the state. This presentation was for informational purposes only and the Department will provide the Commission with continued updates in the future.

Commissioner Martin made the clarification that at this time there are no funds from the Game and Fish Fund being utilized.

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7. 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 the Commission requested that item A be removed from the consent agenda for further discussion.

b. Request for the Commission to Approve an Agreement with the Sierra Vista Rod and Gun Club, Inc. for the Continued Development, Operation, and Management of a Public Shooting Range and Related Recreation Facilities for the Sierra Vista Shooting Range, Cochise County, Arizona.

Presenter: Josh Avey, Habitat Branch Chief

The Commission was asked to approve an Agreement with the Sierra Vista Rod and Gun Club, Inc. for the continued development, operation, and management of a public shooting range and related recreation facilities for the Sierra Vista Shooting Range, Cochise County, Arizona.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE AN AGREEMENT WITH THE SIERRA VISTA ROD AND GUN CLUB, INC. FOR THE CONTINUED DEVELOPMENT, OPERATION, AND MANAGEMENT OF A PUBLIC SHOOTING RANGE AND RELATED RECREATION FACILITIES FOR THE SIERRA VISTA SHOOTING RANGE, AND EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Motion: Martin moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEM B (NOT ITEM A) AS PRESENTED.

Vote: Unanimous

a. Request for the Commission to Approve the Revision of the Master Memorandum of Understanding (MOU) between the United States Department Forest Service (FS) Southwest Regional Office, and the State of Arizona, Arizona Game and Fish Commission (Commission).

Presenter: Josh Avey, Habitat Branch Chief.

The Commission was asked to approve the Master Memorandum of Understanding between the FS Arizona State Office and the Commission. When signed, this Master MOU will replace the existing statewide Master Memorandum of Understanding between FS and the Commission.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE THE MASTER MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES

FOREST SERVICE SOUTHWEST REGIONAL OFFICE AND THE STATE OF ARIZONA, ARIZONA GAME AND FISH COMMISSION, AND AUTHORIZE THE DIRECTOR TO EXECUTE ALL DOCUMENTS AS SECRETARY TO THE COMMISSION.

Motion: Husted moved and Freeman seconded THAT THE COMMISSION VOTE TO TABLE THIS ITEM FOR FURTHER DISCUSSION WITH DEPARTMENT STAFF AND THAT IT BE PRESENTED AGAIN IN DECEMBER.

Vote: Unanimous

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8. 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 September 2009 Commission meeting. This briefing is part of the Department's ongoing commitment to provide the Commission with updates on a regular basis.

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9. Ben Avery Clay Target Center Corporate Fee Schedule

Presenter: Jay Cook, Education Branch Chief, Information and Education Division

As it pertains to corporate events the Department is requesting an increase to those fees only. The current fees do not effectively cover the costs for those events. The increase would allow for support of Master Plan developments in particular a corporate range which would minimize the impact on public shooting. Also it would provide staff support for those items. The current pricing was a best estimate after only running corporate events for about a year. Research for the increase included benchmarking from similar programs. At the Commission's request the Department will work on development of packages that allow for upsale to larger packages (50 rounds instead of 25 etc.).

<i>Corporate Fees (Trap, Skeet and Sporting Clays)</i>	CURRENT FEE:	PROPOSED FEE:
25 Targets	\$25.00	\$37.50
50 Targets	\$50.00	\$75.00
75 Targets	\$75.00	\$112.50
100 Targets	\$100.00	\$150.00

Motion: Woodhouse moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE THE CORPORATE EVENT FEE INCREASE AS PROPOSED.

Vote: Unanimous

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Meeting recessed for a break at 11:20 a.m.

Meeting reconvened at 11:40 a.m.

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10. Rulemaking and Review Report Processes Presentation

Presenter: Jennifer Stewart, Rules and Risk Branch Chief

Ms. Stewart provided a PowerPoint presentation that contained a general overview of the Department's rules process as it related to agency requirements outlined in statute. It explained the difference between rule reviews and rulemaking, including the role they play and their impacts to the Department. The Commission also received an update on the current rulemaking moratorium and recent legislation that was passed, imposing a statutory moratorium on agency rulemaking as outlined in House Bill 2008.

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10.A Request to approve Department Recommendations for Submission to the Governor's Office to Continue Rulemaking for Rules Meeting the Criteria Outlined in House Bill 2008, Section 28(B).

Presenter: Jennifer Stewart, Rules and Risk Branch Chief

House Bill 2008 places a statutory moratorium on all agency rulemaking activities through June 30, 2010. The bill requires the Department to submit a request to the Governor's Office in order to continue rulemaking for any items allowed under the new legislation. If permission is granted from the Governor's Office, the Department may begin rulemaking for these items. The Commission will be asked to vote to approve the Department's recommendations for submission to the Governor's Office requesting permission to proceed with rulemaking for rules that meet the criteria outlined in the bill. These items were in process when the moratorium was originally implemented on January 22, 2009. The Department may approach the Commission in the future with additional exception requests as identified.

Motion: Woodhouse moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE RECOMMENDATION TO REQUEST PERMISSION FROM THE GOVERNOR'S OFFICE FOR PROCEEDING WITH RULEMAKING FOR ARTICLE 8 RULES 309, 318, 601, 610, AND 611.

