

Minutes of the Meeting of the  
Arizona Game and Fish Commission  
Friday, May 14, 2010  
Saturday, May 15, 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

Acting 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 on Friday, May 14, 2010 at 8:00 a.m. This meeting followed an agenda revision #1 dated May 12, 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:** Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

**Vote:** Unanimous

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The Public Meeting reconvened at 9:29 a.m.

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Chairperson Martin called the meeting back to order and lead those present through the Pledge of Allegiance. The Commission introduced themselves and Chairperson Martin introduced Deputy Director Bob Broscheid as the Acting Director for this meeting. Director Voyles was attending the Canada/Mexico/USA Trilateral meeting in Canada and was not present.

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### Awards and Recognition

John Mellon and Nordan Van Horn, representing Shikar Safari International, presented Wildlife Manager Ken Clay III with the Shikar Safari Wildlife Officer of the Year Award for his career of contributions and accomplishments in the field of wildlife management and law enforcement.

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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. The Commission had no questions or comments.

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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 provides the Commission with regular updates on legislative matters and provided informational materials at this meeting (available to the public). The presentation included the following updates:

### State Legislation

#### HB 2144: wildlife; guides; wasted meat

- Commission's bill
- House passed measure by 55-2
- Senate: Stricken from consent calendar; 11<sup>th</sup> hour concerns from Rep. Antenori – proposed floor amendment to define “waste” in rule; ran out of time
- Disposition: Dead

#### HCR 2008: constitutional rights; hunting and fishing

- House vote: 37-18
- Senate vote: 18-9
- Transmitted to the Secretary of State for filing 4/26/10
- One of the few ballot referenda selected by legislative leadership (9 total)

#### SB 1200: Arizona game and fish commission; selection board

- This measure was signed by the Governor April 7, 2010
- Will become effective on General Effective Date – July 29, 2010
- Implementation Team – pending

#### HB 2601: eagle scouts; complimentary fishing license

- Commission voted to support the measure
- House vote 56-1
- Senate vote 24-4
- Implementation Team meets beginning of June

#### SB 1005: trap and skeet; tax exemption

- Exempts trap and skeet shooting clubs from taxation if buildings are not used for profit
- House vote 41-14

- Senate vote 20-8
- No implementation

SB 1349: state parks; management (allows management agreements; i.e. Roper Lake)

- House vote 54-3
- Senate vote 28-0
- Signed May 6

HB 2586 / HB 2260: regulatory / rulemaking

- Part of the regulatory reform trend of this legislature
- Signed May 10
- One establishes process for setting fees in rule
- The other is much more extensive and will require further review
- Implementation Team – May 20

Congressional Legislation

H.R. 4880 – Copper Basins Job Act

- Identical to the Substitute Amendment to S.409 (S.E. Arizona Land Exchange and Conservation Act)
- Dropped by Ann Kirkpatrick

American Power Act (climate / energy)

- Dropped May 12 – Senators John Kerry and Joe Lieberman
- 987 pages (no official bill number assigned)

Commissioner Harris commented on SB 1070 and stated that it has far reaching effects and will affect the Department as well. From his perspective one of the issues is that, as a law enforcement agency, the Department may be required to deal with immigration issues, particularly in southern Arizona.

Leonard Ordway, Assistant Director, Field Operations, addressed the Commission and stated that another issue relative to SB 1070 is potential diversion of funding. If the Department is mandated to take immigration enforcement actions, it will have to be tracked to ensure that any state license dollars are not diverted into that activity. These are things that will have to be looked at depending on how SB 1070 comes out in its final form.

Commissioner Woodhouse commented on HB 2144, the guide bill, and requested that the Department re-submit this bill again in the next legislative session.

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3A. Department Recommendation for Mr. Rusty Braun's Petition to Close Fishing within the Confines of His Deeded Property (Riviera Marina) and Associated Public Waterway on the Colorado River, Bullhead City, Arizona

**Presenter:** Bob Posey, Kingman Regional Supervisor

As a result of continued and increased problems experienced over the years, Mr. Rusty Braun petitioned to the Commission that the fishermen conflict situation was no longer tolerable relative to his Riviera Marina property. Mr. Braun has reported numerous problems with fisherman which include potential hazards to navigation, property damage and having angry confrontations with the public over the past years. Mr. Braun believes that his only alternative to resolving the problems is to contact the Department and the Commission to seek closure of Riviera Marina to include the public waterway into and within the marina. This petition is in accord with A.R.S. § 17-304B and Commission Rule R12-4-610.

