

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, January 15, 2010
Saturday, January 16, 2010
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

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

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

Chairman Hernbrode called the meeting to order at 8:00 a.m. This meeting followed an agenda Revision #2 dated January 13, 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: Martin moved and Freeman seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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The Public Meeting reconvened at 10:35 a.m.

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

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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.

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3. Legislative Engagement and State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles briefed the Commission using a PowerPoint presentation on the current status of selected state and federal legislation as well as state budget issues. The Department has been providing the Commission with regular daily/weekly updates on legislative matters during this legislative session, and provided informational materials at this meeting (available to the public). The presentation included updates on the following:

Budget

- The 5th special session occurred after the December Commission meeting and lasted for three days
- The transfer of approximately \$863,000 dollars from the Heritage fund was on the table
- There is still a budget deficit of 1.4 billion for fiscal year 2010 that they are trying to address plus the projected deficit of 3.4 billion for fiscal year 2011
- The Governor plans to release a budget proposal today. The Department will review it and inform the Commission of any impacts to the Department
- There are substantially fewer bills this year due to the legislatures focus on budget.

State Legislation

HB 2144; wasted game meat (same bill as last year)

The Department recommended that the Commission take a formal position on this bill.

Motion: Woodhouse moved and Husted seconded THAT THE COMMISSION VOTE TO SUPPORT HOUSE BILL 2144.

Vote: Unanimous

HB 2017

This bill was introduced with some language changes and is regarding the certification for authorization of shooting instructors. The previous language was “National Shooting Sports Organization” and it is now changed to “National Rifle Association”. The Commission voted last year to support this bill and the Department recommended that the Commission vote again to support it this year.

Motion: Husted moved and Martin seconded THAT THE COMMISSION VOTE TO SUPPORT HOUSE BILL 2017.

Vote: Unanimous

Federal Legislation

SB 409

The Senate Committee of Energy and Natural Resources adopted a substitute amendment for Senate Bill 409, The Southeastern Land Exchange and Conservation Act.

Public Comment

Nancy Freeman from the Groundwater Awareness League addressed the Commission regarding Devil's Canyon Riparian Area and the mining that is in close proximity. She provided the Commission with a report that she had prepared.

Sylvia Barret from Superior, Arizona addressed the Commission regarding the Resolution Copper mine. The area is used for recreation by people from across the nation.

Sandy Bahr provided written comments to the Commission.

Don Studer from the Grand Canyon Chapter of the Sierra Club addressed the Commission regarding SB 409. His main concern is that this legislation will be passed prior to the NEPA compliance being completed. He feels that the bill predisposes NEPA compliance to a particular outcome. He is also concerned over the language not being clear in areas such as the appraisal process.

Fred Amrang addressed the Commission regarding the Oak Flat and Devils Canyon areas. Mr. Amrang stated that he is a rock climber that utilizes the area. He asked the Commission that they state what response they received to 5 points from a letter sent by the Commission on June 27.

Mr. Guiles clarified the Department's involvement in this process and how it began. During standard practice of tracking legislation, this bill was determined to possibly have impacts to wildlife, so the Department has provided updates on this legislation to the Commission. The Department has attended meetings throughout the process with various stakeholders.

Director Voyles clarified that any action taken by the Commission relative to SB 409 would not predispose the Department's involvement with the mining project.

Motion: Husted moved and Woodhouse seconded THAT THE COMMISSION VOTE TO SUPPORT SENATE BILL 409.

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

SB 1702

SB 1702 changes the Pittman-Robertson Wildlife Restoration Act to allow more flexibility for allocating funds for land purchase and programs associated with shooting facilities. The Department recommended that the Commission vote to support this legislation.

Motion: Martin moved and Freeman seconded THAT THE COMMISSION VOTE TO SUPPORT SENATE BILL 1702.

Vote: Unanimous

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

Mr. Gray offered the following additional update: The Department conducted its fourth webcast seminar last Wednesday. The topic was burro management and the ROAM Act. Sixty people were present in person and 432 attended on the internet. The Department is planning more webcasts for the future and is considering this an effective outreach tool.

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5. Shooting Sports Activities Briefing

Presenter: Jay Cook, Education Branch Chief

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

Motion: Freeman moved and Martin seconded THAT THE COMMISSION VOTE TO NOT IMPOSE A STORAGE FEE AT THE BEN AVERY SHOOTING FACILITY.

Vote: Unanimous

Public Comments

Steve Bell, President of the Mohave Sportsmen's Club, which occupies the 7 Mile Shooting Range, addressed the Commission and offered thanks to Jay Cook and Anthony Chavez for all their help. He also expressed thanks to the Department for their support and Ashley Lynch for the Scholastic Clay Target Program assistance.

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6. Ben Avery Clay Target Center Olympic Bunker Trap Target Fees

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

The Department is requesting to establish target fees for the newly constructed Olympic Bunker Trap field located on the Ben Avery Clay Target Center. The proposed target fees of \$7.00 per round of 25 targets was developed from staff recommendations and benchmarking with other shooting ranges that provide Olympic Bunker shooting. Upon Commission approval, the new target fees will become effective immediately.

Motion: Husted moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE OLYMPIC BUNKER TRAP TARGET FEES AS PROPOSED.

Vote: Unanimous

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12. Call to the Public

There were no requests to speak at this time.

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Meeting recessed for lunch at 12:03 p.m.

Meeting reconvened at 1:41 p.m.

