

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, December 3, 2010
Saturday, December 4, 2010
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director and Staff)

Chairperson Jennifer L. Martin
Vice Chair Robert R. Woodhouse
Commissioner Norman W. Freeman
Commissioner Jack F. Husted
Commissioner John W. Harris

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

Chairperson Martin called the meeting to order at 8:00 a.m. This meeting followed an agenda revision #3 dated December 1, 2010. 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: Freeman moved and Harris seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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Public Meeting reconvened at 11:08 a.m.

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Chairperson Martin called the meeting back to order and lead those present through the Pledge of Allegiance followed by Commission and Department introductions. Chair Martin requested a moment of silence for fallen Pennsylvania Game Warden David Grove who was fatally shot by a suspected deer poacher. All those present stood for a moment of silence.

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Awards and Recognition

Director Voyles presented Tim Baumgarten, the Department's Statewide OUI Coordinator, with the National Association of State Boating Law Administrators (NASBLA) Award. This award was awarded to Mr. Baumgarten by NASBLA, a nonprofit organization, for his exemplary performance in recreational boating safety enforcement and his impact on national impaired boating enforcement efforts.

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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 additional updates and the Commission had no questions or comments.

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2A. Nongame Subprogram Activities Briefing; August 1, 2010 through November 30, 2010

Presenter: Eric Gardner, Chief, Nongame Branch

Mr. Gardner briefed the Commission on the Nongame Subprogram activities from April 1, 2010 – November 30, 2010. Using a PowerPoint© presentation, Mr. Gardner presented highlights on several items in the written report (provided to the Commission and available to the public) and noted any significant updates that occurred since the briefing was written. The following are some of the highlights noted:

Threatened, Endangered and Candidate Status Species:

Status	Historic Range Only, No Active Management Program	Historic Range, Not Known to be Present but Active or Potential Management Programs	Recently or Likely Present	Working Total
Endangered	2 (Eskimo curlew, Sinaloan jaguarundi)	2 (Aplomado falcon and TBP)	26	28
Threatened	1 (Grizzly bear)		12	12
Candidate	1 (Greater sage- grouse)		18	18

The only change from the last report is that the threatened status was down from 13 to 12 due the determination by the USFWS that the Sonoran desert bald eagle not be a listed species.

Lawsuits over the Bald Eagle in the Sonoran Desert Area:

- March 2008 –Court Ordered the bald eagle in the Sonoran Desert Area a DPS and remanded the species to the ESA as Threatened until USFWS Status Review completed
- February 2010 – USFWS concluded no DPS, no Listing Status, asked the Court to remove injunction to delist
- March 2010 - Center for Biological Diversity (CBD) petitioned the court to keep the USFWS from delisting
- Court removed the injunction September 30, 2010 citing the USFWS met the court order to conduct a Status Review

- October 2010 - CBD filed suit challenging the merits of the Status Review decision and seeks a Preliminary Injunction.
- USFWS currently considers all bald eagles in Arizona delisted.

Petition to List the Gunnison's Prairie Dog:

- 2004 - Petition to List the Gunnison's prairie dog under the ESA by Forest Guardians (now WildEarth Guardians)
- February 2008 – USFWS found listing warranted within the “montane portion” of its range but not the “prairie portion”, concluded they were not a DPS or subspecies. Also concluded the “montane portion” was a significant portion of its range
- WildEarth Guardians challenged the decision to list the species in only part of its range
- Court sided with WildEarth Guardians and ordered the USFWS to reexamine their decision
- No timeline set yet by USFWS.

Black-tailed Prairie Dog:

- Source population from Ladder Ranch, New Mexico
- 119 BTPD translocated to Las Cienegas National Conservation Area (total of 300 to date)
- 2010 release has best survivorship thus far
- On-going monitoring at all sites.

Petition to List the Gunnison Sage-Grouse:

- September 2010 – USFWS concluded listing was warranted but precluded
- In 2002, AGFD conducted a thorough literature review to determine there is no known documented scientific evidence that the species has ever occurred in Arizona.

Petition to List the Sprague's Pipit:

- December 2009 – Positive 90-day finding
- September 2010 – USFWS concluded listing was warranted but precluded due to other higher priority listing actions
- Wintering population in the southeastern Arizona grasslands.

Mount Graham Red Squirrel:

- AGFD led Inter-agency surveys since 1991 (Bi-annual surveys 1991-2008; Single fall survey began in 2009)
- Decline from 1999 related to: Data management, insect outbreaks, Nuttal-Gibson Fire
- Draft revision of Recovery Plan completed in 2009
- USFWS captive rearing pilot project – draft EA, NEPA compliances

Chiricahua Leopard Frog:

- Arizona Game and Fish Department and the Phoenix Zoo's Conservation Center released the 10,000th Chiricahua leopard frog into the wild, August 2010
- Chiricahua leopard frog Statewide Safe Harbor Agreements contribute towards recovery and creates partnerships with ranchers and other non-federal landowners

2B. Commission Discussion of Director's Evaluation Process

Presenter: Jim Odenkirk, Assistant Attorney General

The Commission was in consensus to move this item to Saturday following Executive Session.

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3. Legislative Engagement and State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles briefed the Commission on the current status of selected state and federal legislative matters. The Department provides the Commission with regular monthly updates and provided informational materials at this meeting (available to the public). The briefing included the following:

State Update

Elections:

- Arizona Legislature has 31 new members
- This is the 50th Arizona State Legislature
- JCCR & JLBC Hearings scheduled for December 14th

Legislative Proposals:

Guides; wasted game meat:

- Most of the language vetted, compromised-out
- Latest Commission-approved iteration
- Department recommended language.

Federal background checks (ability for the Department to do them):

- Previously presented need for the proposed changes to Commission
- Must enumerate statutory "categories" of personnel and volunteers in statute
- May develop administrative policy for selected positions
- Department recommended language will likely be changed
- Fiduciary Provisions

Motion: Woodhouse moved and Harris seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO OPEN A FOLDER ON FEDERAL BACKGROUND CHECKS BY THE DEPARTMENT AND LOOK INTO POTENTIAL LEGISLATIVE SPONSORS.

Vote: Unanimous

Congressional Update

- SB 1421; Asian Carp Prevention to President for signature; Lists as injurious species; Section 42(a)(1) of title 18, United States Code, is amended by inserting of the bighead carp
- Public Lands Omnibus; Discussed in a recent legislative update; Could have legs, still uncertain; Likely only measures that have had a mark-up in the Senate; Could include several less ambiguous wilderness and parks designations, Southeast AZ Land Exchange (Resolution Copper)
- HR 6155; Tumacacori Wilderness Proposal; Is likely a dead bill in the Lame Duck 111th Congress; Includes some changes to original iteration as negotiated with Congressman Grijalva's Staff regarding: Cooperative Agreement - Secretary and State of Arizona which will specify conditions wildlife management activities may occur; Provision Added-cites "map" dated Feb. 18, 2009; This map excludes cherry-stemmed roads proposed under 1st iteration in 110th Congress

Motion: Husted moved and Harris seconded THAT THE COMMISSION VOTE TO REAFFIRM ITS POSITION OF OPPOSITION TO HR 6155 IN ITS CURRENT FORM AND DIRECT THE DEPARTMENT TO RELAY THAT OPPOSITION TO THE ENTIRE CONGRESSIONAL DELEGATION.

Commissioner Woodhouse clarified that the Commission is in opposition to the current map that does not show the cherry-stemmed roads that they thought they agreed upon in 2008 with Congressman Grijalva's staff, but the language that was agreed on is in the bill. So the only flaw in this from the Commission's 2008 motion that supported the bill is the lack of the cherry-stemmed roads. Commissioner Woodhouse questioned whether the motion should be to oppose or to reaffirm the Commission's 2008 motion, and further expressed concern about the Commission changing its position and sending a letter to the Delegation.

Commissioner Harris withdrew his second so Commissioner Husted could restate his motion.

Motion Restated: Husted moved THAT THE COMMISSION VOTE TO CONFIRM TO THE CONGRESSIONAL DELEGATION THE COMMISSION'S POSITION OF OPPOSITION TO HR 6155 IN ITS CURRENT FORM AND OFFER DIALOGUE TO REPRESENTATIVE GRIJALVA'S OFFICE TO DISCUSS IT FURTHER.

Commissioner Woodhouse asked Commissioner Husted if he had other concerns with the Commission's 2008 motion besides the cherry-stemmed roads to which Commissioner Husted stated that he did have other concerns and that is why his motion is to oppose and to offer further dialogue with the author of the bill.

Chair Martin expressed concern about losing what the Commission gained in the language of the bill, such as the state's authority to manage wildlife within the wilderness, if the Commission aggressively opposes the bill.

Commissioner Harris shared discussions that he had with constituents in southern Arizona. They talked about what was agreed upon and wanted to make sure the Commission goes back to the first agreement, specifically the cherry-stemmed roads.

Mr. Guiles read the 2008 motion to the Commission (there were two motions). Original motion: “that the commission vote to direct the Department to send a letter to Congressman Grijalva in support of HR 3287 as written with the caveat of the introduction of the things he promised in his letter”. Follow up motion: “that the Commission vote to amend the prior motion to include that the Commission’s support of the language of the bill is contingent upon the inclusion of a compromised map with the boundaries and access points as agreed upon by the sportsmen of Arizona and Sky Island.” (These motions were made on April 18, 2008 and both motions passed 5 to 0).

Motion died for lack of second.

Motion: Harris moved and Freeman seconded THAT THE COMMISSION VOTE TO OPPOSE THE CURRENT RENDITION THAT WAS PUT FORWARD ON HR 6155 BY CONGRESSMAN GRIJALVA UNTIL IT CONTAINS THE MAP THAT WAS AGREED TO WITH THE CHERRY-STEMMED ROADS THAT WAS AGREED TO IN 2008.

The Commission discussed that they wanted to maintain the language in the bill as well as the map that was agreed upon in 2008, so Commissioner Freeman withdrew his second so that Commissioner Harris could restate his motion.

Commissioner Woodhouse advised that the Department will have to monitor this bill closely as it moves through the legislative to make sure there are no changes made.

Motion Restated: Harris moved and Freeman seconded THAT THE COMMISSION OPPOSE THE CURRENT HR 6155 UNLESS IT INCLUDES THE BOUNDARIES, THE COMPROMISED MAP AND THE ACCESS POINTS AS AGREED UPON BY THE SPORTSMEN OF ARIZONA AND SKY ISLAND ALLIANCE AND THEN THE COMMISSION WOULD SUPPORT IT.

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

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

Meeting reconvened at 1:30 p.m.

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3. (Re-opened) Legislative Engagement and State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

The Commission discussed the designation of Commission representatives to the legislature for the next legislative session. This is usually done at the January meeting but this legislative session will begin before the January Commission meeting.

Commissioner Husted wanted to talk about a new model for selecting the representatives and suggested an understanding that the Department could call in a Commissioner who may have a

relationship or may be able to have an impact with a particular representative rather than have two individuals tasked with that.

The Commission discussed that this would be a good component to add to having two representatives, but the representatives are selected to provide testimony at the legislature and to stay abreast of all the various bills on a day to day basis. Another component is that the selected representatives are given the authority by the Commission as a whole to make decisions on the Commission's behalf if necessary when there is no time to call a Commission meeting.

Commissioner Freeman stated that he wants to do it in his senior year and he has already done it once and usually a Commissioner doesn't do it for more than two years.

Commissioner Harris stated that besides current job he is also heavily involved with another organization where they are dealing with a number of legislative issues and traveling down from Tucson for both of those would be very prohibitive for him.

Commissioner Husted stated that he would be able to help whenever needed.

Motion: Harris moved and Husted seconded THAT THE COMMISSION VOTE TO ELECT COMMISSIONER WOODHOUSE AND COMMISSIONER HUSTED AS THE COMMISSION'S LEGISLATIVE REPRESENTATIVES FOR 2011.

Commissioner Freeman stated that it is important to him that issues be brought back to the Commission and that the Commission's position is represented and not individual philosophies.

Chair Martin stated that she will have to vote nay on this because if a Commissioner has spoken against Commission positions to reporters and spoken against Commission positions to clubs, then she has to wonder if when that Commissioner goes down town, if it is going to be the Commission's position that is unflinchingly provided at all times or if individual positions that may be contrary to Commission positions are going to be voiced. That is a concern for her and she has to feel secure that the Commissioner going down town will always and only speak the will of the Commission.

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

Commissioner Freeman mentioned the federal food safety bill and suggested keeping an eye on this bill because it may have some impacts to wildlife and wildlife management.

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3A. Information, Education and Wildlife Recreation Activities Briefing

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

The Commission was provided with an Information, Education and Wildlife Recreation 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 October 2010 Commission meeting and was provided in fulfillment of the Department's commitment to brief the Commission on a regular basis.

Kellie Tharp, Education Branch Chief, briefed the Commission on the November Open House at Adobe Mountain Wildlife Rehabilitation Center. It was a great success with over 1800 visitors and the Wildlife Center Auxiliary, a nonprofit organization, raised over \$4400 for the facility.

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5. 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 g be removed for discussion.

a. Request for the Commission to Approve a Memorandum of Understanding with the U.S.D.A. Forest Service, Apache-Sitgreaves National Forest and the City of Show Low for Management of Show Low Wetlands, Navajo County, Arizona.

Presenter: Josh Avey, Habitat Branch Chief

In 1977, the Commission entered into a Cooperative Agreement with the Apache-Sitgreaves National Forest (FS) for development of the Pintail Lake Waterfowl Area, also known as Allen Severson Wildlife Area. The agreement outlined actions to construct a series of dikes and water control systems designed to utilize secondary treated effluent from the City of Show Low to sustain a waterfowl wetland area for 20 years. The FS also had a Memorandum of Understanding with the City of Show Low for the purpose of delivering the effluent to the newly created artificial wetlands. In 1986, the Commission entered into a cooperative agreement with the FS for development of Redhead Marsh for the same purpose. In 1999 the Pintail Lake agreement was extended until 2006 to coincide with the term of the Redhead Marsh agreement. This Memorandum of Understanding (MOU) combines all these management documents into one and calls the combined area Show Low Wetlands for purposes of this agreement only. It also increases the amount of effluent to be made available. Approval of this MOU shall have the effect of continuing Department participation in a multi-agency effort to provide wetland habitat for waterfowl in the Show Low area of Arizona.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE U.S.D.A. FOREST SERVICE, APACHE-SITGREAVES NATIONAL FOREST AND THE CITY OF SHOW LOW FOR MANAGEMENT OF SHOW LOW WETLANDS, NAVAJO COUNTY, ARIZONA, AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

b. Request for the Commission to Approve the Extension of the Master Memorandum of Understanding (MOU) between Arizona Game and Fish Department and Pima County for another Ten (10) Years.

Presenter: Josh Avey, Habitat Branch Chief

This MOU allows the Department and the County to streamline cooperative undertakings and agreements. The Department anticipates potential for future agreements with the County for: transfer of funds, jointly funded personnel, and land acquisitions funded by federal sources that require state involvement. All agreements would be tiered to the MOU. During the tenure of the existing MOU, the Department and the County have worked together on several grant funded projects, funded a joint staff position, and worked together on the County's habitat conservation plan.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE EXTENSION OF THE MASTER MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT AND PIMA COUNTY AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

c. Request for the Commission to Approve Renewing a Special Use Permit with the U.S.D.A. Apache-Sitgreaves National Forest for the Maintenance of Three Existing Wildlife Water Catchments Located on the Lakeside Ranger District.

Presenter: Josh Avey, Habitat Branch Chief

In 1999, the Commission entered into a 10-year Special Use Permit (SUP) with the Apache-Sitgreaves National Forest (FS) for development and maintenance of three wildlife water catchments. The catchments, known as Pit Springs, # 508, and Blue Ridge Water catchments, are located on the Lakeside Ranger District. In 2009, the SUP was amended to expire on December 31, 2010. This agreement would be renewed for additional 10-years.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE RENEWING A SPECIAL USE PERMIT WITH THE U.S.D.A. APACHE-SITGREAVES NATIONAL FOREST FOR THE MAINTENANCE OF THREE EXISTING WILDLIFE WATER CATCHMENTS LOCATED ON THE LAKESIDE RANGER DISTRICT, AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

d. Request for the Commission to approve a new Intergovernmental Agreement with the Town of Marana to cooperate on mutually beneficial wildlife projects.

Presenter: Chantal O'Brien, Research Branch Chief

The Town of Marana has identified wildlife research and monitoring needs as an important component of their planning for development. The Town of Marana has a need for wildlife expertise to work with engineers and planners to investigate wildlife and report on concerns

related to resource projects. The Department has the expertise and experience to help the Town of Marana make informed decisions about, and minimize impacts to, wildlife resources. Therefore, matching the Department's expertise with the Town of Marana's need under this Intergovernmental Agreement will benefit wildlife by improving and expanding the information available for making wildlife resource decisions.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE AN INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF MARANA FOR THE COMMON PURPOSE OF DEVELOPING WILDLIFE RESEARCH AND MONITORING PROJECTS AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO APPROVE THE AGREEMENT AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

e. Request for the Commission to Approve a Memorandum of Understanding with Arizona Antelope Foundation for Cooperative Activities.

Presenter: Brian F. Wakeling, Game Branch Chief

The Department and the Arizona Antelope Foundation (AAF) agree to work cooperatively where mutually beneficial to meet common objectives for public information and wildlife habitat enhancement. This Memorandum of Understanding (MOU) provides a framework for the relationship with regard to future activities. AAF is a 501(c)(3) organization that wishes to develop a formal agreement with the Department and Commission through this MOU.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE ARIZONA ANTELOPE FOUNDATION AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

f. Request for the Commission to Approve a Memorandum of Understanding with Arizona Wildlife Federation for Cooperative Activities.

Presenter: Brian F. Wakeling, Game Branch Chief

The Department and the Arizona Wildlife Federation (AWF) agree to work cooperatively where mutually beneficial to meet common objectives for public information and wildlife habitat enhancement. This Memorandum of Understanding (MOU) provides a framework for the relationship with regard to future activities. AWF is a 501(c)(3) organization that wishes to develop a formal agreement with the Department and Commission through this MOU.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE ARIZONA WILDLIFE FEDERATION AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

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

Vote: Unanimous

g. Petition to Lock a Gate on State Trust Land Approximately Two Miles East of Gold Canyon, Arizona

Presenter: Mark Weise, Development Branch Chief

Dee Johnson has requested a closure to vehicular access at a gate on State Trust lands in Pinal County; the gate is located at milepost 206 on the north side of U.S. Highway 60. The Desert Wells Multiuse Area Workgroup recommended petitioning for this closure to support their ongoing collaborative effort to manage the area in accordance with the wants and needs of the attendees, which include most affected parties including organized OHV groups, local sportsman's groups, Maricopa County Flood Control District, Arizona State Land Department, Arizona Game and Fish Department, Pinal County, and local cattle growers including the petitioner. This closure is being requested for many reasons and the desired outcomes are: reduction in loss of wildlife habitat through less soil erosion and vegetation damage by vehicles, reduction in dust in response to PM¹⁰ concerns, reduction in illegal activities which include unlawful cross-country travel, illegal dumping and littering, unlawful target shooting, and vandalism to range improvement structures (specifically fences and dirt stock tanks). In addition, the elimination of vehicular access at this gate will facilitate livestock operations because it will reduce incidences of OHV travel in a major wash that is immediately adjacent to this entrance. Furthermore, the likelihood of livestock on Highway 60 will be reduced therefore reducing a public safety concern.

Loss of wildlife habitat has been noted by AGFD personnel through the creation of new roads (unlawful cross-country travel), loss of vegetation surrounding "green-up areas" near dirt stock tanks and flood control structures, increased sedimentation of dirt stock tanks, and increased disturbance to wildlife by motorized use. The vegetation and water found near these structures plays an important role in wildlife health in the desert environment. The dirt stock tanks and flood control structures in the area serve as refugia for wildlife because of thicker vegetation offering cooler temperatures and concealment, particularly in the summer months when temperatures are extreme. Unfortunately these structures have also been an attractant for OHV use due to the "terrain" that they offer to OHV users and have resulted in the loss of vegetation that once attracted wildlife. Through elimination of this gate that takes OHV users near these structures, increased signage and law enforcement presence, the Department intends to reduce the amount of wildlife habitat loss in the area. Non-motorized access by sportsmen and other properly permitted recreationists will still be allowed at this gate. Furthermore, several alternative gates exist and will remain open providing reasonably available alternative vehicular access to the area including another gate one mile further east at milepost 207 on U.S. Highway 60. Regional personnel and the Arizona State Land Department support this closure for natural resource protection.