Riviera Marina is a man-made marina that was constructed and located on private land along the Colorado River in Bullhead City, Arizona. The marina is accessed and fed by flows from the Colorado River and provides minimal sportfishing recreation or benefit. Fishermen that access this marina can and have interfered with marina operation or caused damage to private property.

Commissioner Freeman stated for the record and for clarity that if it is closed, it is closed to everyone including Mr. Braun and any of his friends and associates.

Mr. Posey stated that he has made that clear to Mr. Braun.

**Motion:** Freeman moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE THE FISHING CLOSURE OF RIVIERA MARINA AND ASSOCIATED PUBLIC WATERWAY.

**Vote:** Unanimous

The Commission discussed signage and maintenance of the closure with Mr. Posey. The signage and maintenance will be Mr. Braun's responsibility, however, the Department will assist and the Department will put a note of the closure in the fishing regulations.

Mr. Ordway noted for the record that this has come to the Commission because, while the land is privately owned, the waterway is public and the Commission is allowing a closure to fishing of the public waterway, so the Department will work through this with Mr. Braun.

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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 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 April 2010 Commission meeting and was provided in fulfillment of the Department's commitment to brief the Commission on a regular basis.

Using a Power Point presentation, Mr. Gray highlighted the following from this reporting period:

NSSF – Hunting Heritage Partnership Grant

- Department awarded \$40,000 (one of seven states)
- Camps - Focus on recruitment of new hunters
- Third grant in two years (Hunter Mentor Study; Game Camps (retention))

Youth Turkey Camps

- Three Camps (6A, 1/27, 23/3C)
- Supporting organizations: National Wild Turkey Federation, Arizona Elk Society, Arizona Deer Association, Rocky Mountain Elk Foundation, Mogollon Sportsmen Association, Arizona Bowhunters Association, Youth Outdoors Unlimited, OE4A, Arizona Hunter.com and more
- Over 250 youth participated this year

Payson Wildlife Fair

- 15<sup>th</sup> Annual; 2,500-3,000 in attendance
- Activities included fishing, canoeing, boating safety, live wildlife, archery shooting sports, hunting, wildlife watching
- Participating agencies and organizations: Payson Parks and Recreation, AGFD (Region VI, Wildlife Recreation, Information, and Education Branches), Mogollon Sportsmen Association, U.S. Forest Service

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5. 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 April 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 reported on one additional update regarding the Petrified Forest National Park. The National Park Expansion Act of 2004 enabled for the expansion of 125,000 acres. To date, only 12% of that has occurred and that percent came from a BLM transfer of those lands. The remaining 88% of the expansion area is either deeded and/or state trust land that would be included in the expansion area. Funding is still pending from the federal government to consolidate those lands.

Commissioner Husted stated that when that land goes into the Park, hunters will lose a big portion of antelope country. The Department needs to be involved as this process moves forward and look into the possibility of maintaining wildlife management and hunting opportunities on that land.

Chairperson Martin requested that the Commission be kept informed on a monthly basis through the Lands Updates.

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6. Request for Commission Approval to Renew the Special Land Use Permit for the Adobe Mountain Rehabilitation Center with the Arizona State Land Department.

**Presenter:** Josh Avey, Habitat Branch Chief

The Arizona Game and Fish Department maintains a wildlife rehabilitation holding center on one acre of land at the Adobe Mountain Correctional Facility located north of Phoenix. The wildlife center is operated by the Information and Education Branch of the Arizona Game and Fish Department, primarily as a rehabilitation center for sick and injured wildlife species. The center also serves as a temporary holding site for wildlife seized as a result of law enforcement investigations and pending court adjudications.

The rehabilitation center is basically operated in accordance with the provisions of an Interagency Agreement, dated June 16, 1983, between the Arizona Game and Fish Commission and the Department of Corrections. However, the State Land Department requires a Special Land Use Permit (SLUP) for the acre of State Trust land on which the rehabilitation holding center is located.

Commissioner Freeman briefed the Commission, for the benefit of the newest Commissioners, on some of the history regarding efforts to relocate or build a new wildlife rehabilitation facility. Those efforts have been put on hold due to funding issues, so Commissioner Freeman recommended that for now the Commission should vote to approve the renewal of the SLUP.