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7. An Update on the Latest Developments Relating to the Implementation of Land and Resource Management Plans and Projects on Private, State and Federal lands in Arizona and Other Related Matters

Presenter: Josh Avey, Habitat Branch Chief

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

Mr. Avey offered the following additional update: The Western Governors Association received \$12 million from the Department of Energy focused at establishing new transmission line interconnects throughout the west. \$3.3 million has been focused on the wildlife corridors initiative. Arizona is currently involved in a pilot project with California, Nevada, and Utah to help establish mapping and geospatial tool techniques for identifying crucial habitats and corridors across the west.

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9. New Commerce Update

Presenter: Harry Seck, Program Manager, Support Services Division

Mr. Seck briefed the Commission and provided handouts. The Department's initial start date for the online license sales program was just after the first of the year. However, during the testing phase of the product it was determined that in some cases people were being allowed to buy duplicate privileges. There have been several modifications made and the Department is testing it again. There will also be a controlled test period where Department employees will be allowed to use the system to purchase licenses. The product should be ready to go live to the public around the 27th of January.

Commissioner Freeman wanted to make sure that the system provides the information of requirements for purchases. For example if they are buying a trout stamp the system should notify them that they need to have a fishing license as well.

Mr. Seck clarified that the system cannot verify if they have purchased a license at another authorized dealer but he will ensure the purchaser is informed of the requirements.

The Commission asked if the print out of the license may include more language for what the license allows. For example the ages it covers and the days.

Mr. Seck stated that the Department will look into the possibility but it was unlikely that it would be included before the go live date.

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8. Renewal of the Road Closure on State Trust Land approximately 3 miles north of Benson, Arizona.

Presenter: Mark Weise, Development Branch Chief, Support Services Division

Jeb Pringle requested renewal of a road closure on State Trust land located approximately three miles north of Benson, off of Ocotillo Road. The road is approximately 750 feet long and only provides access to a windmill. This closure has been in effect through a previous closure petition, which was granted by the Commission in 1999 and renewed in 2005. The primary purpose of this proposed road closure is to protect a mesquite thicket, which provides reproductive habitat, cover and permanent water for wildlife. The proposed closure will be accomplished by means of a locked gate. Mr. Pringle has installed a stair walk over the fence and he welcomes foot access. Regional personnel and the Arizona State Land Department support this closure for natural resource protection.

Motion: Martin moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE THE REQUEST TO RENEW THE ROAD CLOSURE ON STATE TRUST LAND LOCATED APPROXIMATELY 3 MILES NORTH OF BENSON, ARIZONA.

Vote: Unanimous

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10. Election of Positions and Appointments to Standing Committees

Presenter: Bob Hernbrode, Chairman

At every January Commission meeting, the Commission votes to elect the new Commission Chair and Vice-Chair. The incoming Commission Chair then appoints individual Commissioners to Chair the following standing committees through January of the next year: Heritage Public Advisory Committee, Habitat Partnership Committee, Landowner-Lessee/Sportsman's Relations Committee, Wildlife Assets Committee and Conservationist Committee.

The Commission discussed the process and timing by which the Chair, Vice-Chair, and committee appointments are handled.

Motion: Husted moved and Woodhouse seconded THAT THE COMMISSION VOTE TO TABLE THIS ITEM UNTIL THE NEW COMMISSIONER IS SEATED AND A STUDY SESSION IS CONDUCTED.

Vote: Aye - Husted, Woodhouse
Nay - Martin, Hernbrode, Freeman
Failed 3 to 2

Motion: Hernbrode moved and Freeman seconded THAT THE COMMISSION VOTE TO NOMINATE COMMISSIONER MARTIN AS CHAIR AND COMMISSIONER WOODHOUSE AS VICE-CHAIR.

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

Commissioner Martin as the incoming Chair appointed Commissioner Freeman to the Heritage Fund Public Advisory Committee (HPAC), Commissioner Martin will continue with the Conservationist Committee, Commissioner Woodhouse was appointed to continue with the Landowner Lessee Committee, Chairman Hernbrode will continue with the Habitat Partnership Committee until the new Commissioner is confirmed and then he will take over, Commissioner Husted was appointed to the Wildlife Assets Committee.

The Commission continued to discuss the process by which the new Commissioners are introduced to the committees and other Commission orientation. In the future at the next available meeting following the election of the new Chair there will be an agenda item to discuss the continuation, addition, or abolishment of the existing committees.

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

Presenter: Gene Elms, Law Enforcement Branch Chief

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

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Meeting recessed for a break at 3:31 p.m.

Meeting reconvened at 3:53 p.m.

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11. 2010 On the Road Commission Events

Presenter: Gary Hovatter, Assistant Director, FOD/IED

Per Commission direction from the October Commission meeting the Department would like to present some samples for the two Commission outreach events for 2010. Contact with as many Department constituents as possible was the main goal of the Commission. The Commission would also like to make contact with key points of contact such as city council members, Chambers of Commerce, other city and county officials, and members of the legislature. Three concepts have been developed; 1) regular Commission workshop, 2) special Commission workshop, 3) Meet the Commission.

The Commission wants the Commission Workshops to remain a venue for the Commission to have open discussion on topics of interest. There are several ongoing large events hosted by other organizations that the Commission could possibly attend in order to maximize constituent contact while minimizing expense.

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14. Call to the Public

There were no requests to speak at this time.