Motion: Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE REQUEST TO LOCK A GATE ON STATE TRUST LAND LOCATED APPROXIMATELY TWO MILES EAST OF GOLD CANYON.

Vote: Unanimous

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Meeting recessed for a break at 2:03 p.m.

Meeting reconvened at 2:13 p.m.

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12. 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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Meeting recessed for a break at 3:13 p.m.

Meeting reconvened at 3:27 p.m.

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4. 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 (attached) was provided to the Commission prior to this meeting and was available to the public. 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 October 2010 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 Commission with a PowerPoint© presentation on the work accomplished over the last year by the Department associated with the GIS Program. The presentation included geospatial information and maps describing the Department's model for depicting crucial habitats and corridors across the state. Mr. Avey further described how this model, called the Species and Habitat Conservation Guide, will be used as an outreach tool for municipal, county, and state planning efforts through the newly developed Geospatial Planning Tool.

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6. Request for Commission Consideration of the City of Phoenix Contractor's Request to Close the Base and Meridian Wildlife Area to Public Access

Presenter: Rod Lucas, Mesa Regional Supervisor

In June the Commission approved an Intergovernmental Agreement with the City of Phoenix to guide the implementation of the Tres Rios Environmental Restoration Project on Commission lands. These lands essentially encompass the entirety of the Base and Meridian Wildlife Area. Since that time the Department has completed an Environmental Assessment Checklist in review of the proposed restoration activities and has issued a Construction Right of Way to the City of Phoenix in support of the project's implementation.

Construction activities associated with the project are anticipated to begin in late December of 2010 or early 2011. The selected project contractor, Kiewit Western Company, has submitted a request to the Department that the Base and Meridian Wildlife Area be closed to public access for the anticipated duration of the construction activities, from about December 6, 2010, to August 31, 2012. They will be running large construction equipment, some of which are several stories tall, within the construction footprint. In order to protect the public and to secure the site from theft and vandalism, it is their request that the project area be closed to the public. While the Department has the authority to close a wildlife area to the public for a period of up to 90 days under R12-4-801.E., the requested closure is of longer duration and requires Commission approval to bring into effect.

Commissioner Freeman recused himself and left the room due to having submitted proposals to Kiewit Western Company in his personal business.

Mr. Lucas provided the Commission with a PowerPoint© presentation on the Tres Rios Project which included an overview of the Department's accomplishments with the wetlands, the project's background, partnerships, and Department/Commission's involvement. The presentation also included slides of the large heavy equipment that will be used and the project plan for public safety.

Public Comment

Gwen Meyer and Gary Sanders submitted speaker cards in support of the closure, but were not present at the time this agenda item was addressed. Chair Martin read their comments into the record as follows:

Gwen Meyer, Project Manager, US Army Corps of Engineers: "As the Tres Rios Project Manager, I want to speak to the successful working relationship between the Corps of Engineers, Game and Fish, the City of Phoenix and other partners. From the early 90's we have partnered from recon phase, feasibility, design phases to today where we are beginning the last Phase III of construction. The Corps appreciates the long term partnership with Game and Fish and the Commissions consideration to close the necessary wildlife areas to ensure the safety of this major stimulus funded project."

Gary Sanders, Project Manager, Kiewit Western Company: "I was here to support the request for closure of the B and M during construction of Phase III of Tres Rios. Due to the large construction equipment involved this closure in my opinion will provide the greatest level of public safety possible."

Motion: Husted moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE THE CLOSURE TO PUBLIC USE OF THE BASE AND MERIDIAN WILDLIFE

AREA FOR THE PERIOD FROM DECEMBER 6, 2010, TO AUGUST 31, 2012, AND
AUTHORIZE THE DEPARTMENT TO POST AND ENFORCE THIS CLOSURE

Vote: Unanimous
4 to 0
Freeman Recused

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8. Request to Approve the Notice of Exempt Rulemaking for R12-4-102.

Presenter: Jennifer Stewart, Rules and Risk Branch Chief

Ms. Stewart briefed the Commission on the Notice of Exempt Rulemaking for R12-4-102. As the Commission is aware, a rulemaking moratorium is in place and has been in place since January 2009. The current statutory moratorium continues through June 30, 2011 and as a result rulemaking can not occur without first receiving an exception from the Governor's Office and also must meet specific criteria. The Department previously requested an exception to implement HB 2601 which became effective July 29, 2010. This bill authorizes the Department to issue a reduced-fee Youth Class F Combination Hunting and Fishing License to eligible boy scouts and girl scouts. The Department received approval to proceed with rulemaking to implement HB 2601 from the Governor's Office and is now presenting to the Commission a Notice of Exempt Rulemaking to specify the fee for that rule in R12-4-102. The Department proposes to amend R12-4-102 to establish the reduced-fee of \$5.00 for the Class F Youth Combination Hunting and Fishing License and to modify the fee table to make it easier to understand.

If approved by the Commission, the Department will file the Notice of Exempt Rulemaking with the Secretary of State's Office who will publish the rule in the *Arizona Administrative Register*. The rule will become effective immediately upon filing with the Secretary of State's Office.

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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: Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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Public Meeting reconvened at 5:06 p.m.

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8. (Continued) Request to Approve the Notice of Exempt Rulemaking for R12-4-102.

Presenter: Jennifer Stewart, Rules and Risk Branch Chief

Motion: Harris moved and Freeman seconded THAT THE COMMISSION VOTE TO INCLUDE CHANGES TO R12-4-102 IN THE PROPOSED RULEMAKING PACKAGE FOR R12-4-205 AS PRESENTED IN THE FOLLOWING AGENDA ITEM #9

Vote: Unanimous

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9. Request to Approve the Notices of Docket Opening, Proposed Rulemaking, and Economic Impact Statement for R12-4-205.

Presenter: Jennifer Stewart, Rules and Risk Branch Chief

Ms. Stewart briefed the Commission on the Notices of Docket Opening, Proposed Rulemaking, and Economic Impact Statement for R12-4-205; promulgating a new rule to establish application and documentation requirements for the reduced-fee Class F Youth License. R12-4-102 will be added to this package along with the specified fee amount of \$5.00. Laws 2010, Second Regular Session, Chapter 216 amended A.R.S. § 17-336 to authorize the Department to issue a reduced-fee Youth Class F Combination Hunting and Fishing License, effective July 29, 2010. On August 19, 2010, the Governor's office approved the Department's request to pursue rulemaking to implement House Bill 2601, Eagle Scouts; Complimentary Fishing License. In order to allow the Department to issue the Honorary Scout Youth Class F Combination Hunting and Fishing License, the Department will need to pursue rulemaking to adopt a new rule, R12-4-205, to establish application and documentation requirements.

If approved by the Commission, the Department will file the Notice of Docket Opening and Notice of Proposed Rulemaking with the Secretary of State's Office who will publish the rule in the *Arizona Administrative Register*. The Department must file the Notice of Docket Opening at the same time to initiate the formal rulemaking process. The Department will accept public comment for 30 days after the Notice of Proposed Rulemaking is published. Once the public comment period has passed, the Department will present the Notice of Final Rulemaking and Economic Impact Statement to the Commission for their consideration.

Chair Martin asked if there was any way to expedite the process.

Ms. Stewart stated that the Department has been working toward expediting the process as much as possible since HB 2601 was passed. This will be brought back to the Commission in April and hopefully it will be effective by September.

Motion: Freeman moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE NOTICES OF DOCKET OPENING, PROPOSED RULEMAKING, AND ECONOMIC IMPACT STATEMENT TO PROMULGATE R12-4-102 AND R12-4-205 TO IMPLEMENT HOUSE BILL 2601.

Vote: Unanimous

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Meeting recessed for a break at 4:54 p.m.

Meeting reconvened at 5:06 p.m.

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15. 2010 Director’s Goals and Objectives Close Out and Transition to 2011.

Presenter: Bob Broscheid

The Commission was in consensus to postpone this item to Saturday’s agenda.

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10. Call to the Public

There were no requests to speak to the Commission.

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11. Law Enforcement Program Briefing

Presenter: Gene Elms, Law Enforcement Branch Chief

Mr. Elms briefed the Commission on activities and developments relating to the Department’s Law Enforcement Program. This briefing was in fulfillment of the Commission’s request to be briefed on a monthly basis regarding activities and developments relating to the Department’s Law Enforcement Program. The Commission was provided with a written report (also available to the public) and a PowerPoint© presentation by Mr. Elms which highlighted some law enforcement training activity, wildlife enforcement activity, watercraft and OHV enforcement activities, and partnerships that were developed and fostered in this reporting period.

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14. Call to the Public

There were no requests to speak to the Commission.

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Meeting recessed for the day at 5:21 p.m.

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Meeting reconvened Saturday at 8:00 a.m.

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Chairperson Martin called the meeting back to order and lead those present through the Pledge of Allegiance followed by Commission and Department introductions.

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1. (Continued) 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: Harris moved and Woodhouse seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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Public Meeting reconvened at 10:11 a.m.

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1. Shooting Sports Activities Briefing

Presenter: Jay Cook, Education Branch Chief

Mr. Cook provided the Commission with a PowerPoint© presentation highlighting several items in the Shooting Sports Activities Briefing (provided to the Commission prior to this meeting and available to the public). The report included shooting programs and shooting range development statewide and covered activities that occurred since the October 2010 Commission meeting. This briefing is part of the Department’s ongoing commitment to provide the Commission with updates on a regular basis.

Mr. Cook briefed the Commission on the Ben Avery Clay Target Center Master Plan Amendment which would have the affect of 1) adding a Maricopa County Trail, 2) moving the location of the CTC Business Center, 3) moving the location of the proposed new trap and skeet line, and 4) moving the location of the proposed new sporting clays course. Maps were included in the presentation for Commission consideration. The Department recommended that the Commission approve the amendment.

Motion: Husted moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE BASF MASTER PLAN AMENDMENT AS PROPOSED.

Vote: Unanimous

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3. Chronic Wasting Disease Surveillance and Response Plan

Presenter: Anne Justice-Allen, Wildlife Health Specialist

Dr. Justice-Allen provided the Commission with a PowerPoint© presentation on the revisions to the Chronic Wasting Disease Surveillance and Response Plan. The presentation was for informational purposes only and no action was requested from the Commission. The presentation was followed by Commission discussion and a question/answer session with Dr. Justice-Allen. The following information was provided in the presentation.

The Department developed the first Chronic Wasting Disease (CWD) Detection and Response Plan for Arizona in 2003. Since then, CWD has spread to additional cervid populations in the United States and Canada; CWD has now been detected in 18 states and 2 provinces. CWD has been found in elk and deer in New Mexico, Utah, and Colorado. The Department has revised the plan to incorporate new information from states that are managing CWD outbreaks or have recently detected CWD, and research on the spread of CWD in affected herds. These significant changes have been made to the plan:

- Surveillance structure is changed from an ecosystem-based method to a risk-based method with risk level determined by proximity to infected populations in neighboring states.
- Rule changes are proposed to reduce the risk of introduction of CWD by human action. The possibility of invoking an exemption to the rule making moratorium has been investigated and the rule changes outlined do not appear to qualify for emergency rule making because there is not a public health risk, but will be considered when rulemaking is possible. Suggestions for future rule-making are 1) prohibit importation of cervid carcasses except for boned meat, taxidermist processed mounts, tanned hides, and skulls with all tissue removed, 2) prohibit intentional feeding and baiting, 3) define best practices for managing captive cervids, and 4) define best practices for meat processing and carcass disposal.
- A communication plan identifies the groups that will be notified of the detection of CWD in an Arizona cervid.
- Because large-scale culling has not been shown to be effective, that method has been removed from the response plan.
- The goals of the response are to reduce the spread and maintenance of CWD by removing contact animals, determine the geographic extent of the disease, and determine the prevalence. The response effort is tiered and dependent on the prevalence level.
 - More samples will be submitted from the affected Game Management Unit (GMU) to accurately determine prevalence and extent.
 - Samples will be submitted more frequently from affected and adjacent GMUs to allow for timely notification of hunters of the status of their harvested animal.
 - Increase removal of potentially exposed animals by changing the hunt structure. Female animals that are related to the positive animal are more likely to be positive than unrelated animals.
 - Educate hunters in the best practices for carcass handling and disposal of positive meat.
- Response to CWD detection in a captive cervid will focus on trace back and trace forward efforts to determine the source and the potential spread. As with other states, some efforts will be directed at determining whether or not wild cervids around the captive facility have been infected.

Commissioner Husted asked Dr. Justice-Allen to reiterate for the benefit of all present the risk of CWD to humans. Dr. Justice-Allen stated that studies have shown CWD to not be a health risk for humans, however, it is recommended that humans do not consume animals that have tested positive for CWD.

Commissioner Woodhouse suggested that the Department look into beginning the rulemaking process even though the rulemaking moratorium is still in effect, so that the Department can be ready to act quickly in case CWD is discovered in Arizona.

Commissioner Harris suggested that in lieu of a rule for now that the Department look into some type of educational process for people and hunters who travel and may bring animals into Arizona; maybe ask for some type of voluntary compliance.

Dr. Justice-Allen advised the Commission that a tabletop exercise is scheduled for December 16 to test the preparedness of the Department.

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Meeting recessed for a break at 10:58 a.m.

Meeting reconvened at 11:11 a.m.

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4. Consideration of Proposed Commission Orders 3, 4, and 26 for 2011 Hunting Season.

Presenter: Brian F. Wakeling, Game Branch Chief

Mr. Wakeling presented the Commission with Department recommendations for Commission Orders 3 (pronghorn antelope), 4 (elk), and 26 (population management) establishing seasons and season dates, bag and possession limits, permit numbers or authorized limits, and open areas for the respective 2011 hunting season. Mr. Wakeling provided a PowerPoint© presentation that included charts and graphs of historical and current survey data, as well as weapon type data and fawn to doe and buck to doe ratios. A detailed description of all proposals were provided to the Commission prior to this meeting for review and consideration and was available for public review at all Department offices.

Hunt structures and recommendations were formulated based on the two-year hunt guideline package approved in September 2009. The following hunt recommendations for 2011 pronghorn antelope, elk, and population management seasons are based on the guidance provided by that document. Regions 1, 2, 3, and 6 held public meetings after analyzing current year survey data and prior to meeting with the Game Branch to discuss permit recommendations. These meetings were held during October 11–21, 2010. Zero to 5 people attended each meeting (12 people total). At each of these meetings, Regional staff shared recommended management direction regarding harvest with those in attendance. Each Region held an open house between November 23 and December 2, 2010 at which the public could ask specific questions about the hunt recommendations from knowledgeable staff. Two people availed themselves of this opportunity statewide. The hunt recommendations were posted on the Department web site on November 20, 2010.

In accordance with Hunt Guidelines, the Department will continue to allocate a proportion of the permits for pronghorn and elk within Units 4A, 5A, and 5B to Hopi tribal members based on the estimated populations of pronghorn and elk that occupy those lands. In exchange, the Hopi tribe will grant access to Hopi Trust Lands for permit draw hunters within the open hunt area. Likewise, Hopi tribal members that draw from their allotted permits will have access to the entire open area in the hunt area.

Commission Order 3 – Pronghorn Antelope

A certified copy of the recommended permit numbers by unit was provided to the Commission and available to the public.

General season permits are recommended to decrease by 17 from last year for a total of 475 permits. The archery pronghorn permit recommendation is 327 permits, which is a decrease of 25 permits from last year. Muzzleloader pronghorn seasons are recommended for 72 permits, a decrease of 15 permits from last year. Hopi tribal members are recommended to be allocated 10 general permits, 5 archery permits and no muzzleloader permits in Units 4A, 5A, and 5B.

Mr. Wakeling noted that a bonus point would be available for those who wish to apply for it and is part of the recommendation, and that in the in the back of the certified copy the Hopi Tribe and Military permits are provided. The hunt for pronghorn on Fort Huachuca in Unit 35A is recommended for one general permit this year.

Motion: Freeman moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 3 – PRONGHORN ANTELOPE AS PROPOSED.

Vote: Unanimous

Commission Order 4 – Elk

A certified copy of the recommended permit numbers by unit was provided to the Commission and available to the public.

Statewide bull to cow ratios remain above guidelines at 35:100, whereas calf to cow ratios dropped but remain within guidelines at 34:100. Populations in many units are stable or slightly declining. As with pronghorn, a proportion of the permits in Units 4A, 5A, and 5B are recommended to be allocated to Hopi tribal members.

Elk harvest is recommended to allow limited population growth in some areas where growth is possible as identified in the Elk Management Plan; individual populations may be managed according to current habitat and environmental conditions. In Units 5A, 5B, 6A, and 6B the management objective is to stabilize the declining population; substantial reductions in antlerless permits are recommended for these units. However, in Unit 1, the management objective is to reduce elk numbers or duration of occupation in specific portions of the unit. Limited population management zones are still targeted for reduction.

This recommendation package will continue to adjust bull to cow ratios to meet or move toward management guidelines. General season permits are recommended at 15,088 permits, a decrease

of 1,914 permits from last year (the change comprises a decrease of 604 bull elk permits and a decrease of 1,310 antlerless elk permits from last year). An additional 41 general bull and 13 general antlerless permits are recommended for allocation to Hopi tribal members in Units 4A, 5A, and 5B. Juniors general antlerless elk permit opportunities are recommended at 1,132 permits, a decrease of 215 permits, and 6 permits are recommended to be allocated to Hopi tribal members in Unit 4A (5.0% of standard opportunity). Archery elk permits are recommended to decrease by 100 to 5,323 (the change comprises an increase of 213 bull elk permits and a decrease of 313 antlerless elk permits). Hopi tribal members are recommended to receive 22 archery bull and 6 archery antlerless permits in Units 4A, 5A, and 5B. Muzzleloader permits are recommended to decrease by 84 permits to 1,118 (the change comprises an increase of 21 bull elk permits and a decrease of 105 antlerless elk permits). The Unit 5A muzzleloader bull hunt was replaced with a Unit 8 muzzleloader bull hunt; therefore, the zero muzzleloader permits are recommended for Hopi tribal members in Unit 5A. And finally, it is recommended that CHAMP hunters receive 35 any elk permits, which is no change from last year.

The Department is recommending continued allocation of permits by weapon type using the Commission approved weapons allocation formula. Bull and antlerless elk harvests are allocated by sex and weapon type using five-year averages of first-choice application demand and five-year averages of hunt success by weapon type; limited opportunity hunts are excluded from this allocation determination. The Commission directed the Department to allocate at least 5% of the total available elk permits as antlerless elk permits to juniors-only seasons to address hunter recruitment goals. The permit allocation in this package for juniors-only antlerless elk permits represents 5.0% of the total recommended elk permits.

Not including limited opportunity, CHAMP, or juniors-only hunts, the targeted and recommended allocations for bull and antlerless elk permits are as follows:

Bull Elk:	<u>Target</u>	<u>Recommended</u>
General	61.6%	61.8%
Archery	33.0%	33.0%
Muzzleloader	5.4%	5.2%
Antlerless Elk:	<u>Target</u>	<u>Recommended</u>
General	81.7%	81.3%
Archery	13.6%	13.5%
Muzzleloader	4.7%	5.2%

Projected harvest for both bull and antlerless seasons are expected to be within one percent of targeted allocation. The Department will continue to use the harvest allocation formula to closely approximate hunter demand.

Limited opportunity hunts are recommended to increase by 52 general permits to 1,630 and 145 archery permits to 300. No muzzleloader limited opportunity hunts are recommended. Three new hunt areas are recommended in Unit 1 to address elk prevalence concerns; this accounts for 165 general limited opportunity permits and 160 archery limited opportunity permits. Units 15A, 15B, and 18A are recommended to be separated, for both general and archery, from the large multi-unit limited opportunity hunt area offered last year. The limited opportunity hunts in the Canyon Creek Hunt Area in Unit 23 are not being recommended since the objective of

reducing elk use in the riparian area has been met. Hopi tribal members are recommended to receive 38 any general and 25 antlerless general limited opportunity permits in Units 5A and 5B.