**Motion:** Freeman moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE THE RENEWAL OF THE SPECIAL LAND USE PERMIT FOR THE ADOBE MOUNTAIN REHABILITATION CENTER WITH THE ARIZONA STATE LAND DEPARTMENT AND TO EXECUTE THE AGREEMENT AS RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

**Vote:** Unanimous

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7. Consent Agenda

The following items were grouped together and noticed as consent agenda items to expedite action on routine matters. These items were provided to the Commission prior to this meeting and the Department requested that the Commission approve these matters as presented, subject to approval or recommendations of the Office of the Attorney General. Deputy Director Broscheid presented each item to the Commission and none were deemed necessary to remove for discussion.

a. Request for the Commission to Approve the Intergovernmental Agreement with the Town of Chino Valley for the Purpose of Providing Assistance for the Development, Operation and Maintenance of the Chino Valley Shooting Range, Yavapai County, Arizona.

**Presenter:** Jay Cook, Habitat Branch Chief

The Department was approached by the Town of Chino Valley to provide assistance with the development, operation and maintenance of the Chino Valley Shooting Range. With the proximity of the Range to the Town populous and the interest of the Town to provide the land and finances to make the Range successful, the Department is willing to make a commitment through this Intergovernmental Services Agreement to provide this assistance.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE THE INTERGOVERNMENTAL AGREEMENT WITH TOWN OF CHINO VALLEY FOR THE PURPOSE OF PROVIDING ASSISTANCE FOR THE DEVELOPMENT, OPERATION AND MAINTENANCE OF THE CHINO VALLEY SHOOTING RANGE, YAVAPAI COUNTY, ARIZONA, AND EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

b. Request for the Commission to Approve an Agreement with the White Mountain Bow Hunters Association for the Management and Operation of an Archery Range on a Portion of the Commission-Owned Silver Creek Wildlife Area, Navajo County, Arizona.

**Presenter:** Jay Cook, Shooting Ranges Branch Chief

In 2006, the Department was approached by the White Mountain Bow Hunters Association to use approximately 20 acres in the southwest corner of the Commission owned Silver Creek Wildlife Area for the purpose of constructing and maintaining an archery range. The Club's previous range, located near Show Low, had been sold for development. The Department considers the archery range to be supportive of our mission to promote safe hunting and shooting practices, provide the public with safe shooting areas, and encourage hunters to become more proficient with hunting equipment.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE AN AGREEMENT WITH THE WHITE MOUNTAIN BOW HUNTERS ASSOCIATION FOR THE MANAGEMENT AND OPERATION OF AN ARCHERY RANGE ON A PORTION OF THE COMMISSION-OWNED SILVER CREEK WILDLIFE AREA, NAVAJO COUNTY, ARIZONA, AND TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

c. Request for the Commission to approve a new Memorandum of Understanding with Westland Resources to cooperate on mutually beneficial wildlife projects.

**Presenter:** Chantal O'Brien, Research Branch Chief

The Westland Resources has identified wildlife research and monitoring needs as an important component of wildlife resource projects within Arizona. Westland Resources has a need for wildlife expertise to work with engineers and planners to investigate wildlife resource projects.

The Department has the expertise and experience to help Westland Resources make informed decisions about wildlife resources. Therefore, matching the Department's expertise with Westland Resource's need under this Memorandum of Understanding will benefit wildlife by improving and expanding the information available for making wildlife resource decisions.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING THAT WILL ALLOW FOR A MUTUALLY BENEFICIAL WORKING RELATIONSHIP FOR THE COMMON PURPOSE OF DEVELOPING WILDLIFE RESEARCH 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.

d. Consideration of MOU and Data Sharing Agreement to Establish Cooperating Agency Status for the Bureau of Land Management Uranium Withdrawal Environmental Impact Statement Process

**Presenter:** Josh Avey, Habitat Branch Chief

On July 21, 2009, Secretary of the Interior Ken Salazar proposed a 20-year withdrawal of nearly 1 million acres of federal mineral estate in Northern Arizona from the location of new mining claims under the Mining Law of 1872. The proposed withdrawal was in response to increased interest in the region's uranium deposits and concern over potential impacts of uranium mining to the Grand Canyon Watershed. This proposed withdrawal is for three areas in northern Arizona, two on Bureau of Land Management (BLM) administered lands and one on Kaibab National Forest (KNF) administered lands. One of the BLM areas lies west of the Kaibab Plateau and the other one east of the Kaibab Plateau north of the Grand Canyon. The KNF land lies on the Tusayan Ranger District south of the Grand Canyon.

The Secretary's order segregated these lands from new mining claims for a two year period during which an Environmental Impact Statement (EIS) would be conducted. The Department has been invited to participate in this EIS process as a cooperating agency. To participate in this level, a new MOU needs to be approved.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE THE MEMORANDUM OF UNDERSTANDING AND DATA SHARING AGREEMENT BETWEEN THE DEPARTMENT AND THE BUREAU OF LAND MANAGEMENT TO ALLOW THE DEPARTMENT TO PARTICIPATE AS A COOPERATING AGENCY IN THE ENVIRONMENTAL IMPACT STATEMENT PROCESS REGARDING THE PROPOSED URANIUM WITHDRAWAL AND TO EXECUTE THE AGREEMENT AS RECOMMENDED AND APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

**Motion:** Woodhouse moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEMS A, B, C and D AS PRESENTED.

**Vote:** Unanimous

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Meeting recessed for a break at 10:18 a.m.