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15. Director's and Chairman's Reports

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

- Governor Brewer appointed John W. Harris to the Commission and he is waiting for confirmation by the Senate
- Met with USFWS to discuss Mexican Wolf Conservation
- Participated in interviews for Region V Supervisor; Raul Vega was selected
- Attended a tour of the Department of Administration Douglas Center with Commissioner Freeman and other Department staff to investigate the possibility of the use of their resources to improve Department data management operations
- Had a breakfast meeting with Pat Green with The Nature Conservancy to discuss their initiatives that effect all the resource agencies that they are working closely with the Governor's office
- Attended first meeting of the Governor's new Renewable Energy cabinet
- Participated in a Sporting Clay Shoot sponsored by the Congressional Caucus

- Attended and spoke at the Western Business Roundtable
- Attended the WAFWA mid-winter meeting
- Participated in the Intermountain West Joint Venture Telephonic Board Meeting
- Attended the Arizona State Parks advisory board meeting
- Attended the Joint Executive team meeting with Arizona Department of Water Resources (ADWR) to discuss effects on the Department of ADWR becoming self funded
- Attended a Budget Briefing at the Governor's Office

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

- Spoke to the AWF Board on issues the Commission is dealing with
- Went on a Unit 1 Elk Hunt
- Did some Birding at Patagonia State Park
- Attended the WAFWA mid-winter meeting
 - Had phone conversations with several individual sportsmen and Resolution Copper.

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16. Commissioners' Reports

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

Commissioner Martin:

- Attended Western Business Roundtable
- Attended WAFWA mid-winter, Education and Outreach was focus. Department may be missing out on early childhood opportunities
- Attended WGA Wildlife Council. There is a consideration to use the DSS to determine allocation of Federal Land use dollars
- Planning Conservationist Committee meeting.

Commissioner Woodhouse:

- Talked to several members of the Landowner Lessee Committee, there are some openings on the Committee and nominations will be brought before the Commission in the future
- Spoke with Asset Committee members – preparing for the Expo
- Discussions with legislative staff
- Communication with Commissioner Freeman, Deputy Broscheid and Larry Gear from Chino Grande Ranch.

Commissioner Freeman:

- Participated in testing of online license application
- Met with John Bullington for paperless meeting technology
- Met with Anthony Chavez and the Chino Valley Police Department and toured the current PD shooting area. Also attended town council meeting
- Toured Chino Grande Ranch
- Attended Chino Valley Town Meeting in an attempt to get the parties to the table
- Attended meeting of the Phoenix Varmint Callers

- Attended the meeting at the Department of Administration Data Center with the Director and staff
- Discussions with legislative staff.

Commissioner Husted:

- Participated in a Sporting Clay Shoot sponsored by the Congressional Caucus
- Attended WAFWA mid-winter.

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17. Future Agenda Items and Action Items

Director Voyles reported the following action and future agenda items from this meeting:

- Harry Seck will complete testing for online license and efficient use of user interface and include a 2-way analysis. i.e. if you are purchasing a trout stamp notification that you have to have a fishing license
- Department will evaluate alternative to providing a ready reference guide that ties the laws and rules in short verbiage on the license itself. Assess the complexity of the licenses and possibly for a future goal and objective, methods that could be used to simplify the license array. Also consideration for all rules not just fishing, i.e. different ages for OHV helmet requirements
- Provide the Commission with a report and discussion, giving more thorough background to new Commissioners regarding Committee roles and purposes. Improve Commissioner training and provide a written compilation to all current Commissioners
- Take no further efforts in revocation process to allow persons to address the Commission telephonically
- Approval for nominees for Landowner Lessee Committee vacancies.

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

Vote: Unanimous

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Meeting adjourned at 5:02 p.m.

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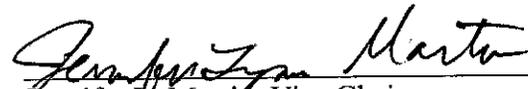
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Meeting reconvened Saturday at 2:00 p.m.

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The Commission participated in an informal meeting for open discussion and a question/answer session between the Commission and its constituents. No official action was taken. Those present also viewed the Department’s 2009 Year in Review Video Presentation. This meeting was followed by the Commission Awards Banquet held at the Crown Plaza Hotel, 2532 W. Peoria Avenue, Phoenix, Arizona, which adjourned at approximately 10:00 p.m.

Robert D. Hernbrode, Chairman



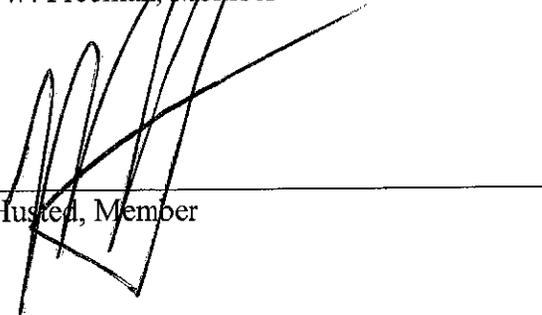
Jennifer L. Martin, Vice Chair



Robert R. Woodhouse, Member

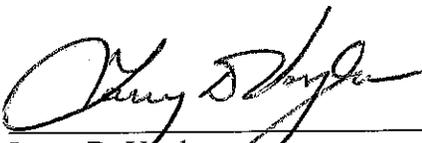


Norman W. Freeman, Member



Jack F. Husted, Member

ATTEST:



Larry D. Voyles
Secretary and Director

**Game and Fish Litigation Report
Presented at the Commission Meeting
January 13, 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.*, C20089051. 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. The Court has denied Anderson's motion for a trial de novo. Anderson's counsel withdrew the issue about Commissioner William McLean chairing the bull elk hearing while he was a judge *pro tem* in Pinal County, when the State's brief demonstrated that McLean was not appointed a judge *pro tem* until four days after the hearing. All briefs have been filed and we are awaiting a court ruling.