No changes were recommended to the nonpermit over-the-counter elk seasons.

The hunt recommendation package was coordinated with land management agencies, local habitat partnership committees, and the Forage Resource Study Group in Region 2. The general, muzzleloader, archery, and juniors-only permit allocations were adjusted to address the allocation targets noted above. Permits for bull and antlerless harvest were managed to meet management guidelines for bull to cow ratios and forage use as noted in the hunt guidelines and the Elk Management Plan.

Mr. Wakeling affirmed that elk, as with pronghorn, would have a bonus point number for which people could apply.

Chair Martin mentioned the Elk Management Plan and the significance of the guidance contained in that document. She suggested to the Commission that they may want to review and discuss the Elk Management Plan at some time in the future.

Public Comment

Chuck Decker, representing himself, expressed concern about the proposed combining of the Unit 6A archery hunts (removing the boundaries from Unit 6A North, South and West). He is concerned that some areas in Unit 6A will see an increase of hunter pressure.

Steve Clark, President, Arizona Elk Society, expressed concern about the increase in tags in Unit 7E and 8 due to the lack of aspen regeneration. Mr. Clark recommended staying with last year's recommendation because elk numbers were not the sole issue associated with limited aspen regeneration.

Earl Stewart, Forest Supervisor, Coconino National Forest, strongly supports the recommendations for antelope and elk. He appreciates the innovative proposal for the Peaks hunt sub-unit area and believes this may help reduce any additional influence on recovery from the Shultz fire.

John Koleszar, representing himself, unofficially conveyed thoughts of the Payson Natural Resources Committee, including that they would like to change Unit 22 to an alternative management unit to allow for increased bull to cow ratios and lower hunter density. They also would like to see a member of the Commission come to an HPC meeting.

Darell Christensen, representing himself, suggested that the cow elk tags in Units 5A and 5B be reduced so the herd can increase in numbers.

Speaker via telephone from Region V, Flagstaff:

Chirre Keckler, Forest Biologist for the Kaibab National Forest, supports the recommendations, but has concerns for Units 7E and 8 as it relates to aspens, which is related to higher elk abundance in those units.

Commissioner Freeman suggested to the Director that it would be a helpful tool in the future to use the GIS mapping system and have, for example, the permit applications overlaid with hunt success rates, and have that to look at geographically for analyzing.

The Commission discussed and expressed concern about the increase in permits for Units 7E and 8 and agreed that they would like to keep the antlerless permits the same as last year while increasing the pressure on the Peaks area.

Mr. Wakeling offered the following changes to hold the antlerless permit level to the same as last year for Units 7E and 8 and to redistribute permits in 7E to increase the pressure in the Peaks area:

- September 9-22, early archery cow hunt, all of Unit 7E, 50 permits
- Eliminate the general cow hunt
- September 23-29, general cow, 90 permits, within the Peaks hunt area
- September 23-29, general cow, 40 permits, within Unit 7E (excluding the Peaks hunt area)
- October 14-20, general cow, 90 permits, within the Peaks hunt area
- October 14-20, general cow, 40 permits, Unit 7E (excluding the Peaks hunt area)
- December 2-11, general cow, 200 permits, all of Unit 7E

Commissioner Woodhouse expressed concerns with combining the sub-units in Unit 6A, but stated he would go with the will of the Commission.

Commissioner Harris suggested that the Department analyze the impact of combining Unit 6A and provide that to the Commission for consideration for next year's hunt recommendations.

Commissioner Freeman also noted that he was not comfortable with the combining of sub-units in Unit 6A.

Mr. Wakeling explained that when Unit 6A West was established, elk harvest was limited there and people were not being directed into that area to increase harvest. Currently, we don't have those issues and the antlerless permits there have been reduced to half. So even if substantial people move out of those areas, we are really not expecting hunter density issues. However, this is absolutely something that can evolve after we receive hunter feedback during the next hunt guidelines for the upcoming year.

Motion: Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 4 – ELK AS PROPOSED WITH THE AMENDMENT TO 7E ELK ANTERLESS AS DESCRIBED EARLIER AND WITH UNIT 8 ANTLERLESS PERMITS AT THE LEVELS FROM LAST YEAR.

Vote: Unanimous

Commission Order 26 – Population Management Seasons

Population management seasons are recommended for implementation in generally the same units, seasons, and permit levels as last year. The Round Valley Hunt Area in Unit 1 hunt is recommended to expand to include all of Units 1 and 27 for both the archery and general seasons. "Designated elk" or "designated buffalo" is the legal wildlife in each of the population management seasons for elk and buffalo so that the Director may designate the desired legal animal for harvest when the permits are issued. Although the Department is recommending that the Commission authorize 1,450 elk (945 general, 100 muzzleloader, 25 HAM, and 380 archery-only), 745 javelina (360 general, 250 HAM, and 135 archery-only), 156 buffalo (all general), and 122 bear (68 general, 26 HAM, and 28 archery-only), these tags will not be issued unless approved by the Director following a determination from the population management hunt review and approval process.

Commissioner Woodhouse requested that the Department get some very simple but concise maps out to the public for those combined areas that show the accurate boundaries of those sub-units.

Commissioner Freeman offered to work with the Director to give the public something that they can get off the website to use for that.

Motion: Husted moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 26 – POPULATION MANAGEMENT SEASONS AS PROPOSED.

Vote: Unanimous

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Meeting recessed for lunch at 12:47 p.m.

Meeting reconvened at 2:00 p.m.

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15. (Friday's Agenda Item 15) 2010 Director's Goals and Objectives Close Out and Transition to 2011

Presenter: Bob Broscheid, Deputy Director

Motion: Husted moved and Harris seconded THAT THE COMMISSION VOTE TO TABLE THIS ITEM TO THE JANUARY 14-15, 2010 COMMISSION.

Commissioner Woodhouse stated that he would like to think about the 2010 Goals and Objectives that are under review right now before he starts to think about the 2011 Goals and Objectives.

Chair Martin stated that she would at least like to start on the 2011 Goals and Objectives today since it turns out to be a 2-3 month process as it gets refined to what the Commission wants to accomplish.

Commissioner Freeman agreed with Chair Martin and thought the Commission should at least look at it before the end of the day.

Vote: Aye - Woodhouse, Husted, Harris
Nay - Martin, Freeman
Passed 3 to 2

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4A. Amendment to Commission Order 26 – Elk Population Management Seasons

Presenter: Brian Wakeling, Game Branch Chief

Mr. Wakeling briefed the Commission on Department recommended amendments to Commission Order 26 to expand the area in which an elk population management season may be held in 2010 from the "Round Valley Hunt Area in Unit 1" to "Unit 1." The Department recommends to expand the area in which the existing 150 elk population management season restricted nonpermit tags may be issued. Currently, the Commission has authorized their use within an area designated as the "Round Valley Hunt Area in Unit 1," but the Department recommends that the area be expanded to include all of Unit 1. Thus far in 2010, 50 of the 150 restricted nonpermit tags have been issued, leaving a balance of 100 tags yet to be issued.

On November 20, 2010, a prescribed fire near Antelope Mountain jumped a fuel break and ignited a larger wildfire than originally planned. This fire consumed about 6,140 acres of standing forage within and adjacent to the existing Round Valley Hunt Area and Grasslands Wildlife Area where concerns about competition for limited forage between livestock and elk already existed last winter. Within this unit, an antlerless elk hunt will occur during December 10–16, 2010. Yet, if elk concentrate within this area during December 17–31, 2010, there is no mechanism available by which the Department could respond by issuing permits. The Department is requesting the expansion of the open area from the Round Valley Hunt Area to all of Unit 1 so that if conditions should warrant, the Department could respond by instituting a population management season in 2010.

The proposed season authorization is as follows:

Elk General Population Management Seasons

<u>Season Dates</u>	<u>Open Areas</u>	<u>Legal Wildlife</u>	<u>Permits</u>
Dec. 17, 2010 - Dec. 31, 2010	1	Designated Elk	150

Motion: Husted moved and Woodhouse seconded THAT THE COMMISSION VOTE TO AMEND COMMISSION ORDER 26 – POPULATION MANAGEMENT SEASONS, AS PROPOSED.

Vote: Unanimous

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5. Request to Amend Special Big Game License Tag Sales Agreements with Wildlife Conservation Organizations that Market and Sell Special Big Game License Tags.

Presenter: Brian F. Wakeling, Game Branch Chief

Mr. Wakeling briefed the Commission on an amendment to the Special Big Game License Tag Sales Agreements as necessary to explicitly address sales, marketing, accounting, and record keeping for Wildlife Conservation Organizations which are awarded these tags by the Commission for marketing and sales.

On November 16, 2010, the Arizona Game and Fish Commission met to discuss potential risks and liabilities associated with the marketing and sale of Special Big Game License Tags (SBGLT) through the volunteer efforts by a variety of wildlife conservation organizations. After substantial discussion, the Commission believed that both the wildlife conservation organizations and the agency would benefit from three changes to the Special Big Game License Tag Sale Agreement, specifically: (1) language to clarify roles and responsibilities in relation to specific queries on aspects of SBGLT validations, marketing, and sales, (2) specific language on raffle and auction sales auditing, and (3) specific language on how potential auction defaults would be handled. Because the additions would require wildlife conservation organizations that requested SBGLT from the Commission to address their processes in their request letter, the Commission asked that the Department provide a draft of the revised Special Big Game License Tag Sale Agreement, a draft of the reminder letter that would be sent to the wildlife conservation organizations that routinely request SBGLT, and a draft of the information that would be provided on the Department's web site. A copy of the revised Special Big Game License Tag Sale Agreement (attached) was provided to the Commission prior to this meeting for consideration and was available to the public.

Chair Martin asked about a concern she had regarding non-residents' ability to purchase raffle tickets and that it wasn't covered in the amendment.

Mr. Wakeling suggested adding to item 6a of the SBGLT Sale Agreement, at the end of the first sentence, ...“and any policy decisions regarding this process.” So the entire sentence would read “To defer to the Arizona Game and Fish Department any questions about the validity and awarding of the Special Big Game License Tags and the Special Big Game License Sale Tag Agreement and any policy decisions regarding this process.”

Commissioner Woodhouse asked about 6c and that it doesn't describe what an organization is supposed to do in the event that a primary bidder defaults.

Mr. Wakeling explained that the organizations would be required to provide the Commission with a process by which they would handle a primary bidder default in their letter of request, so they could describe a variety of different scenarios. The Commission would have the ability to evaluate that as part of their consideration in the awarding of the tag.

Commissioner Harris commented that at the meetings he participated in with Mr. Wakeling and the organizations, this was the language that was actually preferred by the organizations.

Motion: Harris moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE THE REVISED SPECIAL BIG GAME LICENSE TAG SALE AGREEMENT AS PRESENTED WITH THE ADDITION OF THE LANGUAGE AS DISCUSSED ADDING TO

THE END OF THE FIRST SENTENCE IN 6A, ...“AND ANY POLICY DECISIONS REGARDING THIS PROCESS.”

Vote: Unanimous

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6. Hunt Permit-tag Application Schedule for Pronghorn Antelope and Elk 2011 Hunts

Presenter: John Bullington, Assistant Director, Special Services

Mr. Bullington briefed the Commission on the hunt permit-tag application schedule for the 2011 pronghorn antelope and elk hunting seasons. The application schedule (attached) identifies proposed acceptance dates and deadline dates for all hunts associated with the draw process. In addition, the proposed dates for when hunt permit-tags and refund warrants will be mailed are also identified, along with information relating to the first-come/first-serve process for any permits that may still be available.

Motion: Woodhouse moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE APPLICATION SCHEDULE FOR PRONGHORN ANTELOPE AND ELK 2011 HUNTS.

Vote: Unanimous

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6A. Consideration of 2011 On-the-Road Commission Meetings

Presenter: Bob Broscheid, Deputy Director

The Commission discussed and considered the possibility of holding a limited number of Commission meetings away from the Game and Fish Department headquarters during 2011.

Commissioner Husted wanted to discuss possibly holding two on-the-road Commission meetings a year.

Commissioner Woodhouse concurred because he has been approached by constituents who miss having on-the-road Commission meetings. They understand the budgetary reasons for not having them all on the road, but would like to see at least a couple of them on the road.

The Commission discussed whether or not there is more participation from the public because of the webcasting at the Phoenix meetings.

Commissioner Freeman stated that he will always oppose the traveling meetings because of the cost and staff time as well as the webcasting and resources that are available from the Phoenix office. Commissioner Freeman also mentioned that he has a conflict with the February 11-12, 2010 date.

The Commission discussed the February 11-12, 2010 could be moved to February 4-5, 2010.

Chair Martin asked about the cost for on-the-road Commission meetings.

Deputy Director Hovatter addressed the Commission and stated that the cost was calculated at approximately \$90,000 per year for six on-the-road meetings, with some meetings being more costly than others depending on the location.

Motion: Husted moved and Woodhouse seconded THAT THE COMMISSION VOTE TO PICK TWO MEETINGS A YEAR TO HOLD AT OTHER LOCATIONS AROUND THE STATE.

Commissioner Harris suggested that if the Commission takes any meetings on the road, then those meetings could be in conjunction with other activities such as opening a shooting facility or similar event, or visiting Commission owned properties around the state. Visiting those locations would be tied to the Commission/Department's mission or vision.

Chair Martin stated that she will vote nay because these are uncertain times and she is not willing to spend \$30,000 to hold two meetings away from the Phoenix headquarters.

Commissioner Woodhouse suggested that the two workshops could be held at other locations instead of two regular meetings and possibly reduce some of the cost since the agendas are usually pretty light and don't require as much Department staff time. That would satisfy the constituents wanting on-the-road meetings and would keep the regular meetings available on the Internet for those who participate via the web.

Commissioner Freeman agreed with Commissioner Woodhouse's suggestion stating that it resolved the issues.

Commissioner Woodhouse withdrew his second.

Motion died for lack of second.

Motion: Harris moved and Freeman seconded THAT THE COMMISSION VOTE TO CHANGE THE FEBRUARY 11-12, 2011 MEETING DATE TO FEBRUARY 4-5, 2011.

Vote: Unanimous

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7. Commission Briefing on the Department's Involvement in Mexican Wolf Reintroduction in Arizona and New Mexico and Related Mexican Wolf Recovery and Conservation Issues.

Presenter: Terry B. Johnson, Endangered Species Coordinator

Mr. Johnson provided the Commission with a PowerPoint© presentation on the Mexican wolf reintroduction project and other reintroduction and recovery efforts. The Commission was also provided with an informational memo that included the following information:

Arizona's intensive involvement in Mexican wolf conservation began in the mid-1980s, by exploring the feasibility of reintroduction in Arizona. It continues to date, with the Arizona Game and Fish Department (AGFD or Department) a leader in a multi-agency reintroduction project in Arizona-New Mexico (AZ-NM) and striving to contribute to rangewide recovery. Department participation is and always has been subject to policy guidance from the Commission. Current Commission guidance on Mexican wolf conservation stems largely from an October 10, 2008 briefing by the Department. After the presentation, the Commission gave detailed guidance through 2013 and requested comprehensive annual updates from the Department over the same period. The 2009 update was provided at the February 5, 2010 Commission meeting. This update again focused on reintroduction in the Blue Range Wolf Recovery Area (BRWRA) of Arizona and New Mexico and on the Fort Apache Indian Reservation (FAIR). It also addressed reintroduction in Mexico and concerns the Department and Arizona stakeholders have expressed.

From the beginning, Mexican wolf conservation efforts in the American Southwest have included opportunities for Arizona stakeholders to engage, such as: more than 25 Commission meetings resulting in decisions and guidance to the Department; more than 100 formal public meetings convened by the Department and/or U.S. Fish and Wildlife Service (USFWS); more than 60 interagency and public meetings convened by a Department-chaired interagency Adaptive Management Oversight Committee (AMOC) for the AZ-NM reintroduction effort; countless informal meetings with stakeholders in AZ-NM; National Environmental Policy Act (NEPA) compliance procedures; and federal rule-making.

In 1992-1995 and again in 2003-2005, the Department participated in attempts by USFWS to update the 1982 Mexican Wolf Recovery Plan, partly to help guide reintroduction in the Southwest. However, USFWS suspended both efforts without completing a revised plan and without releasing a draft for public comment. In August 2010, USFWS dismissed the "2003-2005" Recovery Team as a first step in convening a new team and indicated members of the new team would be named in September 2010, meet in October 2010 and have a September 2011 deadline for delivering a draft Recovery Plan to the Southwest Regional Director. However, a change in Mexican Wolf Recovery Coordinators occurred in mid-November 2010 and the team has not been convened.

The formal planning process for Mexican wolf reintroduction in AZ-NM occurred in several stages, over more than a decade (roughly 1985 through 2000). It resulted in the following federal decision-documents and actions:

- Final Environmental Impact Statement (EIS; published November 1996).
- NEPA Record of Decision (ROD; issued March 4, 1997).
- Final nonessential experimental population rule (Final Rule; published January 12, 1998; effective January 24, 1998) defining the area of AZ-NM in which reintroduction would occur (i.e. the Mexican Wolf Experimental Population Area (MWEPA) and the rules by which released wolves would be managed).
- Importation of 11 captive-reared Mexican wolves into Arizona from New Mexico (January 25, 1998).
- USFWS Mexican Wolf Interagency Management Plan (Management Plan; approved March 27, 1998).

- Release of 11 captive-reared wolves from acclimation pens in three locations on the Apache National Forest, near Alpine, Arizona, in the Primary Recovery Zone of the Blue Range Wolf Recovery Area (BRWRA) on March 29, 1998.
- Memorandum of Understanding between USFWS and the White Mountain Apache Tribe (WMAT), allowing release and persistence of Mexican wolves on the Fort Apache Indian Reservation (FAIR) in east-central AZ (approved 2000).

Mexican wolf conservation is and always has been complex, conflicted, confusing, controversial and costly. Common ground among agencies, even among “cooperating” agencies, and individual and organized nongovernmental stakeholders is hard to find. Once found, it can be even harder to maintain. Polarity is often pronounced and rhetoric often inflames discussion as “facts” are shaped to support desired outcomes. Litigation is frequent, with consequent impacts on all aspects of the conservation effort. The conflict reflects the fact that values are involved that have little to do with the Mexican wolf, which is often used as a means toward other ends. At their core, “Mexican wolf problems” are almost invariably about people, not about wolves. Despite the chaotic backdrop, Commission guidance to the Department over past 25 years has been reasonably clear and consistent with our responsibilities under Arizona Revised Statutes Title 17 for wildlife conservation. Title 17 speaks to conservation of all species of wildlife in Arizona, not just those that are hunted, fished, common or non-controversial. Even individual Commissioners who have disagreed with specific wolf decisions along the way have supported the formal positions taken by the Commission as a whole. This unity has been essential to the Department’s efforts to carry out the Commission’s guidance.

To provide a framework for participation in Mexican wolf conservation, the Commission has approved various agreements with USFWS and/or other governmental cooperators. The first agreement, in 1997 with USFWS, was superseded by a 1998 Memorandum of Understanding (MOU) with the New Mexico Department of Game and Fish (NMDGF) and USFWS. Because of cooperator and stakeholder dissatisfaction in 2001-2002, the 1998 agreement was superseded by an October 2003 MOU among a broader coalition of state, federal, tribal and local government agencies. The 2003 MOU, which established a state and tribal lead for the AZ-NM Reintroduction Project (under guidance from the federal Recovery Program), was extended indefinitely in October 2008 by verbal consensus among the signatories to allow them to complete a scheduled revision of the MOU. However, in December 2009 USFWS terminated its participation in the 2003 MOU through a Consent Decree with litigating nongovernmental organizations (NGOs). Although the 2003 MOU remains in effect among all signatories other than USFWS, in June 2010 a new multi-agency MOU* was completed, primarily to bring USFWS back to the signatory cooperator table

**Signatory agencies in the 2010 (current) MOU are: AGFD; NMDGF; USDA-APHIS Wildlife Services (WS); U.S. Forest Service (USFWS); USFWS; White Mountain Apache Tribe (WMAT); New Mexico Department of Agriculture (NMDA); three Arizona counties – Graham (GRAHCO), Greenlee (GRECO) and Navajo (NACO); and Sierra County (SICO; New Mexico). The San Carlos Apache Tribe (SCAT), which is still considering signing the MOU, is fully engaged as an informal cooperator. In September 2010, Cochise County (COCO), Arizona, also indicated interest in the MOU but has not decided whether to become a signatory. Although they helped draft the MOU, Catron County (CACO) and Otero County (OTCO), both in New Mexico, have not decided whether to become signatories. Since July 2010, neither CACO nor OTCO has responded to requests for clarification of their current intentions, apparently due to ongoing litigation against NMDGF and USFWS regarding alleged failure to conduct reintroduction in accordance with the 1996-1998 federal decisions and documents governing the reintroduction effort.*

but also because of concerns that had affected NMDGF participation since mid-2007. Regardless, each of the interagency agreements executed from 1997 through 2010 has reflected the Commission's desire for the Department to: (a) engage fully in all aspects of Mexican wolf conservation, consistent with Title 17; and (b) ensure that Arizona's best interests – all of them, not just wolf conservation and not just rural or urban interests – are fully and effectively represented.