Meeting reconvened at 10:33 a.m.

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## 8. Call to the Public

Hector Ruedas, Chairman of the Greenlee County Board of Supervisors and representative for the Adaptive Management Oversight Committee, expressed the frustration of Greenlee County and its constituents regarding the chaotic state of the Mexican wolf reintroduction program and asked for the Commission's support and assistance. Of particular concern is the pending recommendation to release wolves this summer at Engineer Springs. There are several needs that need to be addressed before this release including that a new MOU must be completed. Mr. Ruedas requested that the Director not support the release and that the Commission support Greenlee County's position and relay that message to the USFWS.

Chairperson Martin requested that the Department thoroughly brief each Commissioner on Engineer Springs and the issues surrounding the matter before the next Commission meeting.

George Reiners, Member of the Board of Directors with the Yuma Valley Rod and Gun Club, requested that the Commission support the right to hunt legislation, a proposition to amend the Constitution of Arizona that will be on the ballot November 2<sup>nd</sup>.

Michael Braegelmann, Member of the Board of Directors and Treasurer for the Tucson Trap and Skeet Club, requested that the Commission direct the Department to withdraw its application to host the Arizona State Trap Shoot Tournament for the year 2011, and for future state tournaments, at the Ben Avery Clay Target Center due to the financial hardships it will create for the Tucson Trap and Skeet Club to not have the opportunity to host the Tournament.

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## 9. Update on the Fiscal Year 2012-13 Biennial Budget Development Process

**Presenter:** Bob Broscheid, Deputy Director, WMD/SSD

Deputy Director Broscheid provided the Commission with an update on the status of the Fiscal Year 2012-13 Biennial Budget Development Process. This update included the status of major funds, future revenue projections and budget approval timelines, and included a Power Point presentation with several charts and graphs. The purpose of the presentation was to inform the Commission and to discuss Department approaches to developing and managing FY2012-2013 budgets.

In determining funding priorities, the Department is considering current and future Commission priorities, the Director's Vision, the Director's Goals and Objectives, and strategic plan objectives. The Department's budget development approach includes the following:

- Recognize that revenue is tied to economic conditions
- Recognize that funds are not immune to legislative budget actions
- Focus on financial and budget management options (increase revenue; increase efficiency; decrease expenditures)

- Use and maintain financial strengths (diversity of fund sources; flexibility within fund sources; flexibility in adjusting expenditures; prepare for unanticipated opportunities)

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10. Request to Approve the Economic Impact Statement and Notice of Final Rulemaking Amending R12-4-309 and R12-4-318.

**Presenter:** Jennifer Stewart, Rules and Risk Branch Chief

The Commission was asked to approve the Economic Impact Statement and Notice of Final Rulemaking to promulgate a new rule R12-4-309 and amend R12-4-318. If approved, the statement and notice will be submitted to the Governor's Regulatory Review Council (G.R.R.C.) for placement on the July G.R.R.C. agenda. If approved by GRRC, the rulemaking will be submitted to the Secretary of State's Office for publication and would be effective this fall. The Department proposed to amend R12-4-309 and amend R12-4-318, addressing the taking and handling of wildlife within Article 3.

The Department proposed the following substantive rule amendments:

R12-4-309. Authorization for Use of Drugs on Wildlife

- Establish a new rule allowing the Department to regulate the use of drugs on wildlife and define and describe the authorization process for allowable drug use on wildlife.

R12-4-318. Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles

- Allow individuals participating in an archery-only or muzzleloader season to possess a non-hunting handgun for personal protection

Originally, these rules were part of larger Article 3 rulemaking package approved by the Commission at the December 2008 Commission Meeting. The Governor's office issued a rulemaking moratorium and the rulemaking was on hold until November 30, 2009, when the Governor's office approved the Department's request to pursue rulemaking to amend R12-4-309 and R12-4-318. The moratorium has been in place since January 2009 and earlier this week, it was extended through FY2010/FY2011.

The Notices of Docket Opening and Proposed Rulemaking were approved by the Commission at the February 2010 Commission Meeting. The rulemaking record was open for public comment from March 5 to April 4, 2010, and a summary of the comments received and Department responses are included in the document. The Economic Impact Statement and Notice of Final Rulemaking for R12-4-309 and R12-4-318 were provided to the Commission prior to this meeting for review and consideration.