Vote: Unanimous

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11. Request for Commission approval of the Article 9 Five-year Review Report, regarding Arizona Wildlife Conservation Fund Grants, for submission to the Governor's Regulatory Review Council

Presenter: Jennifer Stewart, Rules and Risk Branch Chief

The Department requested the Commission to approve the Five-year Review Report for Article 9, regarding Arizona Wildlife Conservation Fund Grants, for submission to the Governor's Regulatory Review Council (GRRC). The Department must review its rules every five years on a preset schedule determined by GRRC. Approval of this report does not change rule, but recommended changes will be included in the rulemaking process. The Department recommends the following changes during the regular rulemaking cycle: 1) Rule 901 – Specify that the Department provides grant applications; 2) Rule 902 – Currently the requirement is to wait 30 days before notifying a successful applicant, the Department wants the ability to notify within 30 days of the grant being awarded; 3) Rule 902 – Clarify pre-agreement costs are not subject to reimbursement from grant funds however the Department does have the ability to authorize matching funds for pre-agreement costs; 4) Rule 904 – Being able to require the applicants to submit an original and 2 copies of grant applications and allowing the Department to require electronic grant applications (only one copy needed if electronic) when we have that capability; 5) Rule 905 – Allow grant funds to be deposited into any account that is federally insured or maintained by a government treasury; 6) Rule 905 - provide the Department greater flexibility when recovering grant funds awarded to participants violating state or federal laws or the agreement after its awarded 7) Rule 905 Clarify record, audit and inspection requirements.

Motion: Woodhouse moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE THE ARTICLE 9 FIVE-YEAR REVIEW REPORT, REGARDING ARIZONA WILDLIFE CONSERVATION FUND GRANTS, FOR SUBMISSION TO THE GOVERNOR'S REGULATORY REVIEW COUNCIL.

Vote: Unanimous

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16. Petition from Mr. Phil Carr of Tucson, Arizona, for revision of Arizona Commission Rule R12-4-303(A)(3) Unlawful Devices, Methods, and Ammunition

Presenter: Gene Elms, Law Enforcement Branch Chief

The Department received a petition from Mr. Phil Carr of Tucson, Arizona, requesting that the Commission consider and vote to revise rule R12-4-303(A)(3), Unlawful Devices, Methods, and Ammunition, to include 8 gauge shotguns as lawful devices. Mr. Carr contends that the modern 10 gauge shotgun out performs the 8 gauge in almost every category and therefore the 8 gauge should be a legal device. He is asking that this device be approved for taking all wildlife that lists shotguns as a legal method of take with the exclusion of the Federal Migratory Birds. Mr. Elms polled 19 states and all but one prohibited the use of 8 gauge shotguns.

Public Comment:

Phil Carr, addressed the Commission to discuss revision of the rule to include the 8 gauge as a legal method of take. Mr. Carr provided some background of the banning of the 8 gauge.

Jennifer Stewart, Rules and Risk Branch Chief of the Department, clarified at Commissioner Martin's request, what Department's actions would be if the Commission agreed to support Mr. Carr's request.

Commissioner Woodhouse asked Mr. Carr what game he would like to be able to harvest with his 8 gauge. Mr. Carr responded that he would like to hunt turkeys but that he is requesting that the Commission apply the same rules that apply to everything from the 410 to the 12 gauge.

Commissioner Husted inquired about the process by which these petitions regarding legal methods of take are addressed. He inquired as to whether the Commission might amend the process that in the future these requests could simply be determined by the Department and not through the rulemaking process.

Mr. Elms informed the Commission that in talking with council the statutes currently state that the authority cannot be delegated to the Director.

Motion: Martin moved THAT THE COMMISSION VOTE TO DIRECT STAFF TO CONSIDER THIS REQUEST IN THE ARTICLE 3 PACKAGE.

Motion withdrawn

Motion: Martin moved Woodhouse seconded THAT THE COMMISSION VOTE TO DENY THE PETITION BUT DIRECT THE DEPARTMENT TO ADD THE REQUEST TO THE ARTICLE 3 REVIEW FOLDER FOR FULL CONSIDERATION AND ANALYSIS DURING THE NEXT REVIEW PERIOD.

Vote: Unanimous

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12. Call to the Public

There were no requests to speak at this time.

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Meeting recessed for lunch at 12:40 p.m.

Meeting reconvened at 2:00 p.m.

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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. Rehearing Request Regarding Previous License Revocation/Civil Assessment

Presenter: Gene Elms, Law Enforcement Branch Chief

Jorge Valenzuela requested that the Arizona Game and Fish Commission grant a rehearing regarding the revocation of his license privileges for five (5) years, invoking an \$8,000.00 civil assessment, and completion of a Hunter Education course before obtaining any license(s) to take wildlife in the State of Arizona.

Mr. Valenzuela was present and addressed the Commission stating that he was unaware that there was any wrong doing. He only assisted his brother in removing the animal from the field.

Motion: Freeman moved and Martin seconded THAT THE COMMISSION VOTE TO GRANT A REHEARING AT A FUTURE DATE THAT CAN BE SCHEDULED FOR THE APPLICANT AND THE COMMISSION.

Vote: Unanimous

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15. Rehearing Request Regarding Previous License Revocation/Civil Assessment

Presenter: Gene Elms, Law Enforcement Branch Chief

Edmundo H. Valenzuela, Sr., requested that the Arizona Game and Fish Commission grant a rehearing regarding the revocation of his license privileges for five (5) years, invoking an \$8,000.00 civil assessment, and completion of a Hunter Education course before obtaining any license(s) to take wildlife in the State of Arizona.

Motion: Martin moved and Freeman seconded THAT THE COMMISSION VOTE TO GRANT A REHEARING FOR EDMUNDO VALENZUELA SR TO TAKE PLACE IN DECEMBER.

Vote: Unanimous

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17. Request to Amend Commission Order 40: Fish, Closure of Frye and Grapevine Creeks

Presenter: Kirk Young, Fisheries Branch Chief

The Commission was asked to temporarily close Frye and Grapevine creeks to allow introduced Gila trout to establish populations.

Motion: Freeman moved and Martin seconded THAT THE COMMISSION VOTE TO CLOSE FRYE CREEK TO FISHING FROM THE HEADWATERS DOWNSTREAM TO BUT NOT INCLUDING FRYE MESA RESERVOIR IN GRAHAM COUNTY AND GRAPEVINE CREEK FROM THE HEADWATERS DOWNSTREAM TO THE CONFLUENCE WITH BIG BUG CTREEK IN YAVAPAI COUNTY.