The 2010 MOU was expected to “kick start” (rejuvenate) interagency collaboration, which had become gridlocked between January 2007 and December 2009. For much of that time, what had slowly become a productive collaboration regressed to a three-cornered standoff between NMDGF, USFWS and all the other cooperators (including AGFD). Approval of the MOU in July-August 2010 was an opportunity for all the agencies to reconvene and consider what they had accomplished under the 2003 MOU, what had not been accomplished (and why), what still needed to be accomplished and what changes in interagency roles, responsibilities and cooperation at the oversight and field levels might help break the gridlock.

From an AGFD perspective, rigorous evaluation of all aspects of Mexican wolf conservation, particularly the shared objectives and individual cooperator commitments to achieving them, has long been considered essential to moving the collaborative effort to a level at which progress is substantial and a sufficient conservation return is being gained on the considerable state resources that are being invested. Accordingly, between 2007 and today, efforts have been focused on putting (and keeping) the major gridlock issues on the table so all cooperators could discuss and resolve them. However, the interagency oversight committee has not met under the 2003 MOU since May 2009 except to discuss MOU renewal issues, the agencies have still not convened under the 2010 MOU, other cooperators remain uncertain as to what NMDGF and USFWS want or will accept in terms of collaborative wolf management and, frankly, patience with the 3-4 years of gridlock has long since worn thin among both the stakeholders and the cooperators.

It would take many pages to describe the details of the past 28 years of set-backs and successes in Mexican wolf conservation, including reintroduction and recovery. The following is an issues-based overview:

- Arizona leadership (beyond mere participation) in Mexican wolf conservation has been essential to ensuring that Arizona's interests are best served and to holding together some semblance of interagency cooperation. However, between January 2007 and December 2009 both NMDGF and USFWS clearly determined they want something different from and for this project. Due to factors beyond their control, the other cooperators still don't know what that “something different” is.
- Although extremist “pro” and “anti” wolf perspectives still exist in Arizona and elsewhere, constructive engagement by local stakeholders (i.e. ranchers) in the reintroduction effort is now quite evident through incentive-based projects. The productive engagement seems at least partly a reflection of: (a) Commission willingness to commit resources (time, expertise and money) to address social as well as biological issues, and (b) Department willingness to adhere to agreed-upon management standards and procedures until (after appropriate public vetting) they are changed.
- To succeed, the cooperating agencies must engage local stakeholders in more effective wolf conservation measures through adequately-funded and procedurally-reliable incentives-based programs that provide effective means of preventing or mitigating occurrence and impacts of wolf-caused nuisance problems and depredation on livestock.

- Stakeholder concerns regarding Mexican wolf impacts on big game hunting opportunity in Arizona and New Mexico have not been supported by the findings of game management personnel. Deer and elk hunting opportunities have not been adjusted in either state or on the Fort Apache Indian Reservation due to significant wolf impacts because no such impacts have been documented. However, it must be noted that the apparent lack of impacts is based on experience with a wild Mexican wolf population that has not exceeded about 70 animals and has trended between 40 and 60.
- If this project is to move forward, these and all other substantive concerns must be fully evaluated, in terms of wildlife and social costs/benefits, through the NEPA process that USFWS initiated in 2006-2007 to develop a new EIS on possible changes in the Final Rule and in other aspects of on-the-ground conservation of Mexican wolves.

As noted previously, the Department discussed the issues above with the Commission at the October 10, 2008 Commission meeting, in a briefing on Mexican wolf conservation efforts over the past 25 years. In that meeting, the Commission provided policy guidance to the Department on continuation of Mexican wolf conservation efforts, including reintroduction and recovery. By 5-0 vote, the Commission instructed the Department Director, as a condition of Commission support for wolf conservation, to employ various principles and actions over the next five years (2009 through 2013) to ensure measurable progress. At the February 5, 2010 Commission meeting, the Commission reaffirmed its vote again by 5-0.

Mr. Johnson's presentation included an overview of the purpose and objectives of the 2010 MOU and the following points regarding the new Recovery Team:

- USFWS letter received November 29 inviting AGFD participation in new Recovery Team
- AGFD to be member of "agency liaison" group within Team (other groups are tribal liaisons, stakeholder liaisons and science/planning)
- USFWS and science and planning group will meet with liaisons during key points of plan development to solicit their input, management perspectives and review of draft documents
- Team meeting notes and other important documents will be available to all members
- Public and peer review will occur when draft revised plan completed
- USFWS unable to pay participation costs of agency liaisons
- Accepting invitation comes with responsibility to contribute to recovery plan and other work directed at promoting Mexican wolf conservation

Commissioner Freeman expressed his concern that the Department is not part of the science and planning group. He was surprised that with the amount of work the Department does and with the amount of resources it contributes (both scientifically and financially), that the Department isn't part of the thought and science that steers this program.

Mr. Johnson agreed and stated that he did not have an answer to why the Department is not in the science and planning group. He further pointed out several places where it is stated that cooperation with the states will be done to the maximum extent practicable (Section 6 of the Endangered Species Act of 1973, the 1994 Interactive Interagency Cooperative Policy, the MOU between AGFD and USFWS Region II, and the Threatened and Endangered Recovery Plan Guidance posted on the USFWS website).

Mr. Johnson continued his briefing with another major wolf issue. Legislation has recently been introduced in Congress to strip protections of the Endangered Species Act from all gray wolves, and the Secretary of the Department of Interior supports the delisting of gray wolves.

In conclusion, Mr. Johnson requested discussion and guidance from the Commission on the Department's future involvement in the wolf recovery program with topics meriting particular attention as follows:

- AGFD interagency role: focus on AZ or strive to restore bi-state approach to reintroduction project oversight and implementation and continue advocating (in cooperation with local and tribal governments) Arizona's interests on behalf of wildlife conservation, hunting-related values, multiple use of public lands and AZ stakeholders
- Continue facilitating constructive engagement by local AZ stakeholders (e.g. livestock producers), especially through cost-shared, incentives-based projects but also through consistent, reasoned wolf management
- Build AZ-centric incentives-based programs to provide effective means of preventing or mitigating occurrence and impacts of wolf-caused nuisance problems and depredation on livestock and/or work (all or in part) through the Interdiction Program that USFWS established through an MOU with NFWF
- Pursue evaluation of all substantive concerns, in terms of wildlife and social costs/benefits, including through NEPA process that USFWS initiated in 2006-2007 to develop a new EIS and/or EAs regarding possible changes in Final Rule
- Guidance on Recovery Team participation
- Guidance on Congressional action to delist any gray wolf.

Additionally, Mr. Johnson offered his own personal and professional comments as follows: "After 28 years of working with the ESA, I believe Congressional delisting is bad policy (for all species), bad science (for the Mexican wolf) and bad precedence (for all species)!! But: 1) the USFWS has had 34 years to recover the gray wolf, since the 1976 listing consolidation, 2) It has recovered the Northern Rockies and Western Great Lakes gray wolves but how much progress has been made with the Mexican wolf through an entirely federal-regulatory approach, 3) No law is perfect and ESA is no exception. Maybe wolves just don't fit, and 4) It's time for change – let the States and Tribes give it a try."

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Meeting recessed for a break at 4:12 p.m.

Meeting reconvened at 4:26 p.m.

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7. (Continued) Commission Briefing on the Department's Involvement in Mexican Wolf Reintroduction in Arizona and New Mexico and Related Mexican Wolf Recovery and Conservation Issues.

Presenter: Terry B. Johnson, Endangered Species Coordinator

Public Comment

Jim Unmacht, Chairman, AZ Sportsman for Wildlife Conservation, read a letter into the record (attached) from Arizona Sportsmen for Wildlife and Arizona Sportsmen for Wildlife Conservation.

Doc Lane, Director of Natural Resources, Arizona Cattlegrowers' Association, submitted a speaker card but had to leave, so Chair Martin read his comments off the speaker card as follows: Do not change the 2008 policy guidance without full cooperation of New Mexico and USFWS.

Wilma Jenkins, Owner, Double Circle Ranch in Greenlee County, stated that she is a rancher and a stakeholder and that stakeholders are under-utilized. Ms. Jenkins suggested that it would be a more efficient use of money to help get herders for the ranchers (must be volunteers). She is out in the field all the time herding and has seen wolves but has never had a problem with wolf kills because she is out there.

David Bluestein, representing himself, stated that he supports the Mexican Wolf program and expressed concern about the gridlock among cooperators. Mr. Buestein is opposed to the delisting of wolves, especially as it relates to the Mexican Gray wolf sub-species.

Steve Clark, President, Arizona Elk Society (AES), stated that AES his supportive of the Mexican Wolf program but believes that the program is so flawed at this time with the USFWS actually jeopardizing the success of the program by its interactions with its conservation partners (ie. not inviting the Department to be part of the science and planning group). AES urges the Commission to direct the Department to remain fully engaged in the Mexican Wolf Reintroduction Program and urges the Commission to engage with Arizona's Governor and Senators McCain and Kyl to force the USFWS at the highest levels to recognize Arizona's rights and responsibilities in this program.

Bobbie Holaday, representing herself, expressed her concern for the state of the Mexican Wolf Reintroduction Program and stated her opposition to the delisting of the gray wolves, especially as it relates to the Mexican gray wolf. Ms. Holaday encouraged the Commission to support Mr. Johnson's recommendation.

Larry Stephenson, Executive Director, Eastern Arizona Counties Organization (ECO - includes Graham, Greenlee, Gila, Navajo and Apache Counties), read a statement into the record (attached) from Hector Ruedas, Chairman of Greenlee County Board of Supervisors. Mr. Stephenson additionally stated that ECO urges the Commission to exercise the maximum authority that it has under respective statutes and guidance (MOUs and agreements) and give the Department the directive to have a successful program.

Christopher Rossie, representing himself, agreed with Ms. Jenkins about volunteers and also suggested that the Commission take charge of the cattle depredation reimbursement program. Mr. Rossie believes that some of the failure or lack of success of the Mexican Wolf Program sits squarely with those that have sat on the Commission for not embracing the Program and taking a position of support for the Program. Mr. Rossie asked the Commission to endorse the Program and condemn the illegal slaughter of gray wolves.

Call-in from the Region I Office:

Barbara Marks, representing herself and others who live in the Mexican wolf release area, expressed concern about the number of wolves (the goal of 100 is too many), and agreed with Ms. Jenkins about ranchers needing help in the field. As long as there are wolves on the ground, Ms. Marks and others want the Department to be actively involved.

Call-in from the Region II Office:

Steve Robinson, representing himself, stated that he is a very strong pro wolf recovery person. Regarding compensation for depredation of cattle, he stated that compensation should be available for cattle that are proven to be depredated by wolves, but he is against allowing livestock grazing on public lands at the expense of wolves. Additionally, groups involved in the process and working together to find solutions to the problems must be committed to making it work and not be allowed to sink the project.

Roxanne George, representing herself, supports the Mexican Wolf Program and supports the goal of 100 wolves and beyond. She encourages the Commission to support the Program.

Emily Nelson, representing herself, stated that she is a strong supporter of the Mexican Wolf Program and she hopes that the Department will continue to support the efforts to the Mexican Wolf in the State and in the Southwest. Ms. Nelson also believes that the number of wolves are too low and need to be significantly increased.

Commissioner Husted stated that Arizona Game and Fish and sportsmen have been key players and the sportsmen and the ranchers have supported this, but the hatred and hysteria against the ranchers and sportsmen still exists. Yes, there is felonious shooting of the wolf, but it's because of the hatred and the distrust of the process and of the federal government. Hysteria has run clear to the congressional offices where they've written a letter to suspend NEPA. The common thread to all this has been to listen and talk to each other and the leader of that has been the Arizona Game and Fish Department. Mr. Johnson's ending comment suggested state control of the Program and that is what the federal delisting would accomplish. The Commission is committed to wolves on the landscape in Arizona and Arizona needs control of this if it is going to succeed.

Commissioner Woodhouse stated that the Commission and Department have supported this Program for years with unlimited hours of expertise and millions of dollars, so to say that this Commission or prior Commissions haven't supported this Program is wrong. This Commission passed a motion in 2008 to continue this Department's support and involvement in this Program. He would love to see the Department stay involved in the Program as has been requested by oral testimony today, but how can that be with the current restructuring proposal by the USFWS. The Department cannot be shelved on the agency liaison group. The Department needs to be in the main group, the science and planning group, where it has been involved for years. Commissioner Woodhouse personally feels this in an outrage. The Department needs to stay in the forefront if it is going to stay involved. The Arizona Game and Fish Department has always been the lead and the respected voice in this Program and we must stay that way.

Commissioner Harris agreed with Commissioner Woodhouse's statements and added that the distrust mentioned by Commissioner Husted was evident by the speakers today and that is why they are here, both the pro and the con, asking the Commission to stay at the table and be

actively involved. The Department needs to work at being actively involved including at the science level.

Commissioner Freeman stated that the Department has been out there managing the program on a daily basis and having interactions with folks in the field, and that interfacing with folks who have invested in this is a pretty important dynamic. That communication as an administrative arm is one of the few communication devices that is working in this program. Also, the Department has biologists out in the field on a day to day basis working in the field, collecting data, etc., so how the Department can not be part of the science group is baffling. The Department has got to be part of the recovery team at that level.

Public Comment

Sherry Barrett addressed the Commission. Ms. Barrett is the current Field Supervisor for USFWS in the Tucson office, however, starting Monday she will be detailed into the Mexican Wolf Recovery Coordinator position in Albuquerque. She was present to listen to the comments and discussion at this meeting.

The Commission discussed the issues with Ms. Barrett, particularly the issue of the Department not being in the science group. Ms. Barrett will take those comments and concerns back to the Regional Director.

Commissioner Husted commented that the Department has had some great partners in the USFWS, but it appears that there is a breakdown. AMOC was destroyed by the stroke of a pen. The bottom line is that there is an opportunity right now, with the possibility of the federal delisting of the gray wolf, for the Department to run this Program.

The Commissioner further discussed the issues with the Wolf Recovery Program and the potential federal delisting of the gray wolf.

Chair Martin stated that there is a much bigger issue with congressional delisting than this whole program and the state controlling it. It sets a terrible precedent when Congress, for whatever reason whether science based or not, or whether public input based or not, can list or delist a species. There is a process set forth that requires scientific review and public comment before any listing or delisting occurs.

The Commission further discussed the issues with Mr. Johnson including the cost of the Program and how it would be paid for, which would include programs like Wildlife for Tomorrow, Heritage, fundraisers and pro-wolf folks getting involved and contributing. The cost to run the Program would be approximately one million a year.

Motion: Husted moved and Woodhouse seconded THAT THE COMMISSION VOTE TO DIRECT STAFF TO SUPPORT THE POSITION OF THE FEDERAL DELISTING INCLUDING ARIZONA'S WOLF POPULATION AND THAT THE COMMISSION/ DEPARTMENT WELCOME THE OPPORTUNITY TO TAKE THIS ON AS AN AGENCY AND TO DO IT BETTER.

Vote: Aye - Woodhouse, Freeman, Husted, Harris

Nay - Martin
Passed 4 to 1

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Meeting recessed for a break at 6:10 p.m.

Meeting reconvened at 6:20 p.m.

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8. Call to the Public

Stephanie Nichols-Young, Animal Defense League of Arizona, stated that the Commission supporting the delisting is a mistake. Ms. Nichols-Young clarified that the legislation was not a bill to delist the gray wolf but is rather a bill to exclude a species, which is even more radical. Ms. Nichols-Young advised the Commission to read the bill thoroughly and to spend some time thinking about the possible unintended consequences.

Jeff Williamson, President, Arizona Zoological Society, stated that both the federal and state systems and resources are very stressed and it will take a multi-jurisdictional approach right now. Also, he has been involved in fundraising and it can be very difficult.

Christopher Rossie, representing himself, stated that he disagrees with the condoning of the delisting of the Mexican Gray Wolf.

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11. Approval of Minutes and Signing of Minutes

Motion: Husted moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM AUGUST 20-21, 2010, AUGUST 25, 2010, AUGUST 27, 2010, AUGUST 31, 2010, AND SEPTEMBER 10, 2010.

Vote: Unanimous

The Commission signed the minutes following approval.

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12. Director and Chairman's Report

Director Voyles:

- Met with DPS Director Halliday regarding Partnering with the BASF and NASR to provide law enforcement qualifications and training capabilities
- Met with Kevin Kinsall along with Commissioner Woodhouse to discuss Commissioner Woodhouse's thoughts and ideas for his upcoming year as Chair of the Commission
- Attended the Wildlife for Tomorrow Board Meeting

- Met with Billy Cordasco along with Rick Miller and other Department staff in the Flagstaff region to discuss re-initiating discussions on the potential for conservation easements on the Espee Ranch
- Participated in a conference call with Kevin Kinsall and Linda Stiles of the Governor's Office relative to the services the Department would or would not be providing for the Selection Board for the Commission
- Met with the BLM leadership team and provided a short talk
- Attended a meeting of the Water Resources Development Commission
- Met with representatives of the Pima Association of Governments and Rural Transportation Authority along with ADOT Director Halikowski
- Met with Mark Masterson of GITA
- Met with folks of the Blue Community on Native Fishes along with the USFWS
- Attended another meeting of the AZ Water Forum
- Participated in several conference calls relative to the Planet Ranch water rights resolution issues
- Participated in a planning conference call relative to the Trilateral meetings for the coming year
- Attended a Director's meeting with the State Land Department regarding the economic growth of the state and how natural resources agencies should weigh into that process
- Participated in the Boy Scouts of America sporting clays fundraiser at the BASF
- Participated in the SECC shoot
- Attended a meeting to receive recognition on behalf of the Department for efforts in helping to keep several state parks open
- Attended the Phoenix Zoo Black-footed ferret breeding facility dedication
- Met with Representative Jerry Weiers to discuss his thoughts on the coming session
- Met with Representative Pratt, the new Chair-elect for the House Natural Resources Committee
- Met with Wildlife Services along with Department staff to sort out some endangered species permitting issues and state permitting issues
- Attended a breakfast meeting with the Natural Resources Directors and Kevin Kinsall to get an informal opportunity to discuss issues of common concern

Chair Martin reported the following activities since the last Commission meeting:

- Attended the Black-footed ferret breeding facility dedication at the Phoenix Zoo
- Worked with Department staff to generate a white paper for the sub-committee of the WAFWA Commissioners Committee on state's wildlife management authorities and federal lands
- Participated in the Commission's telephonic meeting
- Prepared for this meeting

Chair Martin added that she hopes the Commission will consider a second population for the Black-footed ferret recovery program. Aubrey Valley has been a great success, but it is just the one population. The attempt on the Espee Ranch hasn't worked out, but Billy Cordasco and the Babbitt Ranches have been an invaluable partner and are willing to work something out, so she hopes the Commission and the Department will put some energy into getting a second population of ferrets going in this state for the future.

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13. Commissioner's Reports

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

Commissioner Woodhouse:

- Met with Kevin Kinsall along with the Director
- Attended a Cibola Valley Irrigation and Drainage District meeting on behalf of the Commission
- Shot in the SECC clay target fundraiser
- Participated in the Commission telephonic meeting
- Spent a lot of time preparing for this meeting
- Spent a lot of time campaigning for Prop 109 that the Commission had supported.