Public Comment

George Reiners, Yuma Valley Rod and Gun Club, addressed the Commission in support of this rule amendment.

Chairperson Martin commented that this is something the Commission has supported for years

now and with the moratorium and everything considered, she was glad to see it finally come to fruition, and thanked Mr. Reiners for his support.

**Motion:** Husted moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE ECONOMIC IMPACT STATEMENT AND NOTICE OF FINAL RULEMAKING TO AMEND R12-4-309 and R12-4-318 WITHIN ARTICLE 3.

**Vote:** Unanimous

Commissioner Freeman expressed concern about the continued moratorium and the backlog of rulemaking, especially considering that the Department is a rulemaking body and a lot of things impact the Department, such as public safety and weapon types. He asked if there was any indication as to how long the moratorium will last.

Ms. Stewart stated that the Department did not have visibility on how long the moratorium would last, but that it will now go on until June 30, 2011. The Department does have the opportunity to submit exception requests, but feedback received indicated those requests are taking time to evaluate due to the unusually long legislative session and budget matters. The challenge is that we will be 2.5 years into a 5 year rules cycle. The Department has nine Articles with a tenth on hold at GRRC (OHV has been waiting almost two years), and the result is that all Articles will have associated rulemaking to complete once the moratorium ends. The Department is planning to meet soon to determine next steps based upon the recent extension. We will probably have to prioritize and seek guidance.

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11. Request to Approve the Economic Impact Statement and Notice of Final Rulemaking Amending R12-4-601, R12-4-610, and R12-4-611.

**Presenter:** Jennifer Stewart, Rules and Risk Branch Chief

The Commission was asked to approve the Economic Impact Statement and Notice of Final Rulemaking for R12-4-601, R12-4-610, and R12-4-611 addressing rules of practice before the Commission. If approved, the statement and notice will be submitted to the Governor's Regulatory Review Council (G.R.R.C.) for placement on the July G.R.R.C. agenda. If approved by GRRC, the rulemaking will be submitted to the Secretary of State's Office for publication and would be effective this fall. The Department proposed to amend R12-4-601, R12-4-610, and R12-4-611, addressing rules or practice before the Commission within Article 6.

The following rules will be updated to correctly reflect the Department's current address:

- R12-4-601. Petition for Rule or Review of Practice or Policy
- R12-4-610. Petitions for the Closure of State or Federal Lands to Hunting, Fishing, Trapping, or Operation of Motor Vehicles
- R12-4-611. Petition for a Hearing Before the Commission When No Remedy is Provided in Statute, Rule, or Policy

Originally, these rules were part of larger Article 6 rulemaking package approved by the

Commission at the October 2008 Commission Meeting. The Governor's office issued a rulemaking moratorium and the rulemaking was placed on hold until November 30, 2009, when the Governor's office approved the Department's request to pursue rulemaking to amend R12-4-601, R12-4-610, and R12-4-611.

The Notices of Docket Opening and Proposed Rulemaking were approved by the Commission at the February 2010 Commission Meeting. The rulemaking record was open for public comment from March 5 to April 4, 2010 and no public comments were received. The Economic Impact Statement and Notice of Final Rulemaking for R12-4-601, R12-4-610, and R12-4-611 were provided to the Commission prior to this meeting for review and consideration.

**Motion:** Husted moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE ECONOMIC IMPACT STATEMENT AND NOTICE OF FINAL RULEMAKING TO AMEND R12-4-601, R12-4-610, AND R12-4-611 WITHIN ARTICLE 6.

**Vote:** Unanimous

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#### 12. 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. Since this was the first programmatic briefing of its kind, the Commission was given a historical perspective as well as an up to date briefing on Department law enforcement matters. 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.

Using a Power Point presentation, Mr. Elms provided an overview of conservation law enforcement history, Game and Fish Department law enforcement program evolution, law enforcement staffing, an overview of the Law Enforcement Branch and an overview of projects and partnerships. Future briefings will include a monthly written report.

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

Meeting reconvened at 2:03 p.m.

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

**Presenter:** Gene Elms, Law Enforcement Branch Chief

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

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Meeting recessed for the day at 3:59 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. The Commission introduced themselves and Chairperson Martin introduced Deputy Director Bob Broscheid as the Acting Director for this meeting. Director Voyles was attending the Canada/Mexico/USA Trilateral meeting in Canada and not present.