Vote: Unanimous

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18. Preparation for the 2010 Resumption of on-the Road Commission Meetings

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

The Department provided the Commission with a full analysis of preparations for on-the-road Commission meetings that are scheduled for 2010.

Mr. Hovatter provided handouts and the Commission discussed constituent connectivity and meeting expenses for both on-the-road meetings and meetings held solely in Phoenix.

Motion: Woodhouse moved and Martin seconded THAT THE COMMISSION VOTE TO HOLD ALL COMMISSION MEETINGS FOR 2010 IN PHOENIX.

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

The Commission directed the Department to pursue a low key Commission open house possibility once or twice during the year.

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19. Call to the Public

There were no requests to speak at this time.

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20. Director's and Chairman's Reports.

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

- Attended the Association of Fish and Wildlife Agencies Conference
- Participated in a conference call with Matt McGroarty from the NRA and Suzanne Gilstrap from Sportsman for Wildlife to discuss Trust Land Access as it relates to Trust Land Reform
- Conducted interviews for the Field Operations Assistant Director Position and selected Leonard Ordway

- Conducted interviews for the Shooting Sports Branch Chief and selected Jay Cook which will leave the Education Branch Chief position vacant; will be recruiting
- Conducted interviews for the Recruitment and Retention Branch Chief and selected Craig McMullen
- Met with Maria Baier, Bob Broscheid, and Josh Avey regarding State Land Reform and discussed concepts associated with our Area of Conservation priority mapping.
- Participated in the Navajo Nation Fish and Wildlife Annual Youth Hunt
- Met with Billy Cordasco, Mandy Metzger, Josh Avey, Rick Miller, and Maria Baier to talk about issues related to the ability to handle exchanges related to state land.
- Had a conference call with Dr Tuggle regarding listed species
- Met with Representative Daniel Patterson along with Tony Guiles, discussed wild horse and burro and believe we may get some support
- Visited Regions VI and III; starting to get work unit by work unit in depth briefings.
- Met with Pete Cimellaro and Floyd Green regarding Mountain Lion Management
- Met with the new ADOT director, John Halikowski, along with Rod Lucas
- Met with Bas Aja on Cattle Growers interest and Game and Fish relationships
- Had a conference call with Evan and Steve Gray discussing state legislative programs
- Attended a Cattle Growers meeting with Terry Johnson and Commissioner Husted to discuss Mexican gray wolf
- John Bullington is onboard and on duty as the new Assistant Director over Special Services Division

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

- Met with Tony Davis and Tim Steller regarding mountain lions
- Attended the Malpai meeting with Leonard Ordway; wolves were discussed.

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21. Commissioners' Reports

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

Commissioner Woodhouse:

- Attended the Fish and Wildlife Service Kofa Lion Management public scoping meeting
- Met with Chairman Ferguson, Supervisor Prochaska and County Administrator Robert Pickels regarding the potential Adair Shooting Range transfer
- Attended the Yuma Valley Rod and Gun Club Executive Board meeting regarding the potential Adair Shooting range transfer
- Attended general Yuma Valley Rod and Gun Club meeting

Commissioner Martin:

- Attended a meeting called by Billy Cordasco to brainstorm ways to apply the philosophies of Leopold in their management
- Attended a Town Hall meeting in Superior regarding the Resolution Copper Mine
- Attended the Anglers Roundtable

- Attended a meeting with BIA and BLM directors from Washington, D.C. and several other organizations regarding the Resolution Copper Mine; presented the Commission's letter from June
- Planning the next Conservationist Committee meeting.

Commissioner Freeman:

- Conversations with Gene Elms and Marc Andrews regarding the tablet PC initiative
- Met with Representative Ann Kirkpatrick; attended as a horse breeder and not a Commissioner; discussed wild horse and burro
- Hosted an education outreach day with AGFD and others including Randy Phillips
- Constituents in Unit 2 who were drawn have received letters from land owners and AGFD was carbon copied on those letters.

Commissioner Husted:

- Attended the Cattle Growers meeting

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22. Approval of Minutes and Signing of Minutes

Motion: Martin moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM JUNE 26-27, 2009.

Vote: Unanimous

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23. Future Agenda Items and Action Items

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

- Presentation on legal and management recommendations regarding butterfly corners access on/through state trust lands and private lands, will be presented at the December meeting
- For the Commission Chair's signature, draft a letter to the conservation and sportsman's organizations in the state with the Department's concerns for the ROAM and Wild Horse and Burro legislation
- The Department will present options of the additional resources that would be needed to track federal legislation in order for the Commission to be effectively engaged at the federal level; will be presented at the December meeting
- Provide a presentation of the Biscuit Tank renovation and ensure Anglers United is present so that if the Commission chooses they can formally recognize them for their generosity; will be presented at the December meeting
- Provide a short summary of the operation "Canned Kitty", to be presented at a future Commission meeting. Also modify award nomination for Prosecutor English for the Commission's consideration for an Award of Excellence; would be included in the January awards banquet

- Agenda the rehearing's of Jorge Valenzuela and Edmundo Valenzuela Sr. for the December Commission meeting
- Provide the Commission with several courses of action outlining the plan for two or three on-the-road workshops for 2010 in an open house format. Measures of success will include short streamlined minimal staff approach with focus on local issues and constituencies; seek opportunities to include city councils and county boards of supervisors; will be presented at December meeting
- Contact Mr. Barber and Mr. Hervert in Yuma and get them ready for the Daily Stars tour of the Kofa
- Terry Johnson will contact the Commission individually to brief the Commission on wolf interdiction methods.

Commissioner Husted reminded the Department to continue the efforts to plan a trip to the Turner property. There are some concerns over public meeting issues outside of Arizona.

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Motion: Husted moved and Freeman seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

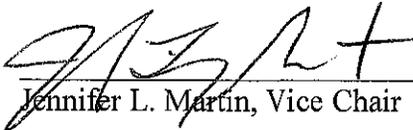
Vote: Unanimous

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Meeting adjourned at 5:40 p.m.