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

On November 6, 2009, the Department and Director Voyles filed a motion to dismiss for lack of jurisdiction. **The Center filed a response on December 9, 2009 and the Department and Director Voyles had until December 28, 2009 to file a reply, but the Court has granted an extension of time to file until January 18, 2009.**

(1/11/10)

Lands Update
For the Arizona Game and Fish Commission
January 8, 2010
Phoenix, Arizona

Forest Service Land and Travel Management Planning

Kaibab National Forest

The Forest is proceeding with Forest Plan Revision under the 1982 Planning Rule. The Forest recently invited the Department to participate in discussions of “priority needs for change” and desired conditions for grasslands, aspen, springs and seeps, and fire adapted ecosystems. Results from these meetings will feed into the planning framework for a draft Kaibab Forest Plan Environmental Impact Statement which is slated to be out as early as February 2010. The Department remains actively engaged in all elements of Forest Planning as it relates to managing wildlife.

Tonto Travel Management Plan

The Department submitted comments on the Tonto Travel Management Plan. Our issues included the closure of over 40 roads. Although many of these roads were dead-end, they provided camping opportunities for hunters and other recreationists.

U.S. FOREST SERVICE

Four Forests Initiative

The US Forest Service (USFS) continues to work on an accelerated, landscape-scale forest restoration project on four forests (Coconino, Kaibab, Apache-Sitgreaves, and Tonto), aka the Four Forests Restoration Initiative (4FRI). The 4FRI calls for mechanical tree thinning and fire to restore fire-adapted ecosystems and reduce fire risk across at least one million acres of northern Arizona forests over 20 years, with restoration costs covered by the wood product industry. The collaborative stakeholders are currently working on a group charter and a Memorandum of Understanding with the USFS to work together on 4FRI. Meetings are on hold for the holidays, with the next meeting to discuss the MOU scheduled for late January. Concurrently, the Forests are working on a proposal for initial project funding through the Forest Landscape Restoration Act which was part of the Federal Omnibus Bill passed earlier this year. The Department is assisting the Forests with wildlife information for their funding proposal, we are heavily involved in discussions of science and adaptive management, and we are actively working on maintaining positive and productive relationships with all of our 4FRI partners.

Coconino National Forest

The Mogollon Ranger District has initiated planning on the Clints Well Forest Restoration Project. The Clints Well Project calls for ponderosa pine forest restoration and fuels reduction in the wildland-urban interface within a 16,800-acre area located along Forest Highway 3 near Clints Well and just northwest of West Clear Creek. This is the last remaining large planning area for forest restoration/fuels reduction on the Mogollon Ranger District, all other areas have been treated or plans are in place. Treatments on the Clints Well Project will be implemented

using mechanical thinning and prescribed burning, with an emphasis on re-creating uneven-aged forests in a patchy-group arrangement. The Department supports this effort because it will reduce the threat of uncharacteristic wildland fire and potentially restore a more heterogeneous forest condition favored by wildlife. Department personnel recently attended a field trip with Forest staff to review the project and collaboratively design a potential wildlife research project as part of the forest restoration treatments. A draft Environmental Assessment is expected for public comment in September 2010.

Tonto National Forest

The Department again submitted comments on the latest call for comments on the Heber-Reno/Morgan Mountain Driveway. We reiterated issues we have brought up over the last 17 years especially disease transmission from domestic to wild bighorn sheep.

BUREAU OF LAND MANAGEMENT (BLM)

AZ Strip Field Office

The Department is becoming a cooperating agency with the BLM on the development of a draft Environmental Impact Statement (EIS) for the proposed mineral withdrawal (2-year temporary segregation) on almost 1 million acres of federal lands near the Grand Canyon. A cooperating agency meeting was held December 2nd to discuss roles and responsibilities, cooperating agency MOU's, and data sharing agreements. In attendance were representatives from BLM, Department of Mines and Mineral Resources, Kaibab NF, Grand Canyon NP, Kane, Washington, and Coconino Counties, Hualapai, Hopi, and Kaibab Paiute tribes, SWCA, DOI Solicitor's Office, USGS, USFWS, ASLD, and AZ Geological Survey. There is a very compressed schedule for completion of the EIS and Record of Decision (ROD). The two year segregation timeframe began in July of 2009; therefore a ROD must be signed in July 2011. The EIS will likely examine several alternatives that cooperating agencies will review at a later date. These will likely be: the Proposed Action (to withdraw all 1 million acres), the No Action Alternative (status quo), and one or two partial withdrawal alternatives. SWCA is the environmental contractor who will be primarily responsible for drafting NEPA documentation. SWCA will soon be producing a scoping report from the first set of public meetings. The next meeting will be Jan 20th in Kanab, UT. At that time USGS and NPS will present results from biological studies that have been underway for several months. Both of these agencies have been conducting research as it relates to seeps, springs, and some wildlife issues and this information is crucial as baseline information in order to evaluate alternatives.