Commissioner Harris:

- Participated in the teleconference
- Met with the Region V groups and Department staff to talk about the Tumacacori issues
- Prepared for this meeting.

Commissioner Freeman:

- Hosted a Game and Fish Education Day at his farm and thanked the Department for using the facility for a northern Arizona outreach
- Had two meetings in Chino Valley about the shooting range
- Participated in the telephonic meeting
- Met with Department staff on the Department's Enterprise Architecture Plan
- Spent a lot of time preparing for this meeting.

Commissioner Husted:

- Met with the Nature Conservancy and the White Mountain Stewardship/Partnership folks who were searching for funding and looking at putting together some type of habitat stamp
- Attended the Assets Committee meeting
- Participated in the telephonic meeting and prepared for this meeting.

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14. Future Agenda Items and Action Items

Deputy Director Broscheid captured the following action/future agenda items from this meeting:

- The Department will continue to monitor the food safety bill, in particular the amendment related to the Commission and the Department's wildlife management authority, and contact the Arizona Delegation and inform them of the Commission's concerns as that bill progresses. This will be done through the monthly legislative update or through a direct memo to the Commission depending on how fast the amendment moves

- Regarding the limitations on the current rulemaking moratorium, prepare a response on the 102 rulemaking
- The Department will look into geographically analyzing the success and tags issued in Game Management Units for the hunt recommendation decision support system
- The Department will work through the Region to analyze any impacts from the consolidation of all the units in 6A, for impacts to the population, resources, hunt quality, etc.
- Commissioner Freeman will work with Director Voyles on educating the public on the 6A Game Management Unit boundaries
- The Director's Goals and Objectives 2011 discussion will be tabled until the January 2011 Commission meeting
- Change the February Commission meeting to February 4-5, 2011 and send out a notification to the public prior to issuing the agenda
- The Department will provide the Commission with the processes and timelines for expediting the rulemaking process.

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2B. (Friday's item F-2B)

Motion: Harris moved and Husted seconded THAT THE COMMISSION VOTE TO TABLE FRIDAY'S ITEM F-2B TO THE JANUARY 2011 COMMISSION MEETING.

Vote: Unanimous

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Meeting adjourned at 6:47 p.m.

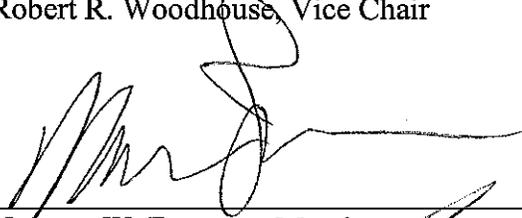
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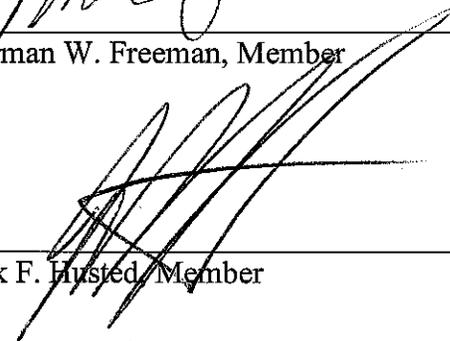
Jennifer L. Martin, Chair



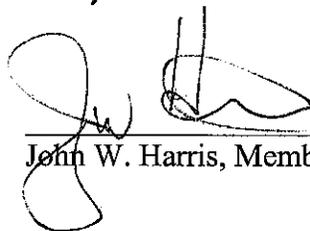
Robert R. Woodhouse, Vice Chair



Norman W. Freeman, Member

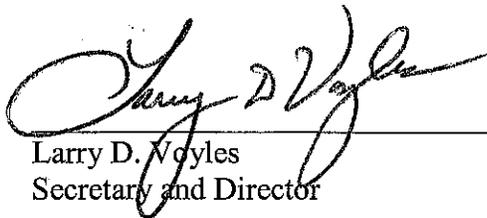


Jack F. Husted, Member



John W. Harris, Member

ATTEST:



Larry D. Voyles
Secretary and Director

**Game and Fish Litigation Report
Presented at the Commission Meeting
December 3-4, 2010**

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.

The Court of Appeals held oral argument on December 10, 2009 and has taken the case under advisement.

2. *Anderson v. Arizona Game and Fish Department, et al.*, 2 CA-CV 2010-0098
Plaintiff Ralph Anderson seeks judicial review of the Commission's June 27, 2008 action revoking his licenses to take wildlife for ten years for taking big game in excess of bag limit (bull

elk). Anderson had previously had his hunting privileges revoked for five years for taking a Gould's turkey during closed season. On March 8, 2010 the Pinal County Superior Court affirmed the Commission's decision. Anderson appealed to the Arizona Court of Appeals. AGFD filed its answering brief August 3, 2010. Anderson filed his two-page reply brief August 16. **The Court of Appeals, in a decision filed November 8, 2010, reversed in part and affirmed in part. The Court held that A.R.S. §17-340(B) does not grant the Commission authority to impose consecutive sanctions on offenders for repeat offenses. The Court based its ruling on a 2006 bill amendment, which would have granted the Commission explicit authority to "deny a person's privilege to take or possess wildlife for a period not to exceed five years per violation, which may run consecutively". The Legislature amended this bill to remove the Commission's power to impose consecutive sanctions, and substituted specified new maximum sanction periods for subsequent violations. The Court affirmed the Commission's power to impose additional sanctions under A.R.S. §17-340(B)(2) while a person is serving a current term of revocation and to revoke or suspend the license of a person whose license has already been revoked based on a conviction of another covered Title 17 offense. The case will be remanded back to the Commission for a new hearing and order for Anderson's bull elk violation.**

3. *Mojave Valley Shooting Range Appeal.* The Hualapai and Fort Mojave Indian Tribes ("Appellants") filed an administrative appeal to the Interior Board of Land Appeals ("IBLA") on March 15, 2010. The appeal seeks review of the BLM's Decision Record to transfer to AGFD 315 acres of public land in the Mojave Valley for construction and operation of a shooting range. The Appellants allege that the Decision Record violates the National Environmental Policy Act ("NEPA"), the National Historic Preservation Act ("NHPA"), and the Native American Graves Protection and Repatriation Act ("NAGPRA").

The Appellants served their Statement of Reasons on the Department on April 16, 2010. On April 30, 2010, AGFD filed a Motion to Intervene in support of the BLM's decision. The Department's Answer to the Appellants' Statement of Reasons is due on May 17, 2010.

The IBLA granted the Department's motion to intervene and extended the time for the Department to file an answer to the appellants' statement of reasons. On June 15, 2010, the Department filed its response brief to the appellants' statement of reasons.

4. *Center for Biological Diversity v. U.S. Bureau of Land Management et al. CV-09-8011-PCT-PGR; The Wilderness Society et al. v. U.S. Bureau of Land Management et al. CV-09-8010-PCT-PGR.* On May 9, 2008, Records of Decision and Approved Resource Management Plans for the Arizona Strip, Vermillion Cliffs National Monument and portions of the Grand Canyon-Parashant National Monument were released to provide guidance for BLM-administered lands in northern Arizona. In *Center for Biological Diversity (CBD) v. U.S. Bureau of Land Management*, No. CV 09-8011-PCT-PGR (US Dist. Ct. AZ), plaintiff CBD challenges the Plans, alleging that BLM and FWS have failed to comply with the NEPA, FLPMA, and the Endangered Species Act (ESA) by refusing to incorporate actions necessary to protect public land and endangered and threatened species from adverse impacts of excessive off-road vehicle use, livestock grazing, and the use of lead ammunition. *The Wilderness Society et al. v. BLM, et al.* No. CV 09-8010-PCT-PGR (US Dist. Ct. AZ) also challenges the Plans by alleging violations of the NEPA, FLPMA, NHPA and presidential proclamations for the Vermillion Cliffs and Grand Canyon-Parashant Plans.

The National Rifle Association is an intervener. The Arizona Game and Fish Department has been granted *amicus* status, as has Safari Club. The federal government has filed the Administrative Record. On September 15, 2010 the Plaintiffs filed their respective motions for summary judgment. **The United States filed its response to the CBD motion on November 24 and will file its response to the Wilderness Society motion on December 3. Amicus briefs are due December 10. CBD seeks a court order setting aside all Plans as arbitrary and capricious. The Wilderness Society seeks the same result, but only for the Vermillion Cliffs and Grand Canyon-Parashant Plans. Both plaintiffs request a remand to BLM for further proceedings.**

If the case is reversed and remanded, the Court will then conduct the “remedy” phase of the case, where the plaintiffs may seek injunctions against motorized use of roads or the use of lead ammunition during the period of time that BLM is revising its RMPs in accordance with the Court’s ruling.

Lands Update
For the Arizona Game and Fish Commission
November 24, 2010
Phoenix, Arizona

FOREST SERVICE LAND AND TRAVEL MANAGEMENT PLANNING

Apache-Sitgreaves National Forests

The draft Environmental Impact Statement for Public Motorized Travel Management Plan Assessment for the Apache-Sitgreaves National Forests was released on October 25 for public comment. The Department is currently reviewing the draft document.

Coconino National Forest

The Forest held open houses to gather input on the Working Draft of the Revised Land Management Plan. This document is in the very early stages of development, and not all elements of the plan are available for review at this time. Elements available for review address desired future conditions for the various vegetation types on the Forest. The Department is currently reviewing the draft and will be submitting comments in early December. The Forest also conducted a public workshop to gather input on the recreation element of the Revised Land Management Plan, which the Department attended among other diverse stakeholders. Issues discussed centered on public access, resource protection, the Travel Management Rule, and user conflicts. The Working Draft for the recreation element indicates that hunting, fishing, and wildlife viewing will be recognized in the new plan.

Coronado National Forest

The Department met with the Forest to discuss the latest version of the Draft Environmental Impact Statement for the Coronado's new Land Management Plan. The Forest will not provide the document until it is available to the public sometime in January. The Forest did bring several updates to our attention, including the addition of wildlife linkage management approaches and reconfigured motorized recreation zones. No new changes are anticipated to the document before release to the public.

Prescott National Forest

The Department, after extensive coordination with the Forest in the development of the product, is reviewing a draft version of the Forest's proposed Forest Plan Revision. Coordination with the Forest has been improved over the better part of the previous year.

Tonto National Forest

The Department continues to participate on the district level with the Forest for the refinement of the travel management plan. It is anticipated that the Department will meet with the Forest after the first of the year to review and provide comment on the product before it is made available to the public. The plan revision process has not yet been initiated for this Forest; however, it is anticipated to regain momentum after the travel management process becomes finalized. The Department is coordinating with the forest planner.

U.S. FOREST SERVICE

Four Forests Restoration 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 Four Forests Restoration Initiative (4FRI). The 4FRI calls for mechanical tree thinning and fire to restore at least one million acres of northern Arizona forests over 20 years. The Department is an active stakeholder. The 4FRI Stakeholder Group recently completed the *Landscape Restoration Strategy for the First Analysis Area* and submitted this document to the USFS. This Landscape Strategy provides detailed forest analyses and management recommendations for the USFS' consideration as they develop the first 4FRI Environmental Impact Statement. This first EIS covers 750,000 acres of both the Coconino and Kaibab National Forests primarily in the landscape south and west of Flagstaff and Williams. The USFS intends to release the Proposed Action in early 2011, a Draft EIS in fall 2011, and a Record of Decision in spring 2012. Meanwhile, the USFS is developing a Request for Proposals to attract small-diameter wood industries to handle restoration by-products and reduce costs. The USFS has demonstrated significant commitment to collaboration with the 4FRI Stakeholder Group that is expected to continue through planning, implementation, monitoring, and adaptive management.

Apache-Sitgreaves National Forests

Department and Forest personnel met to discuss the Department's Herbaceous Forage Production and Utilization Monitoring Program for Consideration in Elk Management. This meeting was held in response to concerns raised by the Forest over the past few years that the current herbaceous forage monitoring protocol, which focuses on early and late season forage utilization monitoring within elk use only areas was not adequate to evaluate other potential habitat impacts of elk on the Forest. Follow-up meetings are planned to further discuss priority areas of concern and potential modifications to the existing protocol.

Work by the Black Mesa Ranger District on the Heber Wild Horse Territory Analysis has recently resumed. The analysis will provide for the development of a Heber Wild Horse Territory Management Plan in order for the Forest to be compliant with the Wild Horse and Burros Protection Act. The District is currently working on analyzing the effects of the various alternatives, and anticipates that the draft Environmental Assessment will be completed and out for public review by May of 2011, with the Decision Notice signed in November of 2011.

Work by the Black Mesa Ranger District on the Rodeo-Chedeski Fire Prescribed Burn analysis has recently resumed. The analysis will provide for the application of prescribed fire over much of the area on the Forest south of State Route 260 impacted by the 2002 Rodeo-Chedeski Fire. The District anticipates that the Decision Notice will be signed in April of 2011.

Coconino National Forest

The Department commented on the draft Fossil Creek Resource Assessment, which is one of the initial steps in the development of a Comprehensive River Management Plan (CRMP). The Department has been directly involved in Fossil Creek as it relates to the decommissioning of the dam, restoration of a native fishery, and enforcement. Fossil Creek was designated a Wild and Scenic River in March of 2009. The aquatic and upland vegetation and species diversity along Fossil Creek is crucial habitat for wildlife. In the draft Resource Assessment, the Coconino National Forest determined that wildlife and its associated habitat (riparian communities and

botany) along Fossil Creek were not considered as Outstandingly Remarkable Values (ORV's). ORV's are a standard management designation in the CRMP process; resources designated as ORV's in the Resource Assessment are carried through to the CRMP level and assigned specific management objectives. The Department disagreed with the Forest's determination that Fossil Creek wildlife and associated habitats were not ORV's due to the relative importance of this riparian area. The Department's comment letter is attached.

The Ranger Districts formerly known as Peaks and Mormon Lake have been combined into the Flagstaff Ranger District.

The Flagstaff Ranger District has invited the Department to participate on the Interdisciplinary Team for the upcoming Wing Mountain Forest Health and Fuels Reduction Project which includes portions of GMU 7 and 11. This project is adjacent to the recently-signed Hart Prairie Project and its main goals are to restore ponderosa pine forest health while protecting the San Francisco Peaks and nearby private lands from uncharacteristic wildfire. The Forest is welcoming Department input into potential wildlife habitat improvements as part of this project, including restoration of Big Leroux Springs which is the headwaters of the Rio de Flag.

Coronado National Forest

The Department redeveloped two wildlife water catchments in the Dragoon Mountains with volunteer help and completed a water project involving a new well and water system as a Habitat Partnership Project in the Chirichauha Mountains. This project was one of last year's proposals out of the Southeastern Arizona Habitat Partnership Committee.

Prescott National Forest

The Department is participating in a series of public and agency workshops to develop strategies for improving outdoor recreation in the region (southern Prescott National Forest, adjacent public lands, and nearby communities, from Dewey-Humboldt to Mayer to Crown King to Black Canyon City). The Department is reviewing the Recreation Strategy, Vision and Goals and looks forward to continued coordination in the process.

The Department began work this past fiscal year on the Agua Fria Antelope Habitat Improvement Project on the Forest. The project involves juniper thinning and is a continuation of work on the adjacent BLM Agua Fria National Monument. The Forest has contributed National Environmental Policy Act (NEPA) compliance analysis and will conduct post-treatment broadcast and/or pile burning as part of the project objectives. The Department continues to seek funding from various sources. This work is part of the Central Arizona Grasslands Conservation Strategy.

Central Arizona Grassland Strategy

Juniper treatments continue on the Anvil Rock Ranch near the boundary of GMU 18A and 18B, as well as the Yolo and 7-Up Ranches in GMU 18B. The Department has introduced a representative from Drake Cement and Pellet Plant (Drake) to the management of ranches in the Central Arizona Grasslands Strategy Project Area.

A Pronghorn capture will take place in Western Unit 18B on September 27th – 29th of the Central Arizona Grasslands Strategy Project Area. The Department and volunteers from the Arizona Antelope Foundation will stage on the Anvil Rock Ranch, and deploy 12 radio telemetry collars

on antelope herds located on the Anvil Rock, Yolo and 7-Up Ranches. Telemetry data derived from this effort will guide grassland restoration efforts in upcoming funding cycles for the Central Arizona Grassland Strategy.

Juniper treatments are planned for the Sycamore Allotment as the area has been flagged and meetings with the contractor are underway with a treatment of 220 acres anticipated.

Tonto National Forest

The Department continues to work with the Tonto National Forest, Mineral Section, to address or alert pre-NEPA compliance mining projects for potential and/or cumulative impacts. Current review includes the Morgan Peak copper mine and Rawhide copper mine. In addition, collaboration continues on the Workman Creek uranium site for minimizing impacts to bats currently in the mines.

BUREAU OF LAND MANAGEMENT (BLM)

Burro Management

Department and BLM Yuma Field Office personnel conducted an aerial census of the Cibola-Trigo HMA in May 2010. The census resulted in 418 burros and 69 horses seen, while preliminary Department and independent USGS population estimates indicate approximately 600 burros; the established Appropriate Management Level for the HMA is 165 burros and 150 horses. In September 2010, the Yuma Field Office gathered 100 burros from the Cibola-Trigo HMA. In the spring of 2011 the BLM is planning to gather 400 burros from the Cibola-Trigo HMA. The Department continues working with the BLM Yuma staff and other stakeholder agencies to develop a long-term cooperative strategy for managing burros in the Cibola-Trigo HMA.

AZ Strip Field Office

Uranium Withdrawal EIS

The Department continues to engage as a cooperating agency on the Uranium Withdrawal EIS for areas on the AZ Strip and portions of the Kaibab National Forest. A recent phone conference gave an updated schedule on the document. The BLM is still awaiting approval from the Department of Interior (DOI) to publish the Draft EIS. DOI is concerned about the economic basis for the number of mines (30 if no withdrawal, and 11 with a withdrawal) and the difference in regional revenue as a result of a withdrawal (over \$2 billion in the 20 years.) DOI is deciding if they want a more robust economic analysis and whether that analysis would occur before publishing the DEIS, or after the DEIS is published but before the Final EIS.

The Director of BLM met with the Deputy Secretary of Interior Friday, November 12th, to try and settle some of these issues. The Department does not currently know the outcome of that discussion. It is likely that publication might be postponed until the early part of Jan 2011. The overall NEPA decision must be made by July of 2011 in order to meet the temporary 2-year withdrawal period that Secretary Salazar signed off on.

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. The draft map for the planning area is posted on the BLM website.

Kingman Field Office

The Department continues to participate with the BLM in the fall monitoring efforts that are taking place on grazing allotments managed by the Kingman BLM Field Office. The data derived from this effort will be used in conjunction with spring monitoring data to produce formal grazing evaluations on the Cane Springs, Diamond Bar, and Gold Basin Allotments in GMU 15. The grazing evaluations will be used to guide management decision-making for grazing lease renewals on these allotments in the upcoming calendar year.

Lower Sonoran Field Office

The Department released the administrative Draft Resource Management Plan (RMP/Draft EIS) for the Lower Sonoran Field Office and Sonoran Desert National Monument on July 20, 2010. The Department is currently reviewing the administrative Draft RMP and providing the BLM with comments. The public Draft RMP was originally scheduled to be released on October 8, 2010, but has now been delayed until December 2010 or January 2011. Additionally, as part of the settlement agreement, the BLM will not open any of the currently-closed roads within the Monument until the completion of the RMP and Record of Decision.

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, the associated route designation process, and developing alternatives for NEPA compliance.

Phoenix District Office

The Department continues to work with the BLM on juniper thinning within the Agua Fria National monument to benefit pronghorn and other grassland species. The BLM has contributed Healthy Lands Initiative funding and fire crews to the effort. The Department continues to seek funding from various sources. This work is also part of the Central Arizona Grasslands Conservation Strategy.

Tucson Field Office

Arizona National Scenic Trail-White Canyon Passage

The Department commented on NEPA compliance documents evaluating the proposed realignment of a short section of the Arizona National Scenic Trail (White Canyon Passage). The trail section is in Pinal County, southwest of Superior, north of the Gila River near Cochran. Department comments focused on ensuring the proposed realignment will not negatively impact a nearby bighorn sheep population or hunter/outdoor recreationist access to the area.