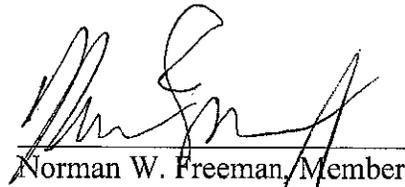
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Robert D. Hernbrode, Chairman

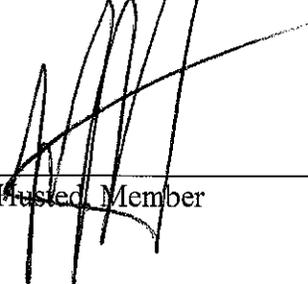


Jennifer L. Martin, Vice Chair

Robert R. Woodhouse, Member

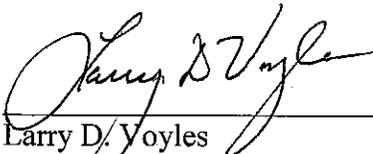


Norman W. Freeman, Member



Jack F. Husted, Member

ATTEST:



Larry D. Voyles
Secretary and Director

**Game and Fish Litigation Report
Presented at the Commission Meeting
October 9, 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 Court granted the State's Motion for change of venue and ordered Anderson to re-file his complaint in Coconino, Maricopa or Pinal counties. Anderson re-filed his complaint on July 23rd in Pinal County. The State has until August 13th to file an answer.

The State filed its answer to the complaint on August 13, 2009. The State also filed a motion to dismiss that portion of the complaint seeking judicial review of the Commission's decision to seek civil damages for the loss of wildlife. The State filed a motion for extension of time to file the administrative record. The Court granted the State's motion for extension of time and gave the State an additional thirty days to file the administrative record. Anderson conceded the State's motion to dismiss.

3. *Center for Biological Diversity v. Voyles et al.*, CV09-00543-JJM. The Center for Biological Diversity ("Center") filed an action on September 24, 2009, against Director Voyles and the Department for alleged violations of the Endangered Species Act. The Center alleges that the defendants violated Section 9 of the Act when a jaguar was inadvertently captured in a leg-hold snare and was later recaptured and euthanized. The Center seeks declaratory and injunctive relief. The suit arises under the citizen suit provision of the ESA, which authorizes an action to enjoin the unlawful take of an endangered species.

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

Lands Update
For the Arizona Game and Fish Commission
October 2, 2009
Phoenix, Arizona

Forest Service Land and Travel Management Planning

Coconino National Forest

The Forest is kicking off an analysis for their Travel Management Rule. The Forest has invited Department participation early in this process and we have introduced our recommendations for motorized big game retrieval. There is not yet a timeline for the Forest's planning process.

Kaibab National Forest

The Tusayan Ranger District Travel Management Rule decision is still under review, following two appeals from environmental groups. The Forest is being directed to analyze additional alternatives without motorized big game retrieval and this analysis is underway with no expected re-release time frame. The original Tusayan Proposed Action included motorized big game retrieval for elk. Because the decision for the Tusayan District may set precedence for the Williams Travel Management Rule, which is scheduled to be out sometime in the next few months, the Department continues to engage in discussion with the Districts in support of motorized big game retrieval.

U.S. FOREST SERVICE

Aspen Decline

For the past several months, the Coconino and Kaibab National Forests have been elevating the issue of aspen decline with the public and with the Department. Northern Arizona is experiencing a widespread decline in aspen populations due to a complex synergy of factors including fire suppression, long-term drought, insect proliferation, disease, livestock browse, and elk browse. The Department shares the Forests' concern that widespread loss of aspen populations will have impacts on forest songbirds and potentially other wildlife populations. Venues for recent discussion have been the Coconino NF Hart Prairie Fuels Reduction Project, the Kaibab NF Aspen Management Project, and a USFS Region 3 Forest Health Protection workshop on aspen held in conjunction with the Western Aspen Alliance based out of Utah. Since drought and disease are uncontrollable factors, much of the USFS attention has been focused on the impacts of elk on aspen because it is a factor that can be managed. Historically, the elk-aspen issue has been fraught with disagreement and controversy not only among agency partners but also among different public interest groups. In an effort to collaboratively address aspen decline, the USFS and the Department are embarking on a new cooperative approach where both agencies agree to work together productively and positively. Department personnel recently met with leadership from both Forests and identified the following as potential cooperative management actions on the Coconino and Kaibab NFs: 1) the Department will support the Forest's proposals to protect and enhance aspen stands through burning, ripping, jackstrawing, transplanting, as well as ungulate-exclusion fencing as long as these projects are

proposed within a landscape-scale context, 2) the Forest will address the impacts of livestock grazing in areas of aspen decline, 3) the Department will examine elk harvest strategies in Game Management Units 5A, 7, and 8 as part of the upcoming Hunt Recommendations, and 4) the Department and Forest will engage non-governmental interest groups in this effort to address aspen decline.

Four Forests Initiative

The US Forest Service (USFS) continues to work on an accelerated, landscape-scale forest restoration project on four forests (Coconino, Kaibab, Apache-Sitgreaves, and Tonto), aka the Four Forests Restoration Initiative (FFRI). The FFRI calls for mechanical tree thinning and fire to restore fire-adapted ecosystems and reduce fire risk across at least one million acres of northern Arizona forests. The collaborative stakeholders group met with USFS on September 16. At this meeting, we learned the USFS is committing over \$1.27 million to the FFRI in 2009/10. A team of Forest planners, silviculturalists, and biologists has been assembled to work with stakeholders on programmatic planning for the 2.4 million-acre FFRI area. Programmatic planning for forest restoration at this large scale will be a complex endeavor and current discussions among USFS and stakeholders indicate broad disagreement over the appropriate planning method. Some would like to see programmatic planning occur through a flexible, non-NEPA landscape assessment that directs smaller-scale NEPA projects. Others prefer the formality of a NEPA Programmatic Environmental Impact Statement to ensure that social sideboards (such as a 16-inch tree diameter cap on thinning) are held firmly in place across 2.4 million acres. A preliminary analysis area for the first site-specific project has been identified on approximately 500,000 acres of the Peaks/Mormon Lake Districts of the Coconino NF and Williams Ranger District on the Kaibab NF. The FFRI is also exploring timber contracting mechanisms that provide industry with an assurance of small-diameter wood supply. The next meeting is scheduled for October 28. The Department will continue to be actively involved in the FFRI stakeholders group.