Hassayampa Field Office

The Bureau of Land Management is in the process of working with stakeholders and agencies in an effort to develop a functional, feasible recreation plan for the Table Mesa Road area. In effect, this plan is the next step following the recently developed Resource Management Plan (RMP). The Hassayampa Field Office has been collecting public comments and mapping concepts since last November; incorporating alternatives for a draft Recreation Plan. The Draft Plan was presented to the public on June 30th. The draft map for the planning area is posted on the BLM website. Due to the interpretation of a BLM Instructional Memorandum on authorizing shooting ranges, the locations of popular existing target shooting sites will not be shown on the map. In the draft plan 61% of the planning area will be open for recreational target shooting and

39% will be closed to target shooting. The entire area will be open to hunting. The proposed plan/Final EA should be out for review soon.

Lower Sonoran Field Office

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

Havasu Field Office

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

Kingman Field Office

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

Phoenix District Office

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

Yuma Field Office

The Proposed Resource Management Plan and Final Environmental Impact Statement have been released to the public. This plan has been endorsed by the BLM AZ State Director and is currently being reviewed by the Washington Office. The Department continues to work with BLM on the development of subsequent implementation-level plans, including the La Posa Travel Management Plan. Department personnel are planning to participate in Travel Management Plan route evaluations for the Cibola-Ehrenberg areas which have been placed on hold until 2010.

Tucson Field Office (TFO)

The final Middle Gila Travel Management Plan was due out to the public in the fall of 2009 but remains under review at the State office. The Department participated in route evaluations for routes in the Tortilla Mountain and Dripping Springs Units, which will be covered under a separate plan.

Safford Field Office (SFO)

The Department reviewed and commented on the Gila Unit Travel Management Plan for the Safford Field office. The alternatives for this plan were developed in cooperation with the Department. The Department supports Alternative C as the alternative which is most aligned with the Department's Mission. However, The Department is concerned with the status of riparian areas within the Gila Unit. Several routes, which were identified to have sensitive elements or environmental concerns, and closed in Alternative B, were left open without adaptive management or mitigation on Alternative C. The Department recommended additional management or mitigation for routes in riparian and xeroriparian areas to ensure that motorized

access is not impacting the important wildlife habitat that exists there. The Department also recommended incorporating an adaptive management component on all routes which follow or intersect riparian and xeroriparian watercourses which would include monitoring of the *ecological functions of the watercourses*, as well as the physical or hydrological function of the watercourses, and a regular review process.

BLM NATIONAL MONUMENTS & CONSERVATION AREAS

Ironwood Forest National Monument (IFNM)

The Tucson Field Office continues to work on the development of a proposed final Resource Management Plan and Environmental Impact Statement for the Ironwood Forest National Monument. This document was due out to the public for comment in the fall of 2009 but currently remains under BLM State Office and Washington Office administrative review.

Grand Canyon-Parashant National Monument / Vermillion Cliffs National Monument

On May 9, 2008, the Records of Decision and Approved Resource Management Plans for the Grand Canyon-Parashant and Vermillion Cliffs National Monuments were released to provide guidance for BLM-administered lands in northern Arizona. The final plan includes a series of unique route networks and designations. Various organizations have filed law suits against the BLM (Center for Biological Diversity v. U.S. Bureau of Land Management, No. CV 09-8011-PCT-PGR (US Dist. CT AZ) for these plans referencing off-road vehicle route designations and livestock grazing decisions as being incompatible with the Presidential proclamations that created the monuments. One law suit against both BLM and FWS alleges that the Resource Management Plans fail to protect California condors in the Grand Canyon from lead ammunition. The scheduling conference has been reset once again to February 8, 2010. At this conference the Court will enter a case management order setting dates for discovery and dispositive motions. On November 3, 2009 the National Rifle Association filed a Motion for Leave to Intervene in the action, which will be argued on December 14, 2009 in the federal district court.

Agua Fria National Monument

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

Sonoran Desert National Monument (SDNM)

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

Las Cienegas National Conservation Area (LCNCA)

The Department continues to monitor the 2nd effort to reestablish black-tailed prairie dog populations on BLM and State Trust Lands within the LCNCA. Due to the cooler weather, most

of the prairie dogs appear to be staying underground as recent counts observed a very low number of animals. The last count where a significant number of animals were observed occurred on December 3-4, 2009 where an average 15 dogs at release site #1 and 13 dogs at release site #2 were seen above ground. Counts later in December observed no animals at release site #1, and an average 3 animals at release site #4. Actual population sizes are higher given that anywhere from 25% - 55% of the population can be underground at any one time, but that percent is higher during the winter. Monthly monitoring during spring will continue to assess status and population changes at each site, as we expect some winter mortality, an increase of reproduction occurring at release site #1, and the possibility of reproduction at release site #2. The Department will continue to investigate the possibility of a clearing a 3rd release site this fall in the event we can obtain animals from a source in Mexico. The 3rd release site would also be on BLM lands within the LCNCA.