Middle Gila Transportation and Travel Management Plan

Tucson Field Office has released the final decision for the Middle Gila Transportation and Travel Management Plan covering approximately 96,320 acres of public lands near Florence and Superior, Ariz. The plan is a culmination of over ten years of coordination between BLM and the Department.

The Department initiated this coordination in 1999 over concerns regarding habitat damage due to under-regulated OHV use in the area on State and Federal land. The Middle Gila Conservation Partnership (MGCP) formed with Department encouragement as a forum for resolving stakeholder conflicts in the area and was instrumental in developing the plan. The MGCP is a group of interested representatives from private interests, recreational groups, state, federal and local agencies who assisted the BLM in developing the plan.

The Arizona State Land Department and the Tonto Forest were formerly involved in the MGCP and actively pursued the creation of a seamless transportation plan across jurisdictions but both agencies abandoned the seamless planning effort in the early 2000's. The State Land in the area is currently without a designated route system and continues to suffer from severe wildcat route proliferation and habitat degradation. It is now part of the Superstition Vistas urban planning area. The Forest has pursued travel management under their own planning effort.

The purpose of the travel management plan and accompanying Environmental Assessment (EA) is to designate travel routes and identify use restrictions needed to protect sensitive resources in the planning area.

Approximately 263 miles of road or primitive road have been identified in the plan, along with several extreme off-road rock crawling routes which the Department has had many concerns with. All routes in the plan are based on a comprehensive travel route inventory completed in 2003, as well as stakeholder meetings convened in 2007. The management alternatives identified in the plan evolved from a route evaluation conducted by the MGCP in 2005. Desert bighorn sheep were translocated into the area in 2003. Martinez Canyon, a unique riparian area in the heart of high-use desert bighorn sheep habitat, has been closed to motorized use; a decision the Department supports.

Copies of the plan and EA are available for review online at: http://www.blm.gov/az/st/en/prog/travel_mgmt/mgc_tmp.html.

Yuma Field Office

The Record of Decision (ROD) for the Yuma Field Office Resource Management Plan was signed by the BLM Arizona State Director on July 28, 2009 and the Notice of Availability for the ROD was published in the Federal Register on January 29, 2010, making it effective immediately. The Department is currently working with the BLM on the La Posa Travel Management Plan. Route evaluations are considering the status of open, closed, and limited use trails on BLM lands.

Hidden Shores Village

The Department is working with the Yuma Field Office personnel and recently provided scoping comments to BLM regarding the expansion of Hidden Shores Village. The expansion would be approximately 150 acres located in the Imperial Hills which currently supports a dense and stable population of bighorn sheep. The Imperial Hills has also been identified by the Department and in the Yuma RMP as wildlife movement corridor for bighorn sheep between the Trigo/Chocolate Mountains to the north and the Imperial and Muggins Mountains to the south.

BLM NATIONAL MONUMENTS & CONSERVATION AREAS

Agua Fria National Monument

The Record of Decision (ROD) for the Agua Fria National Monument and Bradshaw Harquahala Resource Management Plan was released on April 22, 2010. The Hassayampa Field Office is currently executing portions of this Land Use Plan while concurrently developing an Implementation Strategy that sets priorities and timelines for overall implementation. The plan will eliminate recreational shooting from the Monument, but continue to allow hunting. The plan includes a travel management decision to close 52 of 171 miles of inventoried routes on the Monument, to all uses and restore them. Another 25 miles will be closed for administrative use only. Many of the closed roads were redundant or will protect sensitive resources such as pronghorn and archaeological sites. The plan allocates 20,900 acres out of 70,900 acres to maintain wilderness characteristics, across the Perry Mesa area. This area currently has few human intrusions and the management goal will be for solitude, primitive and unconfined recreation with minimal recreation development. Wildlife is recognized as one of the important aspects of the area and will be actively managed. This area includes some of the best pronghorn fawning habitat in GMU 21. Grazing management in riparian areas will be limited to winter use only (Nov. 1 – Mar. 1), compared to past practices of year-round grazing. All federal minerals within the Monument will remain withdrawn or closed from all forms of location, sale or leasing; including withdrawn from location, entry and patent under mining laws. Federal minerals are also withdrawn from disposition under laws for minerals and geothermal leasing. No lands within the Monument can be disposed, leased or sold. There will be high priority for acquisition of private in-holdings, with priority on lands recognized as habitat for federally listed species.

Ironwood Forest National Monument (IFNM)

The Tucson Field Office continues to monitor the progress on the proposed final Resource Management Plan and Environmental Impact Statement for the Ironwood Forest National Monument. The BLM State Office and Washington Office have commented on the administrative draft of the Proposed RMP. The Ironwood Forest National Monument plans to publish the Proposed RMP/Final EIS early this summer and complete the ROD/Approved RMP before the end of the Federal fiscal year 2010.

Grand Canyon-Parashant National Monument / Vermillion Cliffs National Monument

On May 9, 2008, the Records of Decision and Approved Resource Management Plans (RMPs) 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. In *Center for Biological Diversity (CBD) v. U.S. Bureau of Land Management*, No. CV 09-8011-PCT-PGR (US Dist. Ct. AZ), plaintiff CBD challenges the RMPs, alleging that BLM and FWS have failed to comply with the NEPA, FLPMA, and the Endangered Species Act (ESA) by refusing to incorporate actions necessary to protect public land and endangered and threatened species from adverse impacts of excessive off-road vehicle use, livestock grazing, and the use of lead ammunition in their land and wildlife planning for the Monuments. A related case, *Wilderness Society et al. v. BLM, et al.* No. CV 09-8010-PCT-PGR (US Dist. Ct. AZ) also challenges the RMPs by alleging violations of the NEPA, FLPMA, NHPA and presidential proclamations, and is seeking an injunction to close primitive roads and trails to motorized use.

The National Rifle Association is an intervener. The Arizona Game and Fish Department has been granted amicus status, as has the Safari Club. The federal government has filed the Administrative Record. The CBD and Wilderness Society's motions for summary judgment are due September 15th; the U.S. files its motion for summary judgment on November 24. The State of Arizona Game and Fish Department's amicus brief is due December 3, 2010. AGFD may request a short extension of time to file its amicus brief in order to seek direction from the Commission at its December 3 meeting.

Las Cienegas National Conservation Area (LCNCA)

The Department continues to monitor the reestablishment of black-tailed prairie dog populations at two sites within the LCNCA and is preparing for this year's release. The Department is currently working with the USFWS to develop the agreement to implement conservation measures on federal, state, and private lands to manage black-tailed prairie dog habitat and populations in a manner that will contribute to the multistate conservation effort and the long-term viability of the species while also maintaining management flexibility. Progress of the Department's reintroduction efforts can be found in the Nongame Subprograms Quarterly Briefing.

DEPARTMENT OF DEFENSE

Army National Guard Florence Range

The Department provided comments on the Draft Environmental Assessment and Biological Evaluation for the Florence development program. The proposed action included new ranges and construction, in addition to various site improvements. The Department continues to work with the environmental office to provide further information and measures to lessen impacts to fish and wildlife resources.

Naval Observatory Flagstaff Station (NOFS)

NOFS recently invited the Department, the US Fish and Wildlife Service, and Camp Navajo Army Depot to participate in its annual review of natural resource metrics in their Integrated Resource Management Plan. Overall, the partners determined that we were meeting our natural resource management and monitoring objectives on the NOFS.

U.S. Army-Fort Huachuca

The Department provided comment on the Fort Huachuca's draft Integrated Natural Resources Management Plan (INRMP). The INRMP is a Department of Defense planning document that allows military installations to implement landscape-level management of their natural resources. They are extremely important management tools ensuring military operations and natural resource conservation, are integrated and consistent with legal requirements. INRMPs address the management of natural resources (e.g., fish, wildlife, habitat), allow for multiple-uses of those resources, provide public access as necessary and appropriate; all without any net loss in the capability of an installation to support its mission.

U.S. FISH AND WILDLIFE SERVICE

Kofa National Wildlife Refuge (Kofa NWR)

On May 21, 2010 the FWS released a notice of availability for the December 2009 final EA, Limiting Mountain Lion Predation on Desert Bighorn Sheep on Kofa NWR, and Finding of No Significant Impact (FONSI). Department personnel continue working to capture lions in box traps and snares set within the Kofa Mountains Complex Predation Management Area. No lions have been caught since the female lion in GMU 41 was captured, collared, processed, and released on April 4, 2010; its activities continue to be monitored by the Department. Department personnel recently hauled water to Frenchman Tank and other waters are being monitored to determine water hauling needs. In November 2010, Department and FWS personnel completed the Kofa NWR annual bighorn sheep survey. Preliminary estimates indicate a current population of 402 individual sheep. The bighorn sheep population estimates for the Kofa NWR from 2006 through 2009 were 390, 460, 436, and 410 individuals, respectively. Additionally, in November 2010, 15 satellite GPS collars were re-placed and placed on bighorn sheep on the Kofa NWR.

NATIONAL PARK SERVICE

Grand Canyon National Park

The Department recently met with the Superintendent and natural resource staff of Grand Canyon National Park (GCNP) to begin early discussions of developing a Memorandum of Understanding that highlights areas where we can work together on non-native species issues. Key among these will be trout removal in the Colorado River and bison removal on the North Rim. Discussions are in the early stages.

U. S. BUREAU of RECLAMATION

The Department provided comments on the scoping for the Environmental Impact Statement on the San Carlos Irrigation Project Facilities. The proposed action includes the potential drying of an important stretch of the Gila River for up to 6 months, lining of canals and disturbance to habitat. The Department is participating on the biological working group to assist in the identification and development of measures to reduce impacts to fish and wildlife resources

ENVIRONMENTAL PROTECTION AGENCY

The Department participated in a meeting with the Environmental Protection Agency (EPA), Forest Service and U.S. Army Corp of Engineers to gain a better understanding and collaboration with the agencies roles in regards to statewide transportation and development projects and reviews. The projects discussed included: south mountain freeway, US 60 Superior to Globe, north-south corridor, SR 95, Bridge over Tonto, Turner and Hidden Waters Parkways. Much of the discussion was how can we better coordinate and collaborate during the reviews of these projects and what potential partnerships could be formed. The Department continues to work with the EPA in development of the partnership and to provide a more consistent approach to address fish and wildlife resource concerns during project reviews.

GENERAL UPDATES

2010 American Planning Association Arizona Annual Planning Conference

The American Planning Association, Arizona Chapter is a 1,400-plus member organization of professional planners and planning officials who serve Arizona's communities in many ways, at all levels of government, the private sector and not-for-profit organizations. On November 5, 2010, the Department hosted two sessions at the 2010 American Planning Association Arizona Annual Planning Conference (APA Conference). The two session topics were "Wildlife and Habitat Connectivity" and "Tools for Wildlife Planning". Combined attendance for both sessions was approximately 50-60 individuals from various private, state, and local planning entities, as well as college and university students. The Department's presentations highlighted the importance of maintaining wildlife and wildlife habitat connectivity, presented examples of how these concepts have been implemented at the state and local/community level, and educated attendees on the various wildlife planning guidelines and tools the Department has available for the planning community to integrate wildlife and natural resources into the planning process. The final presentation highlighted the Department's Geospatial Planning Tool (GPT) with an overview of the GPT functions and available tools, and ended with a sample project demonstration.

AZ Sportsman for Wildlife Conservation (AZSFWC)

As proposed, the AZSFWC, completed a successful browse release project on the winter range of the Kaibab Plateau. Tree grinding was accomplished between September 13 and September 27, 2010 on approximately 150 acres. Pinyon and Juniper trees less than 12 inches diameter at root crown and diameter at breast height were removed as per direction from the Westside Environmental Assessment. The treated habitat, when combined with previous Westside treatments, will improve habitat conditions on this portion of the Kaibab National Forest.

Becker Lake – Proposed Regulation Change

Department personnel discussed a regulation change proposal at Becker Lake at a meeting of the Springerville Town Council on October 6. Becker Lake is located within Springerville city limits in Apache County and is an important feature of the town. A change to catch and release fishing only is being proposed, which is expected to create a trophy fishery that will attract anglers seeking that fishing opportunity, and should be a benefit for the local economy. The Springerville Town Council passed a resolution to support the regulation change proposal. The Arizona Game and Fish Commission passed the proposal several days later on October 9 and the regulation will go into effect on January 1, 2011.

Belmont Development

The Department recently met with planners from Maricopa County and consultants to discuss mitigation measures for the Belmont Development. The proposed development will be a mixture of residential and commercial development on approximately 20,800 acres of private and state land north of Hwy 10 and west of the Hassayampa River. Maricopa County and the project consultants are currently preparing a mitigation package for the Department to review.

City of Flagstaff

In collaboration with Coconino County and City of Flagstaff community planners, Department staff organized and facilitated a Citizen's Advisory Council (CAC) meeting in October at which

policies within the revised “Environmental Planning and Conservation” element of the Greater Flagstaff Area Regional Land Use Plan were reviewed and finalized. A follow-up meeting is scheduled for mid-November, after which the Department will assist with revision of portions of the “Open Spaces” element of the Plan pertaining to wildlife habitat conservation. The Department continues to provide wildlife expertise to the Expert Forum of local scientists who are developing an inventory, maps and interactive website of Flagstaff’s biological and cultural resources for the Regional Plan revision. The Department also continues to play a key role providing guidance to local citizens and Regional Plan staff who are considering the development of a Conservation Lands System for open space planning, pending approval by the CAC.

Fool Hollow Lake- Fish Habitat Structures

Department personnel installed 20 fish habitat structures in Fool Hollow Lake, Navajo County, on October 16. The project utilized volunteers from the White Mountain Flyfishing Club. The “fishing forest” structures were placed in the vicinity of fishing piers to stimulate sunfish and bass populations and increase angler catch rates, particularly kids fishing from the piers. This work is part of a large ongoing fish habitat project in Fool Hollow Lake to boost warm water fish populations in the lake, which is located on the edge of the City of Show Low.

Fort Rock Ranch Water Development (Dunton Allotment)

The Department, in cooperation with the leasee and WCC, has completed a Cooperative Stewardship Agreement for the redevelopment of two dirt tanks in an area with limited perennial water sources for wildlife in GMU 18A. Construction will begin early next year.

Maricopa Association of Governments (MAG)

Outdoor light pollution not only creates a significant waste of electricity and money, but also degrades the visibility of our night skies. This affects the world-class observatories located in the state. On January 14, 2009, the MAG Management Committee approved convening a Dark Sky Stakeholders Group. The purpose of the Stakeholders Group is to collect information on outdoor light pollution, review best practices in lighting codes, and to develop a model Dark Sky ordinance. The Department attended a meeting with MAG for the dark sky initiative and will be providing a presentation to the group on impacts and recommendations to lessen light pollution on wildlife resources in December.

Maricopa County Flood Control District

The Maricopa County Flood Control District (District) has initiated the development of a master plan for future flood control designs within the Gila River watershed area south of Buckeye Hills, including the Gillespie Dam and tributaries to the Gila River that begin in Little Rainbow Valley and the North Maricopa Mountains. Land ownership in the planning area include private and federal lands. The Department has a high degree of interest in promoting preservation of natural floodways and floodplains in the area to conserve wildlife habitat and connectivity between the Gila River and surrounding areas.

Maricopa County Ordinances P-28 and P-27

The Department recently met with Land Commissioner Maria Baier and Arizona State Land Department (ASLD) staff, along with the Maricopa County Air Quality Department (MCAQD) acting Director Max Porter, to discuss the recent revisions to Maricopa County Ordinance P-28.

The Department will continue to work with MCAQD and ASLD to find resolutions that works for all parties.

Maricopa County announced notice of final proposed rulemaking for dust ordinances P-27 and P-28 regarding operation of motorized vehicles on vacant lots and unpaved private and public property in the County. The proposed revisions result from recommendations made during meetings with the Maricopa County Justices of the Peace and several stakeholder meetings including the Department, ASLD, and the Off Highway Vehicle Coalition. Revisions involve creating a tiered monetary fine for consecutive violations and also spell out several definitions, address inconsistencies within the ordinance, and clarify exemptions. As a reminder, P-27 allows for vehicle access to properties if lawful authority is obtained from the land owner and if such use does not violate any other applicable laws. P-28 applies to all unincorporated areas within Maricopa County and applies to any person operating a vehicle on unpaved private public property. The difference between the P-27 and P-28 fugitive dust *ordinances* and the fugitive dust *rules* (Rules 310 and 310.01) is the *ordinances apply to vehicle owners* operating on unpaved property and the *rules apply to property owners*. The Department is in the process of drafting a comment letter in support of the latest revisions as the Department feels that this version is acceptable in regards to public access concerns for outdoor recreation.

Pinal County PM 10

The PM 10 boundary designation in Pinal County was reviewed by the EPA and the EPA recommended a much larger boundary than what ADEQ and Pinal County submitted. Upon publishing in the federal register a 30 day comment period will follow and EPA will then complete an analysis of public comments and make a final PM 10 boundary designation. ADEQ and PCAQD submitted comments in support of a smaller area, consistent with the Governor's recommendation and the Department followed suit. After this designation ADEQ and Pinal County Air Quality will collaboratively work together to put together a State Implementation Plan (SIP) during the 18 months that follow designation. The SIP process will involve stakeholder meetings and the Department intends to attend these meetings.

The Department participated in the public stakeholder process that PCAQD and ADEQ undertook earlier this year and formally submitted comments in regards to the recommended air quality non-attainment boundary for Pinal County. The Department supports the comments and positions of both PCAQD and ADEQ in regards to this boundary. The Department's primary interest is to maintain lawful, reasonable public access for the use of motor vehicles in Pinal County (County) for outdoor-related recreation.

Vulture Mountain Cooperative Recreation Management Area

The Maricopa County Parks and Recreation Department and the Bureau of Land Management recently hosted a meeting on September 9th, 2010 for the development of the Vulture Mountain Cooperative Recreation Management Area (VMCRMA). The goal of the VMCRMA is to provide a variety of recreational opportunities for local residents while preserving and enhancing wildlife habitat. The Department is assisting with its development through modeling of potential wildlife linkages and will continue to participate by attending a series of meetings.

Sands Ranch Coordinated Resource Management Plan

Sands Ranch is a combination of private, Forest Service, County, and State lands. It is located in Cochise and Pima Counties, on the west side of the San Pedro River, about 5 miles north of

Huachuca City, at the south end of the Whetstone Mountains. The ranch has been in operation since 1920, primarily as a cow-calf operation.

Management agencies in Arizona have used Coordinated Resource Management Plans (CRMP) as a natural resource management planning tool to develop work plans for individual ranches. CRMPs are based on a philosophy that natural resource management opportunities and conflicts are best identified and resolved on a local level. It is a voluntary, non-regulatory process that uses consensus as its main strength. CRMPs can also be used to resolve or avoid natural resource management conflicts. Collaborators on the Sands Ranch CRMP includes the owner/operator, the Department, Arizona State Land Department, Pima County, Forest Service, Natural Resources Conservation Service, Bureau of Land Management, and University of Arizona Cooperative Extension.

The over-arching goal of this CRMP is to attain a healthy balance of livestock, plant communities, and wildlife on the land that allows each to thrive. The plan addresses specific situations and contains practical and implementable strategies and recommended actions. Department recommendations outlined in the plan include hunter access, incorporating our Species and Management guidelines, water development, modification or removal of fencing to wildlife friendly standards, reduction of invasive woody plants, native grass restoration, and maintenance/restoration of habitat health. The Sands Ranch CRMP has been finalized and signed.

SunZia Transmission Line Project

SunZia is a high-capacity transmission (power) line approximately 500 miles long, beginning in northeastern New Mexico and terminating near Eloy, Arizona. SunZia proposes to construct and operate up to two 500 kilovolt transmission lines, metal towers, service roads, and several new intermediary substations. Project proponents claim the new transmission lines are needed to deliver renewable energy resources to the western United States. The Department provided comments on several routes proposed for the transmission line. Some of the proposed routes could have a substantive negative impact on wildlife, habitat, and our constituents. There have been no developments since the October Lands Update.