Coconino National Forest

The Department commented on Grapevine Interconnection Project which is proposing a power connection between the Grapevine Wind Park and existing transmission lines along Forest Highway 3 near Mormon Lake. The project will be analyzed under an Environmental Impact Statement and the Wind Park's effects on wildlife will be fully analyzed under the scope of the project. Although WEST, Inc (biological consultant for Foresight Wind Energy) has conducted avian and bat monitoring on about half of the project area, the Department is recommending that biological surveys be conducted on the other half to fully analyze the effects to wildlife. The Department will be meeting with project personnel in October to discuss implementation of the newly finished Department Wind Guidelines. These new guidelines will provide consistent and scientifically-based recommendations statewide.

The Forest recently released their proposed action for the Peaks Range Allotment Management Plan. The Peaks Allotment is a Navajo grazing allotment in GMU 7 and includes lands on and north of the San Francisco Peaks. The Forest is proposing to maintain grazing in this allotment but will be reducing stocking rates from 1200 to 375 head and deferring 7 pastures into non-use. The Department supports the stocking rate reduction as over the last 15 years we have observed a significant increase in vegetative cover and diversity in the deferred pastures. The Department is

working with the Forest to plan for removal of unneeded woven wire along some pasture fencing in the pronghorn habitat of GMU 7 East, and will be engaging wildlife conservation groups in this effort.

The Forest recently invited Department staff on a field trip to the Upper Beaver Creek Watershed Fuels Reduction Project on the Mogollon Ranger District. The Upper Beaver Creek Project is a ponderosa pine forest restoration project that proposes a mosaic of mechanical thinning and fire treatments. The project has undergone several iterations of planning over the last decade, and many of the proposals for higher-intensity treatment and removal of old growth trees have been removed from the current environmental analysis. Most treatments in this project are intended to restore uneven-aged forest conditions in a clumpy/groupy structural design, with an emphasis on removal of small-diameter post-settlement trees. The Upper Beaver Creek project encompasses over 16,000 acres, however, mechanical treatment of ponderosa pine is proposed on only about 13% of the project area with the rest being proposed for prescribed fire. Included in this project area are some larger wildland fires that were managed during this summer's fire season. The Department was encouraged by the low-to-moderate severity of these fires and expects a favorable response of understory and oak. The project will also include Abert's squirrel Winter Core Areas and monitoring of these areas will be done in cooperation with Department personnel. The final Environmental Analysis on this project is expected to be released this fall.

The Forest recently released its proposed action for the West Fork of Oak Creek restoration project, which calls for removal of non-native fish and construction of a fish barrier to ensure the sustainability of the native fish populations post-reintroduction. The Department and the US Fish and Wildlife Service are working closely with the Forest to move this project forward. The purpose of this project is to create proper stream system conditions for a potential reintroduction of Gila trout by the Department.

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 sediment removal has been completed and the project is starting to wrap up. The fish structure work has been completed and plans are currently shifting to construction of the new boat ramp, parking facilities and site cleanup. Summer rains have begun to re-fill the lake but so far progress has been slow due to poor rainfall.

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. Because Frye Creek is fishless and no chemical renovation will be needed prior to releasing Gila trout, the Forest Service determined that the actual stocking of Gila trout is a state action, therefore, NEPA compliance is not necessary prior to the stocking of the fish. Internal environmental compliance documents are currently being completed. With this decision by the Forest Service and once internal documentation has been completed the Department will move forward with plans to establish Gila trout in Frye Creek later this fall.

The Biological Opinion for establishment of Topminnow into Sabino Canyon has been received by the Department. Due to workload issues and other commitments the actual stocking of topminnows into Sabino Canyon will not likely take place until spring 2010.

Kaibab National Forest

Implementation on the Department's north Kaibab mule deer habitat improvement project is currently underway. This fall, 220 acres will be drill seeded (cliffrose, 4-wing saltbush, and sagebrush) within the 1996 Bridger Fire footprint. In addition, 150 acres of pinyon/juniper will be treated with a mechanical grinder, after a small scale seeding implement drills native grasses and cliffrose seeds into the area. As in previous years, the Grand Canyon Trust continues to collect pre- and post treatment monitoring data for this project. In addition to collecting data on the project site, the Department and the Trust are organizing a volunteer weekend for National Public Lands Day. Fifteen volunteers will rake in browse species and prune cliffrose to invigorate this important winter browse species for mule deer.

The Department recently commented on the Corva/AA Allotment Environmental Assessment. As part of the Forests' recent decision to authorize grazing on this allotment, they also approved a large water pipeline for grazing management. This decision allows the permittee to shut off the pipeline for a short period of time in order to facilitate the movement of cattle, wildlife, and burros out of the area. The Department is in support of the pipeline, but has some concern about shutting off water once the pipeline is constructed, as wildlife will quickly become dependent on newly introduced waters. We are recommending the water be made available to wildlife year-round. While the Forest has verbally stated that they will coordinate with the Department and will be willing to turn waters back on once cattle have left the area, we have some concerns that once the water is shut off it will not be turned back on in a timely manner. We will continue to work with the Forest on this issue.

BUREAU OF LAND MANAGEMENT (BLM)

The Department of Interior is proposing withdrawal (temporary segregation) on almost 1 million acres of federal lands near the Grand Canyon. The segregation will prevent the location of new mining claims for 2 years while DOI evaluates whether to withdraw these lands for up to an additional 20 years. During this two-year segregation period, various studies will be conducted and an EIS prepared. The BLM is the lead agency on the preparation of the EIS, in cooperation with the USFS, USFWS, NPS, and USGS. The timeline for the EIS process is not yet known. The BLM is hosting a public scoping meeting on September 30 in Fredonia and October 15 in Flagstaff. The Department will be attending the Flagstaff meeting.