U.S. FISH AND WILDLIFE SERVICE

Kofa National Wildlife Refuge (Kofa NWR)

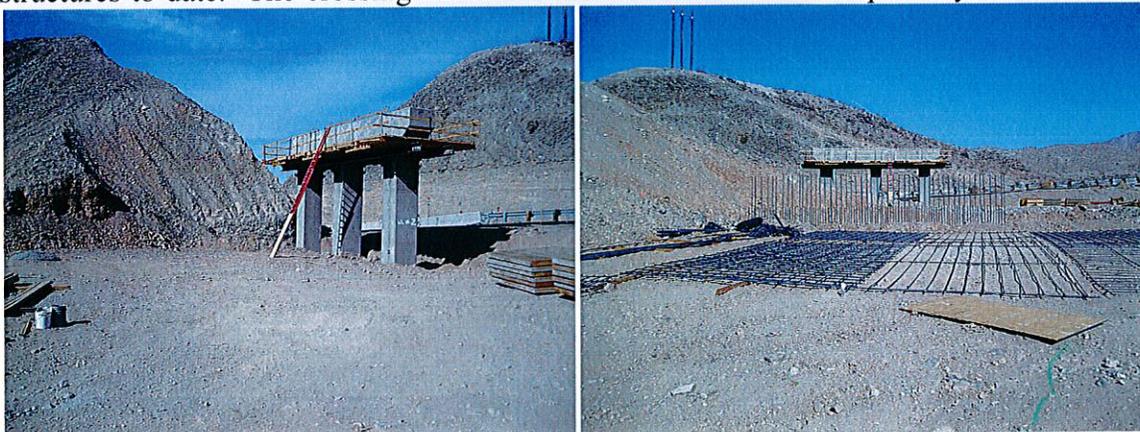
The annual bighorn sheep survey on the Kofa NWR was completed in November 2009 and the resulting population estimate was 410. This is slightly down from last year's estimate of 436, but is similar to the previous three years. The total number of collared sheep on Kofa NWR is approximately 34. U.S. Fish and Wildlife Service (Service) monitoring of waterhole cameras have shown evidence of up to 5 lions still routinely using the Kofa Mountains Complex. The Service is working to complete a final environmental assessment (EA) for limiting mountain lion predation on desert bighorn sheep on the Kofa NWR. Additional information on the management of bighorn sheep, lions, and water on the Kofa NWR can be found on the Department's web site.

GENERAL UPDATES

Arizona Department of Transportation (ADOT)

Bighorn Sheep Crossing (US 93)

There are no new developments on the construction of Bighorn Sheep crossings between mileposts 2 and 17 on US 93 near the Hoover Dam. However, the piers and endcaps for the structures have recently been poured. The following are some photos that typify progress on the structures to date. The crossing structures are scheduled to be complete by December of 2010.



SR87 Four Peaks Road to Dos S (Sycamore Creek) Improvement Project

The Department continues to coordinate with ADOT and the Tonto NF on the SR87 highway improvement project along 5 miles of the transportation corridor. The Department has been involved with long-term monitoring and research of desert tortoise in the area. The SR87 is believed to be a significant barrier and cause for habitat fragmentation, as well as threat for roadway mortalities. The Tonto NF is interested in monitoring to determine if SR87 currently acts as a barrier or source of mortality to tortoise. Tortoise currently occupy habitat on both the east (Sugarloaf Mtn.) and west (Four Peaks) sides of the highway. ADOT has agreed to fund mitigation and monitoring for a 1 mile section of SR 87 that traverses the high quality tortoise habitat. Tortoise fencing will be installed along the 1 mile section of SR 87 to and 1 culvert will be redesigned to guide tortoise access. The culvert allowed access to the highway median. No additional modifications will be made to existing culverts within the 5 mile improvement project. The Department will employ two metrics to determine the current impact that these mitigation strategies have on desert tortoises: tortoise mortality patterns and culvert use. The specific objectives for monitoring include:

1. Evaluate whether the installation of desert tortoise fencing on SR87 (MP 204.55 – 205.34) is effective in reducing tortoise mortality within the fenced section.
2. Monitor culverts to determine if tortoises use them to successfully cross the highway.
3. Determine if desert tortoises are bypassing mitigation fencing by accessing the roadway at either end of the fenced section.

Northwest Cochise County Benson Transportation Planning Project Technical Advisory Committee on 11/04/09 and 12/07/07.

The Arizona Department of Transportation (ADOT) is preparing a long range transportation plan for northwest Cochise County to identify potential highway and arterial routes to meet anticipated transportation demands. The study area is approximately 234 square miles, divided by 3 major roadways (e.g., I-10, SR 80, and SR 90), and includes a few small communities (e.g., Benson, St. David). This Plan will include potential projects, strategies, and actions for the years 2020 and 2040. The Department is consistently stressing the need to: accommodate three important wildlife linkage corridors identified within the project area, ensure physical structures (e.g., bridges, fences, culverts) facilitate wildlife movements, and the economic importance of wildlife related recreation to the local economy.

AZ Sportsman for Wildlife Conservation Memorandum of Understanding (MOU)

The Commission approved entering into an MOU with AZ Sportsmen for Wildlife Conservation to allow future Cooperative/collection agreements for mutually beneficial work. At this time the Department is working on one Collection Agreement to provide \$30,000 in Department funds to the group to use as match for a \$30,000 National Forest Foundation grant. This would be for up to 300 acres of pinyon juniper cutting on our North Kaibab Westside project. All work will be coordinated with the Department and Kaibab National Forest. This Collection Agreement cannot be completed until the MOU is finalized, which likely will occur within the next few weeks.

City of Flagstaff/Coconino County

Department staff continued their participation as core planning staff for the ongoing 2012 update of the Flagstaff Area Regional Land Use Plan. The Department helped plan and attended a

retreat in December for the Citizens' Advisory Committee (CAC), the community body overseeing the revision process, which allowed the CAC time for reflection on the revision process and to suggest improvements. At the invitation of Flagstaff and Coconino County staff, the Department co-facilitated an 'Open Space' Focus Group in November at which public input on issues of open space use, acquisition, and conservation was solicited and later presented to the CAC. The Department also plans to make a presentation to the Citizens' Advisory Committee at a to-be-determined date in spring on the feasibility of developing a Conservation Lands System (CLS) for the greater Flagstaff area. A CLS would set aside areas deemed important for wildlife and other amenities as identified by a science advisory committee. The Department expects to be heavily involved in the development of a CLS should this initiative go forward beyond the initial scoping phase.