Town of Marana General Plan

The Department recently provided comment on pertinent sections of the Town's draft general plan. Marana's general plan is designed to implement the community's future vision, by establishing how decisions are made regarding private development projects and public capital investments. Department comments emphasized the: 1) untold economic benefits of hunting, fishing, and nonconsumptive uses of wildlife to local counties, 2) importance of maintaining open space to support wildlife habitat, 3) need to identify and protect wildlife corridors within the planning area, and 4) continuing hunting and fishing access for residents and visitors. The general plan is anticipated to be completed this year.

Town of Oro Valley

The Department has been participating in the Town of Oro Valley's Environmental Sensitive Lands (ESL) Project. The Department, along with representatives from Pima County, Town of Marana, and U.S. Fish and Wildlife Service participated on the Technical Advisory Committee to create guidelines for identifying ESLs within Oro Valley. Over the next couple months the committee's findings will be presented to the community, Planning and Zoning Commission, and

Town Council for review and comment. The full version of committee's recommendations is available at: http://www.orovalleyaz.gov/ESL/Draft_ESL_Ordinance.htm . Once implemented the plan will help maintain wildlife habitat and linkages between habitats in Oro Valley.

Proposed Rosemont Copper Project

The Department continues to participate closely with the Coronado National Forest and other cooperating agencies on the proposed Rosemont Copper Mine. The Forest had previously told the cooperating agencies that they would be receiving a chapter of the Draft Environmental Impact Statement (DEIS) each month starting in August, with the final chapter available in December. The Department received chapter 1 in August and commented on this chapter. In September, the Forest did not have any subsequent chapters available and in October, the Forest cancelled the Cooperators meeting and did not provide any further information to the cooperators other than to say that the timeline for the DEIS remained intact. The Forest has not officially announced that the DEIS will be available to cooperators in November but did tell the Department that the release appeared imminent. A follow up call to the Forest resulted in reassurances that although the timeline had not been officially amended, they are aware that the timeline is unrealistic and will work with the cooperators to negotiate an appropriate timeline and that the cooperators should expect to see it in mid December. Moreover, the Forest staff believe that among the many items yet to be resolved, they will need to have identified a preferred alternative before release of the draft EIS and they don't anticipate identifying such before receiving input from the cooperating agencies.

On November 18 the Department attended the Cooperators meeting for the Rosemont Copper Project and learned from the Forest that: (1) the entire 700-page DEIS will be released to Cooperators mid-December; and that (2) Cooperators will have only 30 days to review and comment. The Department objected and stated it would file an immediate request for an extension of time. The rest of the meeting consisted of Forest's canned presentation of the NEPA compliance process and the role of Cooperators.

The Arizona Daily Star reported the following on November 17th:

“The federal contractor working on an environmental analysis of the proposed Rosemont Mine has delivered a draft report to the U.S. Forest Service, said officials of the Canadian company that would build and operate the mine.

Officials with the contractor SWCA delivered the draft of the Rosemont Environmental Impact Statement this week, according to a news release from Augusta Resource Corp.

The Forest Service is supposed to review the draft, get outside reviews from Pima County and other state and federal agencies and release it publicly by the end of 2010. Mindee Roth, a Coronado National Forest official, confirmed on Tuesday that the Augusta release is accurate.

Augusta, the Vancouver, British Columbia-based mining company, hopes to start building Rosemont in the Santa Rita Mountains about 30 miles south of Tucson by 2012, but opponents say that timetable is unrealistic. Rosemont Copper would produce about 220 million tons of copper annually and hire about 400 permanent mine employees.

Opponents say the mine would draw down groundwater supplies and destroy thousands of acres of desert, but the company says it can compensate for the damages.”

Renewable Energy Development

Solar

The Department continues to work with BLM, FWS, ASLD and other agencies regarding numerous solar projects being proposed within Region IV (see table below).

Name	Applicant	County	Owner	Potential Acres	Project Status
Agua Caliente	NextLight	Yuma	Private	2,372	Permitted for PV or CSP
Aguila	Horizon Wind Energy	Maricopa	BLM	11,866	contacted by consultant
Aguila 1&2		Maricopa	Private	284	contacted by consultant
Arlington	LS Power	Maricopa	Private	240	contacted by consultant
AVSE I	LS Power	Maricopa	ASLD	1,223	ASLD Lease Review
AVSE II	LS Power	Maricopa	ASLD	1,125	begun county & ACC Compliance
AVSE III	LS Power	Maricopa	ASLD	4,721	begun county & ACC Compliance
Crossroads	Solar Reserve	Maricopa	Private	1,865	Comprehensive Plan Amendment
Gillespie	Recurrent Energy	Maricopa	Private	151	Comprehensive Plan Amendment
Harquahala	Green Fuel Technologies	Maricopa	Private	126	Uncertain
Harquahala Valley	Starwood	Maricopa	Private	1,968	Uncertain
Hyder (ASLD)	Solar Reserve	Yuma	ASLD	2,568	contacted by consultant
Hyder (BLM))	Iberdrola	Maricopa	BLM	1,538	contacted by consultant
La Paz I	Enviromission	La Paz	ASLD	5,770	contacted by consultant
La Paz II	Enviromission	La Paz	ASLD	5,970	contacted by consultant
McMullen	Horizon Wind Energy	La Paz	BLM	32,959	contacted by consultant
Mesquite	Sempra	Maricopa	Private	2,406	begun county & ACC Compliance
Palo Verde	AREVA Solar AZ II, LLC	Maricopa	BLM	2490	Comprehensive Plan Amendment
Palomas I & 2	NextLight	Yuma	BLM	2,903	NEPA

Name	Applicant	County	Owner	Potential Acres	Project Status
Quartzsite I and II	Solar Reserve	La Paz	BLM	5,128	begun NEPA/cooperating agency
Ranegras	Iberdrola	La Paz	BLM	4,691	contacted by consultant
Solana	Abegnoa	Maricopa	Private	3,120	Section 7 begun
Solstice	Ausra	Maricopa	ASLD	1051	contacted by consultant
SunStreams	Element Power US	Maricopa	Private	1070	Comprehensive Plan Amendment
Tonopah PV	Foresight	Maricopa	Private	266	Comprehensive Plan Amendment
Verma Solar Hyder I	Verma	Yuma	Private	100	ASLD Application Received
Yuma County Solar	Archaeological Consulting Services	Yuma	ASLD	320	contacted by consultant

Hyder Valley Solar

On November 10, 2010 the BLM hosted a workshop to solicit input and discuss proposed alternatives for the Hyder Valley Solar Energy Project. The project footprint could take place on up to approximately 2,700 acres of BLM public land in Maricopa County. Dry cooled and hybrid cooled alternatives were discussed along with the evaluating the project footprint, the facility layout, thermal storage, and other options to avoid, minimize, or mitigate impacts to wildlife, cultural, and other resources in the area.

Sonoran Solar

NextEra has requested that BLM suspend major permitting efforts. The project will not be on a fast track, which means BLM will not be working towards a record of decision on the Environmental Impact Statement (EIS) by the end of the year. NextEra remains very interested in the application area and BLM is working with the company on revising the schedule. BLM submitted an estimate for level of work for the next few months as they reevaluate the schedule. BLM is working through the DEIS comments, refining mitigation measures and will be coordinating with cooperating agencies on further development of the EIS.

Wind

Navajo County Wind Energy Development Ordinance

On October 26, Navajo County Board of Supervisors unanimously voted to approve the County Ordinance concerning wind energy development in Navajo County. The County incorporated references to the Department's Wind Guidelines and other stipulations related with reducing impacts from wind energy development to wildlife.

Pronghorn-Wind Research Project

On November 9, 2010, Department personnel, Papillon, and volunteers captured and GPS collared 15 pronghorn as part of a research project to help determine what impact, if any, the Dry

Lake Wind Generation Facilities (61 turbines) have on the pronghorn movement patterns in Unit 3A. This two-year research project is being jointly funded by the Department, Iberdrola Renewables (Dry Lake Wind Facility) and Horizon Energy, and is in response to concerns raised by the Department over the extent of potential wind energy projects across northern Arizona and their potential impacts to already fragmented pronghorn herds.

Interagency Coordination

The Department has been working to improve coordination with regional biologists from the U.S. Fish and Wildlife Service Ecological Services suboffice in Flagstaff and the U.S. Forest Service, Kaibab National Forest (Williams Ranger District) during review of several proposed wind projects in northern Arizona, including the Perrin Ranch and Boquillas Wind Resource Area projects (see below). Toward this end the Department will participate in an interagency coordination meeting in late November to learn more about USFWS' approach to golden eagle conservation and wind development, USFWS guidance concerning avian and bat protection plans, and other key issues.

Boquillas Wind Resource Area

Department personnel contributed to a formal comment letter submitted to Boquillas Wind, LLC at the end of September. In this letter the Department articulated its concerns over the proposed development of a wind farm on the Aubrey Cliffs (Boquillas Wind Resource Area/BWRA) and recommended two additional years of preconstruction monitoring consistent with the Department's Wind Guidelines and known wildlife values at this site. The Department has compiled an analysis of potential biological impacts of Foresight Wind's Boquillas Wind Resource Area (BWRA) project. Staff evaluated several years of avian and bat monitoring data collected by Department biologists and noted the high biological value of this area as modeled in the Department's Species and Habitat Conservation Guide. The summary of our findings has been forwarded to management and which will be discussed by Executive Staff at an upcoming meeting. The Department also participated in a meeting with Foresight Wind, the Navajo Nation, and Western Ecosystems Technology, Inc. (WEST) in late October to discuss our concerns about potential impacts and to learn more about WEST's revised preconstruction monitoring protocols. WEST has incorporated a number of improvements to their monitoring approach recommended by Department and U.S. Fish and Wildlife Service biologists and will formally present their revised monitoring plan in a follow-up meeting intended to identify agency roles and responsibilities in late November at Region 2 headquarters. WEST and the Department have also begun initial discussions about the possibility of a collaborative research project using telemetry to investigate golden eagle movement patterns in the project area.

NextEra Energy Resources

Department staff accompanied Coconino County Planning and Zoning Commissioners and the Director of Coconino County Community Development on a driving tour of Perrin Ranch north of Williams, an area of private-State checkerboard land where NextEra Energy Resources is proposing the development of a 99 megawatt wind farm. The tour included a visit to the Long Point area of Espee Ranch in Region 3 where NextEra is discussing development of a separate wind farm project with Babbitt Ranches. During the tour Department staff addressed Commissioners' questions concerning possible impacts of the proposed projects on wildlife, and explained how the Department's Wind Guidelines may be used to guide pre-construction project site assessment. Department participation continues with NextEra Energy and SWCA, their environmental consultant, to provide input to SWCA's avian and bat monitoring protocols.

NextEra has also been receptive to exploring possible funding of research studies of the impacts of wind development on selected wildlife taxa (e.g. migratory bats) in northern Arizona, though these conversations are in an early stage. The Department will submit a comment letter on the Perrin Ranch project to Coconino County Community Development staff to assist with the Planning and Zoning Commission's evaluation of NextEra's Conditional Use Permit application, which goes up for public hearing in mid-December.

Grapevine Wind

The Department has reviewed the Grapevine Wind EIS and is awaiting response from the developer on our comments. The Grapevine project is located southeast of Flagstaff on Anderson Mesa. It has the potential to be a 500 MW facility which could entail up to 300-350 wind turbines in three phases. The Department has recommended that the proposed project be considered a Category 3 project as defined by our Wind Guidelines. In addition to awaiting comments back from the developer, the Department is reviewing the draft Avian and Bat Protection Plan (ABPP) that has been submitted to the Department and to the USFWS. ABPP's are being requested voluntarily by the USFWS but the Department is very supportive of what these documents may provide in terms of assurances between the developer and resource agencies. Very few ABPP's have been drafted nationwide and what exactly they are to entail is still being worked on by the USFWS. In general, we can expect ABPP's to include some of the following information: direct and indirect impact assessments and resource protection measures. These resource protection measures could include facility design and siting, minimization of disturbance areas, bio-monitoring/buffering/prey-minimization, pre and post construction studies, training, wildlife fatality reporting, and operational procedures (things like curtailment of turbines)

White Hills Wind Energy

The Department and BLM have agreed to language for an MOU that will formalize the coordination process between BLM, British Petroleum, and the Department as it pertains to the development of the Mohave County Wind Project in the White Hills at the Northern end of the Cerbat Mountains of Unit 15BE.

Transportation

I-40 Bellemont – Winona Widening Project

The Department continues to be engaged in the I-40 project, widening from Bellemont to Winona. This project is moving relatively quickly with the draft EA being submitted internally from the consultant to ADOT this month. On October 14th the Wildlife Technical Advisory Committee met (to which the Department is a member) and determined initial proposed wildlife crossings for the freeway corridor. Final crossings will be determined based on results from the Research Branch elk movement study.

Colorado River Bridge

The Department has worked cooperatively with NDOT, FHWA, Clark County, and the City of Bullhead in the development of plans and an Environmental Assessment for a bridge that will cross the Colorado River between the cities of Bullhead, AZ and Laughlin, NV. The bridge will be located at the Southern end of the Bullhead Parkway, immediately North of the Colorado River Nature Center. The department advocated various mitigation efforts that will enhance functionality and enforcement OHV laws on the Colorado River Nature Center. The Department

is in the process of reviewing the draft EA for this project and will be providing agency comments in the near future.

US 93 Hoover Bypass/Bighorn Sheep Crossings

Construction is drawing to a close on the widening project and desert bighorn sheep overpasses located between mileposts 2-17 on US 93. In conjunction with project completion scheduled for December, the Department initiated a capturing and collaring effort of desert bighorn sheep within the project footprint - to gather post-construction monitoring data on the movement of desert bighorn sheep in the project area. This data will help determine the efficacy of the sheep crossings, which were incorporated into the project to mitigate impacts to the Black Mountain population of desert bighorn sheep. The grand opening of the US 93 Hoover Dam Bypass took place in October.

ADOT: I-10, Tucson to Benson Transportation Planning

The Department was recently invited to participate in a transportation planning team to evaluate the widening of I-10, from I-19 (in Tucson) to SR 90 (near Benson). Widening the interstate could have a substantive negative impact on wildlife populations and increase wildlife/vehicle collisions, unless specific mitigation impacts are implemented. The project study area crosses some important wildlife corridors linking the Rincon, Santa Rita, and Whetstone Mountains, Las Cienegas Nat. Cons. Area, and Davidson Canyon. The transportation project also passes through Pima County's "critical landscape connector #3" identified in the Pima County Conservation Lands System. A search of the Department database on roadkills and salvage permits identified several areas along I-10 with vehicle/wildlife collisions (e.g., deer, black bear, mountain lion, and javelina).

North-South Corridor Study

The Corridor Study is anticipated to take 3 years and include: EIS, Alt. Selection Report and Design Concept Report. ADOT and FHA are the project leads. The purpose of the project is to create an east valley north/south connection between US 60 and I10. ADOT justified the need by citing 10 municipal/regional plans that have identified the need including the bqAZ plans. Eventually SR80 will connect to the N/S 45 mile corridor (planning currently on hold), as well as the Hidden Valley Central AZ Corridor Study alignment (planning not in progress yet). They expect to have the Alignment Study and Environmental Study out Fall of 2011. They will identify 150' wide transportation corridor as the end product and there is no funding at this time to construct. The need to plan in advance is purely driven by the need to establish ROW far enough into the future to avoid private property issues. They asked participants to provide any compelling reasons why the study area should be changed or expanded. There is a Phoenix-Tucson Intercity Rail System Concept Study happening concurrently and they will be analyzing shared alignments for the two projects.

The Department first provided verbal comments on the study in a meeting with an ADOT consultant August 16th, 2010, and at two public scoping meetings held October 26, 2010, and October 28, 2010. The Department submitted formal written comments on November 8, 2010. The Department has also accepted an invitation to become a cooperating agency in the development of the NEPA compliance documentation for this study.

In general, Department representatives will be evaluating the proposed transportation corridor alternatives for the:

- Fragmentation, degradation, and complete loss of wildlife habitat,
- Facilitation of new, unauthorized off-road access to previously undisturbed areas,
- Loss of access to public or State Trust Lands for hunting or recreational activities,
- Negative impacts to special status (i.e. federal and state) and common wildlife species,
- Future degradation of wildlife populations and habitats along the transportation route from indirect and direct effects,
- Collisions between vehicles and wildlife that result in property damage, human injuries, and loss of life (human and wildlife),
- Diversion or impediment of important and historical wildlife movement corridors/linkages,
- Introduction and spread of invasive plant species,

The Department recognizes that in the development and implementation of the North-South Corridor, some loss of wildlife and habitat is inevitable. The first step in addressing the potential loss of wildlife and wildlife habitat is to avoid the impact(s). If avoidance is not feasible, then minimizing and mitigating potential negative impacts will be evaluated. For wildlife and habitat losses that cannot be avoided, the policy of the Arizona Game and Fish Commission is to seek compensation at a 100% level, where feasible, for actual or potential habitat losses resulting from land and water projects (Commission Policy A2.16).

The Department is recommending placement of the proposed transportation corridor on the west side of the Picacho Mountains, and in general, west of the Central Arizona Project Canal. This route would substantively reduce the negative impacts on wildlife and habitat by taking advantage of lands that are already disturbed. Any transportation route on the east side of the Picacho Mountains would substantively negatively impact wildlife and habitat, by bisecting and penetrating a large, relatively undisturbed natural area. As feasible, the proposed transportation corridor should also parallel as close as possible, or some cases replace, existing local roadways and railroad lines.

Another concern of the Department is to maintain wildlife connectivity between the Mineral Mountains, San Tan Mountains, Picacho Mountains, and Gila River. As currently proposed, the North-South transportation corridor will pass through several areas identified as potential wildlife linkage zones and corridors in both the 2004 Arizona Wildlife Linkages Workshop and the recent 2010 Pinal County Wildlife Linkages Workshop. All these corridors are utilized by wildlife for daily or seasonal movement between habitats. Disrupting these wildlife movement corridors without first incorporating appropriate mitigation measures could have serious negative consequences for some wildlife species and populations.

A few of the Department's concerns may be adequately addressed with common roadway mitigation measures; however, others can only be addressed after scientifically-based research. The Department is strongly recommending funding be secured by ADOT or the Federal Highway Administration to support research to identify new and/or refine suspected wildlife corridors in the study area. Funding should be provided very early in the planning process to make best use of the data. Ideally, this research would support the development of mitigation

measures (e.g., culvert size and location, under or overpasses, barrier fencing) that minimize the likely substantive negative impact of the proposed transportation corridor.

SR 87

Highway construction to improve north and south bound lanes of SR87 between Four Peaks Road and Dos S ranch north of Fountain Hills has begun. The Department is working closely with ADOT and the Tonto National Forest to complete pre-construction road kill surveys for Desert Tortoise in July/August. The Department attended the pre-construction meetings with contractors to closely coordinate removal and relocation of tortoise from the project area during construction. The Department will continue to meet with contractors at weekly progress meetings and have provided training materials related to tortoise handling procedures.

Northern Parkway

The Maricopa County Department of Transportation (MCDOT) has initiated the Northern Parkway Corridor Feasibility Study for the extension of Northern Avenue as a 6-8 lane parkway west of the White Tank Mountains, across the Hassayampa River to the Tonopah area. The Department will be evaluating whether the future parkway will impact conservation goals to preserve a wildlife habitat linkage between the White Tanks, Hassayampa River and Belmont/Buckhorn Mountains to the west. The Department will be attending a series of stakeholder meetings to participate in the Corridor Feasibility Study.

I-17

The Department continues to attend progress meetings for the I-17 Design Concept Report and Environmental Studies on the New River to Jct. SR 69 segment of future highway improvement and realignment. Consultants are still working on the Draft EA, and therefore, no preferred alternatives for the realignment and lane expansions have been chosen. The Department will be working with ADOT to develop mitigation measures for wildlife crossings and Desert tortoise along segments of the project. The project transects BLM Category II tortoise habitat and BLM has a high degree of interest in tortoise mitigation measures.