On September 14th, Department personnel and Jim deVos (retired Research Branch Chief) attended a field trip to the Buckskin Mountains in Unit 12B. The BLM has recently chained 1,000 acres of pinyon-juniper vegetation along the Winter Road as part of a browse restoration project to benefit mule deer and other wildlife. Depending on funding, an additional 1,000 acres is slated to be chained in the foreseeable future. The Department has been asking for a slight modification to the BLM's chaining prescription to exclude fire and increase the number of browse species within the seeding mix. Jim deVos has obtained some funding that may be used

on this project in an effort to execute parts of the Southern Utah Northern Arizona Mule Deer Initiative and the Department's Mule Deer Management Plan that is currently being drafted for the AZ Strip. The Department, Jim deVos and the BLM will continue to move plans forward to continue treating mule deer habitat in the Buckskin Mountains.

Wild Horse and Burro Program

The Department is writing a letter in opposition to the proposed burro legislation H.R. 1018 and the senate companion bill S. 1579. This legislation would have devastating impacts to the long-term sustainability of the public's fish and wildlife resources and their habitats.

- The proposed burro legislation (H.R. 1018) that has passed the House and is now in the Senate would greatly hamstring BLM's ability to manage wild horses and burros, by:
 - Requiring the BLM to exhaust all practicable options before capturing and removing wild horses and burros.
 - Requiring the Secretaries of the Interior and Agriculture to ensure that the acreage available for wild horses and burros is at least equal to the acreage where they were found in 1971 when the Act was passed – which would expand the range of wild horses and burros by approximately 19 million acres.
 - Requiring the establishment of sanctuaries or exclusive use areas for wild horses and burros.
 - Limiting the amount of time the BLM could hold wild horses and burros in captivity to six months.
 - Revoking a provision that allows the BLM to destroy old, sick and lame animals; and excess horses and burros for which an adoption demand does not exist.
 - Lifting a restriction on the authority of the BLM to relocate wild horses and burros to public lands where they did not exist at the passage of the Act.
- A companion bill to H.R. 1018, S. 1579, was introduced in the senate. It is identical to H.R. 1018.

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 was presented to the public on June 30th. The draft map for the planning area is posted on the BLM website. Due to the interpretation of a BLM Instructional Memorandum on authorizing shooting ranges, the locations of popular existing target shooting sites will not be shown on the map. In the draft plan 61% of the planning area will be open for recreational target shooting and 39% will be closed to target shooting. The entire area will be open to hunting. The proposed plan/Final EA is due to be out for review this fall.

The Department worked with the Field Office on Travel Management Plan route evaluations for the Harcuvar/North Aguila area. Route evaluations for this area were completed in June 2009 and a preferred alternative is currently being developed.

Lower Sonoran Field Office

The Department began working with the Field Office on Travel Management Plan route evaluations for the Gila Bend Mountains area on July 20th. In August, route evaluations were completed for the Lower Sonoran Field Office, and a preferred alternative is being developed.

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. Department personnel assisted in route evaluation for Mohave Mountain Unit.

Kingman Field Office

On July 13th and 14th, Department personnel participated in the continuation and wrap-up of Route Evaluation for the Kingman Field Office's Hualapai Mountain Unit. August 10-14th Route Evaluation took place for the Kingman Field Office's Black Mountain Unit.

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.

Yuma Field Office

The Proposed Resource Management Plan and Final Environmental Impact Statement have been released to the public. This plan has been endorsed by the BLM AZ State Director and is currently being reviewed by the Washington Office. The Department continues to work with BLM on the development of subsequent implementation-level plans, including the La Posa Travel Management Plan. Department personnel will participate in Travel Management Plan route evaluations for the Cibola-Ehrenberg areas which have been rescheduled for October and November 2009.

Tucson Field Office (TFO)

The Middle Gila Travel Management Plan is under final review by the state office and is due out to the public this fall.

The Department participated in route evaluation workshops for lands in GMU 37B for the Tortilla Mountains block. Further route evaluations are scheduled for the lands in the rest of GMU 37B south of the Florence Kelvin Highway and for the south half of GMU 24A.

Safford Field Office (SFO)

The Safford Field office has completed route evaluations and the Department is currently reviewing alternatives.

BLM NATIONAL MONUMENTS & CONSERVATION AREAS

Ironwood Forest National Monument (IFNM)

The Tucson Field Office continues to work on the development of a proposed final Resource Management Plan and Environmental Impact Statement for the Ironwood Forest National Monument. This document 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. Over the last months, the Department has been active in assisting the AG's office in developing the Department's response and involvement in these lawsuits.

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 (LCNCA)

In October 2008, the Department reestablished the black-tailed prairie dog population on State Trust Lands within the LCNCA. On June 19, 2009, BLM obtained their State Director's signature to finalize the Environmental Assessment and the Finding of No Significant Impact on the Department's proposal to reestablish black-tailed prairie dogs on BLM lands in southern Arizona. This decision commits the BLM to providing up to 1000 acres of reintroduction habitat for black-tailed prairie dogs on the LCNCA. In September 2009, the Department and BLM prepared a second area, on BLM Lands 3.5 miles north of the 1st reestablishment area within the LCNCA. On September 21, the Department released 27 black-tailed prairie dogs at this second area. Additional black-tailed prairie dogs (up to 100) will be trapped near Carrizozo, New

Mexico and transported to Arizona in early October 2009, to be released at both reestablishment areas to augment the prairie dog populations at each site.