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### Awards and Recognition

Leonard Ordway, Assistant Director, Field Operations Division made a special announcement. Yesterday, eight new officers were welcomed to the Game and Fish Department. These officers graduated yesterday from the Arizona Law Enforcement Academy (ALEA). DPS Officer Jack Lane spoke highly of these individuals and thanked the Department for the opportunity to have them in the academy. They represented and honored the Department very well. In about six months these new officers will come before the Commission for their final commissioning.

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### 1. Shooting Sports Activities Briefing

**Presenter:** Jay Cook, Education Branch Chief

The Commission was provided with a Shooting Sports Activities Briefing (also available to the public) prior to this meeting on Department activities related to shooting sports. The report included shooting programs and shooting range development statewide and covered activities that occurred since the April 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 recapped several items in the briefing using a Power Point presentation. There were no additional updates.

### Public Comment

Noble C. Hathaway, President, Arizona State Rifle and Pistol Association (ASRPA): The Ben Avery Range Fund has dissolved and his organization has been working closely with the Department in making this as seamless transition.

Larry Mane, President, Arizona State Trapshooting Association: Mr. Mane articulated the benefits of holding the Arizona State Trap Shoot Tournament for 2011 at the Ben Avery Clay

Target Center. The state shoot has traditionally been rotated to different locations, which is specified in the bylaws of the association. Mr. Mane stated that rotating the state shoot would better benefit all shooters in Arizona.

Commissioner Woodhouse also stated that it is within the bylaws of the Arizona State Trapshooting Association to choose what they are doing and the Commission has directed the Department to run the Ben Avery Clay Target Center, so he doesn't see anything wrong with allowing the Tournament to be there.

Commissioner Freeman agreed and stated that the debate is between a regulatory body and a member organization and that is where the issue lies and not with the Commission.

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2. Request for the Commission to Approve the Purchase of the approximately 160-acre Foster Ranch Property for the Development of the Northern Arizona Shooting Range located in Coconino County, Arizona.

**Presenter:** Josh Avey, Habitat Branch Chief

Mr. Avey briefed the Commission using a Power Point presentation on the Northern Arizona Shooting Range Project. The briefing included historical information leading up to the current request for Commission approval to purchase the Foster Ranch property. In 1998, the Arizona Game and Fish Department (Department) began its efforts to acquire a site to construct a shooting range facility in the Flagstaff area in order to provide a recreating shooting opportunity to the public. Flagstaff is the largest city in Arizona without a public shooting range, forcing recreational shooters to use makeshift areas, such as cinder pits in the forest, and causing law enforcement personnel to travel to other cities for training purposes. A local shooting range would promote multi-purpose venues including rifle sight-in, pistol, shotgun, clay target, and archery.

Most recently, during a 90-day period, personnel from the Department's Development, Shooting Range, and Habitat Branches in partnership with the Flagstaff Regional Office and the Coconino National Forest (Forest) evaluated a total of 24 sites. On June 27, 2009 the Commission directed the Department to continue due-diligence on the proposed Willard Springs Land Exchange with the Forest, execute the Agreement to Initiate and dedicated funding to initiate the NEPA EIS scoping for FY 2010.

Additionally, the Commission dedicated funding to simultaneously evaluate Department/Forest recommended alternative sites (Cochrane Hill and Winona/Telegraph Range sites) to determine if acquiring these sites would reduce the proposed Forest timeline of 10 years or save millions of dollars in costs associated with the federal land exchange process and continue to consider any suitable private parcel. The Commission also refined the project's objective: To develop a local shooting range with the potential to expand into a regional facility located within 30 minutes of downtown Flagstaff by the year 2013. To date the Department continues to pursue the following: (1) The Willard Springs Land Exchange, (2) Evaluation of two alternative Forest exchange sites, and (3) The Foster Ranch private parcel. Considering the protracted history of

this project and previous Commission direction, the purchase the 160-acre Foster Ranch property will achieve the Department's and Commission's short-term objective.

### Public Comment

The following addressed the Commission in support of the acquisition of the Foster Ranch property for the development of the Northern Arizona Shooting Range:

- Sandra Nagiller, Arizona Wildlife Federation, Flagstaff Shooting Association, Coconino Sportsmen, Flagstaff Clay Target Shooters (called in from Flagstaff)
- Ron Talbott, Northern Arizona Shooting Range Association (called in from Flagstaff)
- Bill Gow, Flagstaff Shooting Association, Coconino Sportsmen, Flagstaff Clay Target Shooters (called in from Flagstaff)
- Noble Hathaway, President, Arizona State Rifle & Pistol Association; also offered the support of his organization
- Earl Stewart, Forest Supervisor, USDA Forest Service; offered the Forest Service's support. The Forest Service will assist in whatever capacity they can including a down range closure order if necessary, additional access and easement needs from Forest Road #128, and will assist with a Special Use Permit authorization as needed
- Steve Fairaizl, Environmental Consultant, Shuster Foundation representing the residents of Munds Park
- Jimmy Mehen, Flagstaff resident, shooter and hunter
- Jonathan Keitz, Double JK Ranch, Kingman; supports the range but expressed concern about tax dollars being used for the purchase (called from Kingman Regional Office). Mr. Avey explained that the funds for the purchase are from a surcharge placed on hunting and angling dollars and not from taxpayer dollars
- Terry Abbott, Rio Salado Sportsmen's Club (called from Mesa Regional Office)
- Bill McLean, former Arizona Game and Fish Commissioner and part-time resident of Flagstaff
- Mike Golightly, former Arizona Game and Fish Commissioner and Flagstaff resident.

**Motion:** Martin moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE THE PURCHASE OF THE APPROXIMATELY 160-ACRE FOSTER RANCH PROPERTY FOR THE DEVELOPMENT OF THE NORTHERN ARIZONA SHOOTING RANGE LOCATED IN COCONINO COUNTY, ARIZONA AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE ALL DOCUMENTS AS MAY BE NECESSARY.

Chairperson Martin noted that the Commission also received two documents of support; one from the National Rifle Association and one from the Mohave Sportsmen's Club.

Commissioner Husted stated that acquiring this property is the right thing to do, but cautioned that the Department and Commission may take some heat for it considering the current economic times. All those who support this acquisition and who support the Department need to help educate the public on the sources of Department funds.

**Vote:** Unanimous

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Meeting recessed for a break at 9:15 a.m.

Meeting reconvened at 9:56 a.m.

\* \* \* \* \*

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

\* \* \* \* \*

### 3. Commissioner Committees Overview

**Presenter:** Gary R. Hovatter, Deputy Director, FOD/IED

Deputy Director Hovatter introduced this item and Department staff members that briefed the Commission on each Commissioner Committee using a Power Point presentation. The briefings were an overview of each committee's general role and function and included the following information:

#### Heritage Public Advisory Committee (HPAC) – presented by Ty Gray, Assistant Director, Information and Education

- Current Chair is Commissioner Freeman
- Established in 1997
- Charter: Purpose - increase opportunities for public involvement in the Department's Heritage Fund programs; provide recommendations and advice for Commission consideration; communicate to the public on accomplishments or issues associated with Heritage Fund programs – outreach emphasis; the Department provides orientation to committee members; members are encouraged to participate in Department sponsored Heritage grant workshops within their respective region of the state; the committee Chair may appoint one or two committee members to each Heritage Grant Scoring Committee; HPAC convenes and conducts open public meetings in accordance with Public Meetings Law (A.R.S. § 38-431.02)
- HPAC Membership: Ensures broad based representation in developing its membership recommendations to the Commission; committee representation to include private citizens, groups, clubs, not-for-profit organizations, natural resource agency representatives, Chambers of Commerce, education, and other resource users, who are interested in serving on the committee; regional office submits at least three nominations; Director's staff submits nominations for the two statewide and one national member; individuals and/or groups may submit themselves; the Director forwards two names for each vacant position to the Commission; final selections will be made during the appropriate Commission meeting during public session; outreach emphasis - there shall be no more than one representative from any organization or agency; staggered 3 year membership– 16 total members; 7 selected year 1, 8 selected year 2, no selections year 3
- Commissioner serves as Chair; 2 representatives per each region; 2 statewide representatives; 1 national-scope representative

- HPAC Meetings: Minimum of two meetings per year (January – Meet the Commission, spring (April/May), late summer/fall (August/September); typically around the state; field activities included; noticed agenda, minutes and protocol.

Wildlife Assets Committee – presented by Gene Elms, Law Enforcement Branch Chief

- Current Chair is Commissioner Husted
- Began in 1999
- First sale was held at the BASF; \$17,383.86 was made and many of the antlers were sold by the pallet; \$20,000.00 budgeted to ensure \$2,750.00 for each region
- In 2001, the Assets Sale was moved to the State Fair Grounds during the Sportsman's Expo; Total sales were \$12,419.00; Sales continued at the State Fair Grounds facility until 2007; Asset Committee meetings are held in July/August and every January
- “Modern Era” Assets sales began with the International Sportsman’s Expo at the University of Phoenix Stadium in 2007; The annual sales for each year increased dramatically (2007- \$35,952.00; 2008- \$36,896.00; 2009- \$41,893.00; 2010 to date - \$33,112.00)
- The U.S. Fish and Wildlife Service became involved in the sale in 2007; they added several antler seizures and lots of beads and bead jewelry made from sea shells and coral; Annual bead sales since 2007 have averaged \$6000.00 per Expo.