City of Goodyear

The Department recently met with City planners to present regional conservation and linkage goals for wildlife within the Goodyear jurisdictional boundary. Similar to the Town of Buckeye meeting, the purpose was to establish a working strategy with the City to implement conservation and linkage goals to benefit wildlife associated with the Sierra Estrella Mountains, Buckeye Hills, Maricopa Mountains and Rainbow Valley area. The City is very interested in future collaboration towards conservation and linkage goals.

City of Surprise

The Department continues to participate in Village III planning sessions for an area within the Surprise municipal boundary that abuts to the northern side of the White Tank Mountains and the White Tanks Regional Park. City planners are interested in supporting conservation and linkage goals to preserve wildlife and habitats associated with the White Tank Mountains. The City has scheduled a presentation, on behalf of the Department, to the City Council in February of 2010 to discuss wildlife habitat conservation and linkage goals for the area. The City is also working closely with the Department during their approval process for "Proposed Area Development Plans" submitted by developers where linkage goals overlap proposed urban developments. This collaboration provides an important opportunity for the Department to seek development designs and mitigations that will create wildlife habitat linkages that traverse future urban landscapes.

Maricopa County Dept. of Transportation

MCDOT continues to initiate feasibility studies for several parkways identified in regional and statewide transportation framework scenarios. MCDOT is interested in establishing Right of Way during early stages of urban development to reduce costs and planning constraints. As a result several Corridor Feasibility Studies are ongoing for the western Maricopa County area.

Hidden Waters Parkway Corridor Feasibility Study

The Department continues to participate on the Technical Advisory Committee for the parkway Corridor Feasibility Study. MCDOT is evaluating the preferred alignment for a future parkway. The proposed parkway would provide a north/south transportation corridor between I-10 and Gila Bend similar to the Old US80 alignment. A few of the transportation development issues in the area involve impacts to local agricultural operations and housing developments, archaeological and historical resources along the Gila River, impacts to the Gila River near the Gillespie Dam crossing, impacts to AGFD Gila River Wildlife Area Complex, and impacts to a

wildlife linkage between the Gila Bend Mountains, Buckeye Hills and the Sonoran Desert National Monument. Many questions have been raised to MCDOT on the purpose and need for the parkway. MCDOT has responded that the purpose and need was established during the regional and statewide framework studies; and it is no longer a question of need, but now a question of the specific transportation corridor alignments.

McDowell Parkway Corridor Feasibility Study

The parkway study has just been initiated by MCDOT for a new parkway that would extend the current McDowell road alignment further west along the southern end of the White Tanks Mountains, across the Hassayampa River and connecting to the Tonopah/Salome Highway west. The parkway would traverse undeveloped habitat on the south end of the White Tank Mountains and parallel the I-10 corridor to the north. The Department has been working with Maricopa Flood Control District in this area on planning for dam rehabilitation of the flood control structure known as the Buckeye FRS 1. Flood control recently proposed a final alternative to rehabilitate the dam using soft structural methods that include habitat enhancement and preservation as a wildlife corridor. This corridor is an important component of linkage goals and connects the White Tank Mountains to the Hassayampa River corridor. The McDowell parkway would sever habitat connectivity between the White Tank Mountains and the Buckeye FRS1 corridor. The Department will be participating on the Technical Advisory Committee and providing input on the biological resources of the area and wildlife habitat conservation and linkage goals for the area. The Departments primary concerns with this project include potential impacts to special status species, desert tortoise, and impacts to regional conservation goals for the White Tank Mountains.

Maricopa County Ordinances P-28 and P-27

On December 22, 2009 the Department sent comments to the Maricopa County Air Quality Department on the draft revision of Maricopa County Ordinance P-28. Although the draft revision is moving towards a regulation that will protect air quality while allowing reasonable access, concerns remain surrounding access. The Department provided several alternatives for consideration and will continue to work with the County to find reasonable solutions. On January 27, 2010 the Maricopa County Board of Supervisors will be meeting to consider revision to the County's Fugitive Dust Rule 310.01. Rule 310.01 regulates the landowner's responsibility concerning dust control emissions and was the catalyst for Ordinance P-28 which applies strict liability on users creating dust. The Department will attend the meeting and provide testimony if needed.

Northern Arizona Shooting Range (NASR)

The Department completed archeological surveys at the proposed Cochrane Hill and Winona alternative sites. A full report of the archeological findings was presented at the December 5th Commission Meeting. The Commission voted to eliminate the Winona site from further evaluation. Further due diligence investigations will be undertaken at the Cochrane Hill site and Title report, ALTA survey, Geotechnical survey, and aerial photography mapping have been coordinated for the 160-acre Foster Ranch deeded property. The Department has also provided the owner of the Foster Ranch property with a letter of intent proposing the terms and conditions of a potential purchase. The Department continues to coordinate with the Coconino National Forest regarding the proposed Willard Springs Land Exchange and pending decisions on the Agreement To Initiate the National Environmental Policy Act process.

Pinal Partnership

Pinal Partnership-Pinal County Open Space Summit /Coalition Steering Committee on 11/24.