GENERAL UPDATES

Apache County Rough Riders ATV Club

Department personnel assisted the Apache County Rough Riders ATV Club, based in Springerville, with their 6th Annual Outlaw Trail ATV Jamboree on September 9-12. The club conducts ATV trail rides on over 1,200 miles of trails and road network on the Springerville and Alpine Ranger Districts of the Apache-Sitgreaves National Forests. The club also accesses and crosses the Department's Sipe White Mountain Wildlife Area. This year's event had approximately 325 participants and over 100 volunteers from outside the local area who help as well. Department personnel provided daily tours of the wildlife area's visitor center and conducted two evening programs on wildlife viewing and elk biology and natural history at the wildlife area. They also provided support and assistance to the organization and event by conducting a beginning ATV training class and setting up and manning an OHV information booth at the event's staging area in Eagar, speaking with participants on ATV and rules, regulations, safety and ethics and handing out printed materials on preferred-use ATV areas located in eastern Arizona.

Arizona Department of Transportation (ADOT)

BQAZ – Building a Quality Arizona

The Statewide Framework team is finishing its last public outreach efforts on the three statewide transportation framework scenarios (Personal Vehicle Mobility, Transit Mobility, and Focused Growth) and recently developed Statewide Rail Framework Study that includes strategic opportunities for both Passenger and Freight rail. The Department has been actively engaged in this planning process and is working to incorporate the Departments Areas of Conservation Priority data into the BQAZ product.

The tentative remaining schedule for the overall BQAZ process is as follows:

Early October

- Draft of the combined scenarios completed

Late October

- Draft Final of the combined scenarios completed and presented to the Policy Framework Committee.
- Public Review via:
 - ADOT website
 - 3 Open Houses (Flagstaff, Phoenix, Tucson)

Late November

- Final to the Policy Framework Committee for approval

Late December

-present the final product to the State Transportation Board for final approval

ADOT's 20 year Long Range Transportation Plan (LRTP) is dependent on the outcome of the one recommended scenario. After the BQAZ product is approved it will be given to the LRTP to begin the strategic planning process.

SR260 Heber to Show Low

Department personnel continue to meet with ADOT and Parsons Brinckerhoff (PB) concerning the passing lane additions and widening along SR 260 from Heber to Show Low. Department personnel are working with ADOT and PB to determine underpass dimensions for the project area.

I-17- SR 179-I-40

The Biological Evaluation and the first draft of the Environmental Assessment are currently being reviewed by ADOT. Also at this time, potential wildlife crossings are being evaluated. While the Department has not seen the draft EA, there are indications from ADOT staff that wording in the EA states that ADOT will continue to work with the Department to fine tune locations of potential crossings once the location data is completely collected. The first draft of the potential crossing information is slated to be distributed prior to the next monthly meeting which is October 14th.

I-40 – Bellemont to Winona

Monthly meetings are slated to begin for the I-40 project from Bellemont to Winona next month. Department staff will be in attendance at these meetings.

US 93 North - Hoover Dam/Bighorn Sheep (Milepost 2-17 Project)

The Department continues to provide frequent guidance for the location of project right-of-way fencing. The Department has reviewed preliminary construction of tortoise pathways through rip-rap associated with project drainage structures. ADOT has agreed to modify their design and retro-fit the initial tortoise paths with modifications to improve their functionality. The Department will be capturing and collaring additional rams during early October, to augment the construction monitoring effort.

US 93 South – I-40 - Wickieup

The Department continues to coordinate in the design planning for 3 projects between I-40 and Wickieup that are currently unfunded, with no anticipated construction date. Additionally, the Department is involved in coordination for the ARRA-funded *Southbound Ranch* construction project. This project will upgrade roughly 2 miles US 93 to four lanes, in the area north of Cane Springs Wash.

AZ Town Hall

Department staff attended the AZ Town Hall outreach meeting on September 22nd. The actual AZ Town Hall meeting to discuss transportation was held in April in Tucson. This citizen based non-government organization makes recommendations to political officials, ADOT, Councils of

Government, etc on a variety of issues, one of which recently was transportation. Wildlife and connectivity have not been a substantial part of their discussions to date. According to one of the members at the meeting there is an ongoing statewide group called Transportation and Livable Communities that may be an avenue to bring forth wildlife connectivity issues.

Central AZ Grasslands Strategy

The Department, in collaboration with the Prescott and Tonto National Forests, and the Bureau of Land Management-Phoenix District chartered a team to develop an interagency strategy towards conservation of pronghorn and grasslands in central Arizona. The strategy, known as the “Central Arizona Grasslands Conservation Strategy”, will be signed by the sponsoring agencies in the very near future. The primary implementation of the strategy will be coordinated by an interagency team known as the “Grassland Team”. The new team met Sept. 29, 2009 for the first time to establish the team’s role and responsibilities, as well as evaluate existing budgets and habitat enhancement project proposals. The Grassland Team has decided to fund two long-term landscape level grassland improvement projects with FY2010 budgets of \$250,700 (AGFD) and \$31,000 (BLM-Healthy Lands Initiative funds). The projects are known as the “Agua Fria Antelope Habitat Improvement Project” and the “7Up/Yolo Ranch Project”. Both projects involve thinning juniper densities to improve grassland habitat quality within pronghorn ranges in GMU 21 east of Cordes Junction in the Agua Fria grasslands and GMU 18B west of Chino Valley areas. The Agua Fria project is on the Prescott NF and a continuation of work previously accomplished on the adjacent BLM- Agua Fria National Monument. The 7-UP/Yolo Ranch project is a new project on state and private lands and proposes to target approximately 18 square miles. In the future, the Grassland Team will be working to implement the strategy which includes a broad scope of objectives and strategies to attain the goals of restoring and maintaining grassland ecosystems and pronghorn populations in central Arizona, as well as other grassland obligate species; and to develop an interagency implementation team that accomplishes these goals in a strategic and cooperative manner.