Wickenburg Transportation Framework Study

The Maricopa Association of Governments (MAG) is in the early stages of collection data for a transportation study focusing on the Wickenburg area as part of the Hassayampa Valley Framework Study. MAG is developing alternative route scenarios for up to 320,000 people eventually occupying the Wickenburg area. The Department is reviewing the draft scenarios and will provide information related to wildlife populations and habitats that could be affected by the build out and corresponding transportation needs.

US 60 Superstition to Florence

The Department is currently reviewing the Draft Environmental Assessment for the alignment study of US 60 to Florence. The Department has participated and coordinated with this project since 2003 and will continue efforts to ensure wildlife connectivity.

Hwy 95 Aberdeen Road to Avenue 9E

The Department is working with ADOT, the Yuma Proving Ground, and BLM for final review of the Hwy 95 Aberdeen Road to Avenue 9E project. The Department has been providing assistance to ADOT with regard wildlife crossing and fencing issues to help maintain bighorn

sheep connectivity between the Laguna Mountains and the Muggins Mountains. The expansion of Hwy 95 from a two-lane to a four-lane divided highway could significantly fragment these bighorn sheep populations.

Wildlife Linkages/Corridors

Statewide coordination is continuing for the county workshops. The Department has been working on a draft document to be used as the template for reporting on the results of the county-wide linkage assessments. That template is undergoing a final internal review and will be provided to the Arizona Wildlife Linkages Workgroup, which serves as the steering committee for this work, for their input. Specific county updates are below:

Coconino County

Region 2 participated in a follow-up meeting of the Department's wildlife linkages team in late October to discuss next steps in the development of a statewide habitat connectivity strategy and associated products. Region 2 is taking the lead in drafting a template for county-specific interim linkage reports which will present input collected during stakeholder linkage workshops, and helped organize and facilitate a meeting of the report sub-team at which the outline for these reports was finalized. Our goal is to have the Coconino County interim report including text, paper maps, and GIS shapefile completed by the end of the year and for this to serve as the model for other county reports. Region 2 staff will meet soon with Coconino County planners to discuss selection of a subset of stakeholder-defined linkage areas for which we will develop GIS corridor designs based on focal species habitat suitability models, and have begun working with ArcGIS modeling tools developed for this purpose by scientists at Northern Arizona University. Department staff presented results of an initial GIS corridor design of an important linkage area in the Flagstaff area that we created using these tools at The Wildlife Society meeting in Utah in October, and will work to refine this design in coming months.

La Paz County

The La Paz County Board of Supervisors held an open-house meeting on November 3, 2010 to discuss OHV issues in Parker and Lake Havasu. OHV constituents are concerned about the impacts of BLM Travel Management Planning (TMP) on OHV access in the area. The Department has consistently assisted in BLM's TMP process to help identify open, closed, and limited roads and trails to provide access for outdoor recreation enthusiasts while minimizing impacts on wildlife populations and habitats.

Maricopa County

The Department met with the City of Scottsdale to discuss linkage concerns within and surrounding the McDowell Mountain preserve. This meeting helped to communicate and identify mitigation opportunities for wildlife linkages, monitoring and studies within the area. These efforts, in partnership will help to inform future decision making in the planning process and will further support the City's efforts to enforce zoning codes and regulations with regard to the adjacent developments and wildlife concerns.

The Department was recognized at the City of Surprise Commissioner's Meeting expressing thanks and approval of our wildlife connectivity network recommendations and noted that they need to be taken into account in future development plans. This is a success for the Department as we continue efforts to build these relationships and strive for these vital connections for wildlife.

The Department has initiated coordination with the City of Peoria, open space planning group, to build relationships and gain a seat at the table for linkages for incorporating into the planning efforts. The Department will be working directly with their GIS staff for incorporating linkages into the GIS decision support system for analysis that is currently being developed for use in the planning process.

Pima County

The Department and Arizona Department of Transportation collaborated on a proposal to fund a wildlife linkage planning workshop for Pima County. The funding proposal was presented to the Pima County Regional Transportation Authority (RTA) Wildlife Linkages Work Group at their August 13th meeting. The work group voted unanimously to fund the proposal. Two months later both the Transportation Plan Committee and Transportation Implementation Plan subcommittee approved the proposal as well. Final approval is pending from the RTA Board and should be voted on in December.

If successful, funds will be used to support two public stakeholder workshops, create GIS maps of known wildlife linkage corridors, and to write a summary report. Upon completion of the Pima County workshop and analysis of information provided, the Department will have accumulated data on potential important wildlife linkages from Utah to Mexico, in all the heavily populated counties in Arizona (Yavapai, Maricopa, Coconino, and Pinal).

SPECIAL BIG GAME LICENSE TAG SALE AGREEMENT

In exchange for the opportunity to market and sell each Special Big Game License Tag awarded to our 501 (c) organization ("Awardee") by the Arizona Game and Fish Commission pursuant to its authority under A.R.S. §17-346 and A.A.C. R12-4-120, we the undersigned agree:

1. To underwrite all promotional and administrative costs to sell and transfer each Special Big Game License Tag.
2. To transfer all proceeds from the sale of each Special Big Game License Tag to the Arizona Game and Fish Department within 90 days of the date that we sell or award each Special Big Game License Tag.
3. That the Special Big Game License Tag(s) awarded to our organization will not be issued by the Arizona Game and Fish Department until all proceeds are received.
4. To sell and transfer each Special Big Game License Tag as prescribed in the written proposal provided to the Arizona Game and Fish Commission, attached hereto and incorporated herein by reference.
5. To provide the Arizona Game and Fish Department with the name, address, and physical description of each individual to whom a Special Big Game License Tag is sold or transferred;
6. To abide by all provisions of A.R.S. §17-346 and A.A.C. R12-4-120, and comply with the method or methods by which tags will be sold as described in the Awardee's letter of application. The Awardee shall also comply with the following:
 - a. To defer to the Arizona Game and Fish Department any questions about the validity and awarding of the Special Big Game License Tags, the Special Big Game License Sale Tag Agreement, and any policy decisions regarding this process. The Awardee will respond to all questions about the marketing and sale of the Special Big Game License Tags, and the Awardee shall identify the organization it represents in responding to such questions and shall not make any statement that the Awardee represents or is answering any inquiry on behalf of the Arizona Game and Fish Department or Commission;
 - b. To comply with the raffle and auction sales audit as described in the Awardee's letter of application and any additional stipulations that the Commission may require as a condition to the awarding of any tags. The Awardee shall submit the report to the Arizona Game and Fish Department annually;
 - c. To comply with the process described in the Awardee's letter of application and any additional stipulations the Commission may require for the awarding of an auction tag when a primary bidder defaults and does not purchase a tag.
7. To ensure that no discrimination occurs on the basis of race, color, sex, national origin, age, disability, or viewpoint in the marketing and sale of each Special Big Game License Tag.
8. That amendments to this agreement may be made only upon mutual written consent of the Awardee and the Arizona Game and Fish Department.
9. That all books, accounts, reports, files, electronic data, and other records relating to this Agreement shall be subject at all reasonable times to inspection and audit by the State of Arizona for five (5) years after completion of this Agreement pursuant to A.R.S. § 35-214.

Hunt Permit-tag Application Schedule – Winter 2011

Hunt permit-tag applications will be accepted and processed in accordance with R12-4-104 and R12-4-114 and this schedule.

Drawing				
	ACCEPTANCE DATES¹	CORRECTION PERIOD²	DEADLINE DATES³	
HUNT	Applications accepted on or after:	Deadline 5 p.m. (MST) in Department offices	Deadline 7 p.m. (MST) in Department offices on:	Hunt permit-tags and refund warrants mailed out by:
Antelope	(See note 1)	Jan. 20, 2011	Feb. 8, 2011	April 22, 2011
Elk	(See note 1)	Jan. 20 2011	Feb. 8, 2011	April 22, 2011

First Come⁴		
	Applications accepted by mail on or after 8:00 a.m. (MST):	Permits available for purchase with a completed application at all Department offices after 8:00 a.m. (MST)
HUNT	ACCEPTANCE DATES	ACCEPTANCE DATES
Antelope	April 25, 2011	May 2, 2011
Elk	April 25, 2011	May 2, 2011

Notes:

- The Department will accept Hunt Permit-tag Applications for big game listed above as soon as the applicable year hunt information is available on the Department's Web site (www.azgfd.gov), or from any Game and Fish Department office or license dealer, unless otherwise noted in the Hunt Permit-tag Application schedule.
- If a paper Hunt Permit-tag Application that is submitted contains an error and is received by Jan. 20, 2011, the Department will make three attempts within a 24-hour period to notify the applicant by telephone (if a phone number is provided).
- Department offices at Flagstaff, Kingman, Mesa, Phoenix, Pinetop, Tucson and Yuma will close for business at 5:00 p.m. (MST); completed applications will be accepted at these locations until 7:00 p.m. (MST) on deadline days. No applications will be accepted after this time regardless of the postmark. Deadline dates may be extended in the event of a Department-related system failure.
- First come permits are issued if available and will sell very quickly. Applicants are advised to check with the Department before submitting an application for leftover permits. A listing of leftover permits is available online at www.azgfd.gov or any Department office.

Thank You Hunters and Recreational Shooters

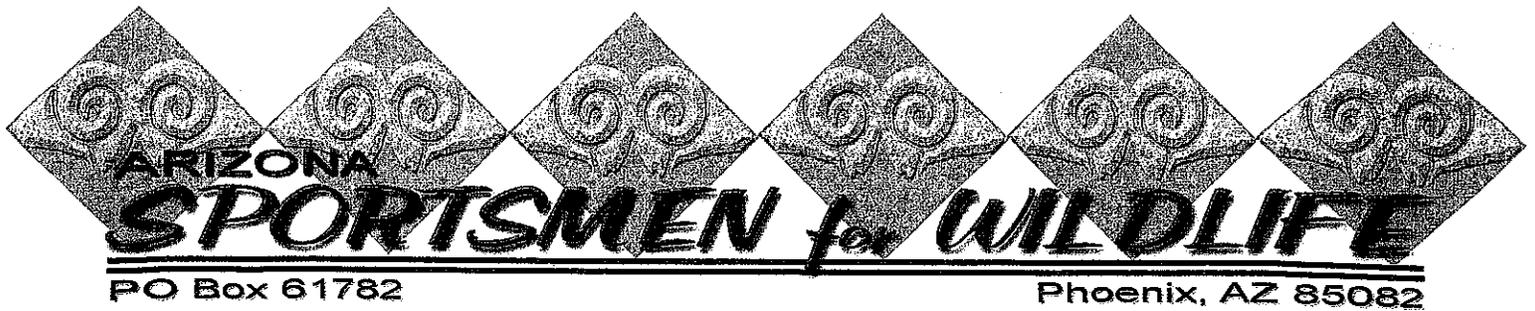
Arizona's rich outdoor heritage is enjoyed by all – thanks to hunters like you, whose purchase of hunting and recreational shooting equipment supports wildlife management and habitat enhancement in the Grand Canyon State. When you purchase a rifle, ammunition, archery equipment, and other sporting gear, you pay a federal excise tax and import duties.

Since 1937, this money has been collected by the federal government and redistributed to the states using a



formula based on hunting license sales and the state's land area. In 2009, that meant over \$8.3 million for game management in Arizona. This money paid for game surveys, hunter education classes, wildlife water catchment construction, wildlife research and shooting range development and operations, among other projects.

Hunters like you are part of the largest and most successful wildlife conservation programs in the world... thank you!



November 2, 2010

#S-7

Arizona Game & Fish Commission
5000 West Carefree Highway
Phoenix, Arizona 85086

Re: Mexican Gray Wolf Recovery Program

Dear Arizona Game & Fish Commission Members,

On behalf of Arizona Sportsmen for Wildlife and Arizona Sportsmen for Wildlife Conservation we respectfully request that the Arizona Game & Fish Commission take into consideration and address the following concerns relative to the Mexican Gray Wolf Recovery Program.

From the inception of the Mexican Gray Wolf Recovery Program in Arizona, sportsmen organizations did not take a position in opposition to or in support of the program. We have watched the program with great interest as it has developed and have also witnessed what is going on in other states relative to recovery of the gray wolf. We are alarmed about what we see.

It appears that U. S. Fish and Wildlife Service (USFWS) policy decisions relative to Arizona's Mexican Gray Wolf Recovery Program are primarily driven in response to lawsuits filed by the Center for Biological Diversity, the Sierra Club and other litigant-minded organizations. Other entities that have legitimate stakeholder interests are being ignored or not given the same level of consideration. Unlike other wildlife management issues where sportsmen have been equal partners at the stakeholder table, this simply has not been the case with respect to the Mexican Gray Wolf Recovery Program. Though repeated requests have been made through our consultant, Jim deVos, USFWS continues to ignore those requests leaving sportsmen/wildlife conservation organizations on the sideline without a seat at the table.

When policy decisions are made in response to legal challenges legitimate stakeholders such as the Arizona Game & Fish Department, Arizona Cattle Growers' Association, affected property owners and county governments, sportsmen and wildlife conservation organizations are not given full-partnership status equal to that given to litigious environmental organizations. Policy

decisions made in the vacuum of legal challenges can no longer be accepted by stakeholders who have legitimate interests in the outcome of these programs.

Arizona sportsmen and wildlife organizations are the backbone of the Arizona Game and Fish Department (AZGFD), who without sportsmen's dollars would not be able to manage Arizona's Wildlife. Wildlife conservation organizations contribute millions of dollars and thousands of man-hours annually to benefit Arizona's wildlife and its habitat. The wildlife conserved and enhanced through wildlife conservation organizations efforts are the same wildlife that serve as the prey base for the Mexican Gray Wolf. To not include these groups at the stakeholder table is, without question, inappropriate and not supportable.

The Wyoming, Montana and Idaho wolf programs have given us insight into how litigious environmental organizations manipulate the management of our wildlife. They agree to a recovery number for a given species such as the wolf to get buy-in from the stakeholders and when that number is attained, they sue to prevent these species from being properly managed resulting in the prey species becoming threatened or in severe cases decimated.

It is not about giving wildlife agencies the ability to recover and maintain a viable wolf population; it is about making an exception for this species to the detriment of other species. It is about removing man from his role in management of our wildlife and about removing man from the land. Clearly, the Endangered Species and Equal Access to Justice Acts have been hijacked by these groups and used as a tool to further their own ideological agendas.

Arizona sportsmen and wildlife organizations cannot support the Arizona Game & Fish Department's continued involvement in the Mexican Gray Wolf Recovery Program unless significant changes are made. At this juncture we view the wolf recovery program as a failed program. More than \$22 million in tax-payer dollars have been invested in the recovery effort with very little to show for it. And, after more than fifteen years, we still do not have an accurate accounting of the number of Mexican gray wolves in Arizona. While some believe the number exceeds the estimates produced by USFWS, others disagree. In reality, no one knows how many Mexican Gray Wolves exist in Arizona.

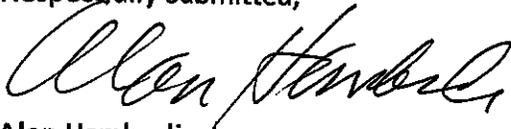
We also do not have an accurate picture of the impact the current wolf population has had on its primary prey species (elk and deer). We do know the impact in other western states is not acceptable. Sportsmen spend millions of dollars annually to conserve and help grow elk, deer, sheep and antelope herds. Millions of taxpayer dollars are paid annually to reimburse litigious environmental organizations for their legal costs. Yet there is no financial consideration given when a deer or elk is lost to wolf predation. Why should the sportsmen community invest millions of dollars annually only to have the wildlife it has invested in serve as prey base for the

wolf? It makes no sense. This predator species must be managed just like other wildlife species and Congress must stop the misuse of the Equal Access to Justice Act.

Arizona Sportsmen for Wildlife and Arizona Sportsmen for Wildlife Conservation respectfully request that continued participation in the Mexican gray wolf recovery program be conditioned on a signed agreement between the AZGFD and USFWS containing provisions specified at the end of this letter. To do otherwise would simply invite the same outcome that has occurred in other western states. It is clear that litigious environmental groups have no intention of complying with recovery plans and will continue their assault through the courts whether justified or not. Why do we think Arizona would be any different??

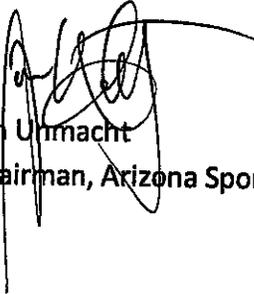
Thank you for consideration of our request.

Respectfully submitted,



Alan Hamberlin

Chairman, Arizona Sportsmen for Wildlife



Jim Ummacht

Chairman, Arizona Sportsmen for Wildlife Conservation

Proposed Provisions for Mexican Gray Wolf Recovery Agreement between AZGFD and USFWS

- Limit the Mexican Gray Wolf Recovery Plan or any revisions to the plan to 100 wolves as provided for in the current recovery plan. The wolf count shall include any wolves that migrate into Arizona from other states or Mexico and wolves on Arizona Indian Reservations.
- Require that USFWS stipulate to damages for each wolf in excess of 100 total wolves. Stipulated damages shall be \$50,000 per wolf annually in excess of 100 total wolves payable to AZGFD to offset the damage caused by any additional wolves over and above the 100 specified in the recovery plan. Such funds shall be used to enhance deer and elk herds throughout the state as identified in the Heritage Partnership Fund Process.
- In addition to stipulated damages to AZGFD, require USFWS to also agree to pay stipulated damages in the amount of \$25,000 annually for each wolf in excess of 100 to each of the following organizations: Arizona Deer Association, Arizona Elk Society, Arizona Desert Bighorn Sheep Society and Arizona Sportsmen for Wildlife Conservation. Such funds shall be used to conserve Arizona's elk, sheep and deer herds and for herd habitat enhancement throughout the state.
- Require USFWS to indemnify AZGFD against any liability with regard to the program which liability shall include, but not be limited to, plaintiff attorney fees
- Require USFWS to agree that the current wolf recovery plan or any revised plan remain consistent with the geographic boundaries of the current 10J experimental recovery area and that there be no expansion beyond those existing boundaries.
- Require USFWS to work with AZGFD to establish an accurate count of the current wolf population including collared and un-collared wolves and pups and any wolves that may have broken away from packs released in the Blue Recovery Area, on Arizona Indian Reservations or who may have migrated to adjacent areas. Establish a credible monitoring and reporting system to determine the number of wolves on the ground in future years and submit the report annually to AZGFD.
- Provide \$1 million annually to AZGFD for conservation of elk and deer throughout the state to offset loss due to current levels of wolf predation. Such funds may be used as matching funds for HPC approved projects or may be used for any other purpose that enhances conservation of deer and elk throughout the state. Annual reports on use of these funds should also be a requirement.

for thy record
5-7

ARIZONA GAME AND FISH COMMISSION MEETING DECEMBER 4, 2010

Thank you for allowing Mr. Stephenson to read my comments. As Chairman of the Greenlee County Board of Supervisors and the Adaptive Management Oversight Committee representative for the past decade, I want to thank you for your willingness to serve on the commission. I also want to thank Larry Voyles and Terry Johnson for their support of Greenlee County's concerns regarding the Mexican gray wolf program.

Greenlee County is very concerned about the status of the program. Years of movement forward have come to a screeching halt and we are now in a position of uncertainty over the management of the program. I will not waste your time discussing the various components of concern. Mr. Johnson's presentation is much more comprehensive and covers every component that should be a cause of consternation. Your discussion today following his presentation is of particular interest to us. Your decision on reaffirming existing state policy on the management of the program or new policy guidance has an impact on the residents of Greenlee County. In our opinion, the State of Arizona must stay engaged and an active participant in the Mexican gray wolf program. Without the state involvement, we will have no one with authority between us and the US Fish and Wildlife Service.

As I have told you in the past, Greenlee County never wanted the Mexican gray wolf reintroduced within our boundary. It happened anyway. Since that time, we have worked positively to try to make a program work within its' confines, have helped bring stakeholders to the table to work at making the program successful, promoted solutions that protected our local residents, and always had the delisting of the wolf as our primary goal. The Arizona Game and Fish Department played an important role in that process. We request that unless the federal government abandons this program, the State of Arizona stay as an integral part of the management team for the Mexican gray wolf reintroduction and recovery program.

Thank you.

Hector Ruedas, Chairman
Greenlee County Board of Supervisors