The Pinal Partnership is a coalition of community, business, and educational and governmental leaders, whose stated mission is to "improve research, planning, and coordination of private and public efforts related to infrastructure, natural resources and community development in Pinal County." Region V was asked to be one of the 10 members on the new steering committee. The primary objectives of the Pinal County Open Space steering committee is to: create a venue for stakeholders to discuss open space issues, develop stakeholder consensus, create a "product" that stakeholders can use when considering development issues (e.g., open space map), create public awareness, and organize a stakeholder summit.

The Department participated in the steering committee kick-off meeting by offering suggestions on potential stakeholders, summit organization and objectives, and the importance of providing quality habitat blocks and linking corridors for wildlife. There may also be an opportunity to integrate the proposed summit with a future Pinal County wildlife linkage workshop.

Pronghorn Translocation - Unit 28

The Department completed an Amendment to an Environmental Assessment Checklist to include a new area for a pronghorn translocation. Coordination with the State Land Department and the Lessee is complete. This translocation would take place the second weekend in January 2010 and is part of the agency's pronghorn capture plan for the Prescott Valley area. The Department will attempt to capture approximately 80 pronghorn from the Prescott Valley area and transport approximately 50 to the Lazy B Ranch near Duncan just south of the Gila River. A translocation to this same area occurred in 1986, but population numbers are still very low. Of the 50 planned for release, all will have numbered, colored ear tags and 10 will have radio transmitting collars as well with telemetry monitoring planned for approximately two years

Renewable Energy Development

Wind

British Petroleum's White Hills/Mohave Wind Energy Project

The Department continues to coordinate with the BLM in the development of an Environmental Impact Statement for the White Hills Wind Energy project. Due to staffing challenges, and at the request of the Assistant Field Office Manager for BLM's Kingman Field Office, the Department recently attended, and acted as "contact-biologist" for 3 NEPA-related public scoping meetings for the project. The Department's Assistant Attorney General and Regional Staff are engaged in an internal review of proposed MOU that would formalize coordination in the development and implementation of project-related NEPA provisions.

Rosemont Copper Project

The Department continues to participate in monthly meetings with the cooperating agencies for the Rosemont Copper Project. The Department attended a presentation on the groundwater modeling by Rosemont's consultant, Montgomery and Associates. Modeling was done for the Santa Cruz River basin at Rosemont's well sites and for the east side of the Santa Rita Mountains in the vicinity of the open pit mine site. Montgomery's model for the Santa Cruz predicts a 180 foot decline in the water table in the Santa Cruz Basin by 2031, indicating that most of the wells in the area will be compromised. Although Montgomery concedes that the geology of the area is highly fractured, the modeling for the pit site used the MODFLO model based on the assumption that the geology is equivalent to a porous medium. The Department is very concerned that this model will not adequately represent the highly fractured geology of the area and that the Cienega Creek Basin hydrology could have more direct links along fractures and faults to the de

Town of Buckeye

The Department recently met with City planners to present regional conservation and linkage goals for wildlife within the Town of Buckeye jurisdictional boundary. The purpose of the meeting was to establish a working strategy with the Town to implement conservation and linkage goals to benefit wildlife associated with the White Tanks Mountains, Buckeye Hills, Gila River Wildlife Area Complex as well as surrounding desert valley bottoms. The Town was interested in future collaboration and may consider a presentation to the Town Council to begin the process of building political support for conservation and linkage goals.

Wildlife Linkages/Corridors

Coconino County

The Department continues to work closely with Coconino County to organize and prepare for a second stakeholders workshop in March 2010 for the County Wildlife Corridors project. This project is part of the Department's statewide effort to define and model wildlife corridors on a county by county basis and develop reports that will be useful to local and regional planners. In preparation for this workshop Department staff made a presentation to the steering committee of the Arizona Wildlife Linkages Workgroup, the group which oversees the statewide corridor initiative. The presentation was focused on methods of engaging stakeholders to prioritize candidate linkage zones for more detailed corridor modeling. Additional meetings will be needed to resolve prioritization methods with the Arizona Wildlife Linkages Workgroup in January.

Regional Transportation Authority Wildlife Linkages Working Group (RTA)

The Regional Transportation Authority is a government entity that manages the \$2.1 billion, 20-year RTA plan, for Pima County approved by voters in 2006. The Department has a voting seat on the working group and participates monthly in reviewing transportation project proposals that benefit wildlife by: 1) restoring regional connectivity between habitat blocks, 2) maintaining existing permeability between habitat blocks, or 3) general research regarding transportation and wildlife. Approximately \$45 million dollars was originally allocated to wildlife projects. No substantive projects were proposed or evaluated at this meeting.

Wildlife Linkages Stakeholder Workshop

On November 23, Region 3 hosted its Yavapai County Wildlife Linkages Stakeholder Workshop. There was great turn-out, with participants including Supervisors, county and city planners, developers, resource managers, land owners, NGO's and interested public. The effort will build on results from the 2006 Arizona Missing Linkages Report. It will identify important large habitat components in Yavapai County, and refine the wildlife corridors that will provide connectivity between them and across the landscape. A much-anticipated outcome of this effort will be the recognition and incorporation of protections for these resources in the General Plan Renewals of each local municipality.

Will Garrison Tank

In cooperation with the Arizona Desert Bighorn Sheep Society and support from FNF Construction, construction of the Mohave #1 Catchment North of Lake Havasu City is complete. The new tanks, drinker, and fencing are already providing support to the resident Bighorn Sheep population and other local wildlife.