City of Flagstaff/Coconino County

Flagstaff and Coconino County invited the Department to co-facilitate the ‘Environment and Conservation’ Focus Groups for the ongoing update to the Flagstaff Regional Land Use Plan. The Department helped the city and county gather information from the public on issues of wildlife habitat conservation as well as environmental quality. The Department has provided the city and county with wildlife corridor information which was presented to the public at the Focus Group meeting. Public participants are encouraging the city and county to consider development of a Conservation Lands System similar to that adopted by Pima County that would call for conservation of wildlife habitats and other natural resources to be identified by a science advisory committee. The city and the county are considering this approach as part of the regional plan update. They have asked for significant Department involvement in the development of this new approach to planning for wildlife in the region.

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

The Department continues to coordinate on the Great Western/Glassford Hill Roadway Development Project Team. AECOM is moving forward with 15% design plans and completion of the NEPA documentation. On September 29th the Department was able to collar 10 pronghorn in GMU 19A. Data derived from the telemetry collars will be incorporated into the

project's NEPA document, and will be used to guide decision-making relating to the type and location of wildlife crossing structures within the project footprint.

Lower San Pedro River Partnership

As the Department will likely soon own property on the lower San Pedro near the Aravaipa Creek Confluence, the Department was invited to participate in the Lower San Pedro River Partnership. This partnership, comprised of conservation landowners along the lower San Pedro was formed in July of 2008 with a vision of cohesive conservation management along the lower San Pedro from the Pinal County line to the confluence with the Gila. The vision of the partnership is for a formally established conservation area. One form this conservation area could take is that of a federal wildlife refuge.

The Department attended a meeting of the partnership at the headquarters of Resolution Copper. In attendance were representatives from BHP Billiton, Audubon Society, The Nature Conservancy, Salt River Project, Bureau of Reclamation, Bureau of Land Management, ASARCO, Resolution Copper, and the Department. Resolution Copper presented details of their plans for an underground mine near Apache Leap. Of particular interest to the Department is that Resolution Copper intends to ship all overburden from the mine 17 miles off-site to a brownfield site which is part of the Pinto Valley mining operation, thereby eliminating the need for an expansive dump site on Forest land.

The Department has agreed to work with the group towards developing a scope of work for a third party (as yet to be determined) to develop a package of deliverables for a conservation strategy for the river. This strategy is intended to be an actionable set of overarching goals, research needs, data gaps, and management priorities. It is important for the Department to be involved in this partnership which could bring about a major change in the way the lower San Pedro will be managed in the future and to ensure Department values are represented in development of the management strategy.

Maricopa County Ordinances P-28 and P-27

On September 17th, the Department met with the Maricopa County Air Quality Department to discuss suggested revisions of Ordinance P-28 in an effort to find creative solutions that would allow for reasonable vehicular access while providing affective measures to reduce PM₁₀ emissions caused by off-highway vehicles. A couple of the proposed revisions were accepted and will be incorporated into a draft for Department review. This draft should be available in early October. Once it is received the Department will evaluate and provide comments. There are several stakeholders influencing the revision effort and Maricopa County is having difficulty incorporating all the competing needs while meeting the imposed mandate to reduce PM₁₀ emissions.

Northern Arizona Shooting Range (NASR)

The Coconino National Forest has provided the Department with a final Agreement To Initiate for the director's signature. The Department has awarded archeological consultant EcoPlan Assoc., the cultural resources survey contracts at the Cochrane Hill and Winona/Telegraph Range alternative sites. Additionally, the Department has awarded a 30-day appraisal of the deeded 160-acre Foster Ranch property. Archeological survey results of the alternative sites and

the fair-market-value estimate of the Foster Ranch property will be presented to the Commission at the December public meeting. A public records request for documents, correspondence, emails, reports, drafts of reports regarding the proposed Willard Springs Land Exchange submitted by Scott Rhodes representing Jennings, Strouss & Salmon Law Firm has been processed.

Renewable Energy Development

Mohave County

The Department has met with, and is coordinating with project proponents for 3 commercial-scale renewable energy projects slated for construction in Mohave County. Projects include British Petroleum's White Hills Wind Energy Project, Albiassa Corp's Silverado Solar Project, and Hualapai Valley Solar's Red Lake Solar Project. Because each of these proposed actions have some components with a Federal nexus, an Environmental Impact Statement will be produced for each project. In each case the Department has requested - and been invited, to sit on the Interdisciplinary Teams that will carry out the NEPA compliance for the projects.

Navajo County

Department personnel attended public meetings given by NZ Legacy and Navajo County concerning six wind and solar project areas that NZ Legacy has proposed on private land in Navajo County. Approximately 47,360 acres would be impacted due to these six projects. Conceptual plans indicate that solar panels will be placed between wind turbines and a potential 8' fence will surround the facilities with solar components. NZ Legacy indicated that they will not limit leasing companies to a certain type of solar facility. The Department expressed concern over the potential loss of habitat, habitat fragmentation and direct impacts to wildlife including pronghorn, birds, and bats.

Rosemont Copper Project

The Department has participated in several field trips to the Rosemont Mine site to look at localities occupied by sensitive species such as the Chiricahua leopard frog and Rosemont talussnail. The Rosemont talussnail is not a listed species, but is endemic to the area. The Department is working with the U.S. Fish and Wildlife Service to determine the extent of the range of this species whose habitat could be severely impacted by the mine. The Department continues to participate in monthly meetings with the cooperating agencies and has asked for greater access to Forest staff working on the interdisciplinary team working on draft alternatives for the Rosemont Copper Project.

Wildlife Linkages/Corridors

Building on earlier efforts, Department personnel provided a presentation on the Wildlife Corridor Stakeholder process to Central Yavapai County Metropolitan Planning Organization's (CYMPO) Multimodal Transportation Technical Advisory Committee (M-TAC) on September 3rd. It was favorably received by the committee. It is anticipated that with CYMPO's official support for this effort, important habitat components and wildlife corridors that are identified in the process, which will kick-off on November 23rd, will be incorporated into the General Plans of Chino Valley, Prescott Valley, City of Prescott, Yavapai County, and Prescott National Forest - creating a contiguous, viable conservation reserve network within the region.