Arizona Wildlife Conservationists Committee – presented by Josh Avey, Habitat Branch Chief

- Current Chair is Chairperson Martin
- The establishment of the Conservationist Committee was approved by the Commission in February 2008
- The hope is to increase involvement and communication among Arizona’s conservation community regarding the Department’s fish and wildlife management programs and identify areas of common interest to further public support of these programs
- Mission: To support the mission of the Arizona Game and Fish Department by fostering broad stakeholder cooperation
- Vision: The Committee will create a more efficient and effective environment for wildlife-related objectives to occur by bringing together the resources and abilities of numerous and diverse stakeholder organizations
- Conservationists Committee Charter: Increase communication among diverse groups regarding ongoing activities; Act as a unified and effective voice both defensively against threats to wildlife and proactively to create benefit for wildlife; Create a sustainable and active committee with stable participation; Create a coalition for habitat conservation; Develop a public information/PR plan for outreach to the general public; Create position statements/white papers and a political voice for advocacy regarding land use such as urban development, transportation, etc. at the landscape scale; Bring about a paradigm shift regarding the relationship between consumptive and non-consumptive wildlife advocates, i.e. adversary vs. ally; Identify a set of agreed upon issues and values
- Success stories: Letters of opposition from multiple organizations went out regarding the ROAM Act; coordinated outreach and support of the Department in protecting the Heritage Funds; 2009 Conservationist Committee Workday Weekend involved 140 volunteers to help with fence removal at Buck Springs (10 Miles of fence was removed for the benefit of Wildlife); educational opportunities.

Landowner-Lessee/Sportsman Relations Committee (LLSRC) – presented by Al Eiden, Acting Landowner Relations Program Manager

- The current Commission representative is Commissioner Woodhouse; the Commissioner on the Committee acts as liaison between the voting members and the Commission on issues; the Commissioner does not serve as Chair or a voting member
- Established in 1987 to address increasing access and vandalism problems in the wake of a rapidly expanding population in Arizona
- The LLSRC is a Commission sponsored committee represented by landowners, off-highway vehicle users, sportsman groups, federal and state land management agencies, and the Arizona Game and Fish Department
- This Committee identifies specific problem areas associated with public access, private land ownership, and recreational use; The LLSRC advises the Department on methods to reduce and resolve conflicts between sportsmen and private landowners, lessees, and resource management agencies
- The LLSRC consists of 5 private landowner-lessees and 5 members of incorporated sportsmen groups, who are appointed by the Commission; these 10 individuals are voting members and can serve as officers; the committee also includes one representative from each of the land management agencies that are non-voting members and may not serve as officers
- This Committee currently holds biannual meetings – one is held in conjunction with the Meet the Commission event and the other is often held in conjunction with the Arizona Cattlemen’s Association Summer Convention; between meetings, individual Committee members are often in touch with the Department’s Landowner Relations Program staff involving particular projects or addressing action items.

Arizona Habitat Partnership Committee (HPC) – presented by Brian Wakeling, Game Branch Chief

- Current Chair is Commissioner Harris
- Established in 1992 as the Elk Habitat Partnership Committee; program concept expanded in 1996 to include all big game
- Purpose is partnership among wildlife managers, habitat managers, and public and private interests; establish local committees to ensure involvement and actions; work with wildlife conservation organizations; identify funding (Special Big Game Tag Fund, Landowner Relations Program)
- Meets twice annually; summer meeting – July 30, 2010 (topics of interest, selection of issues); winter meeting (projects preparation, final approval of funding decisions, close coordination with wildlife conservation organizations that raise dollars, maximize matching dollars, work on projects that yield programmatic benefits).
- HPC projects, newsletters, and other information is provided on the Department’s website
- Local Habitat Partnership Committees participate in identification of needs, discussion of local issues (opportunities, conflicts, solutions, hunt recommendations, review of landscape planning); and provides feedback and communication with the state HPC
- Performance: 2009 projects - 52 projects funded, \$2,675,007, 1:1 cost share, total on the ground \$5,241,166; 2010 projects - 53 projects funded, \$1,335,925, 1:2.1 cost share, total on the ground \$4,143,645.

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4. Acquisition of a Perpetual Access Easement Across Walter Lane's Private Property in Game Management Unit 36C

**Presenter:** Al Eiden, Acting Landowner Relations Program Manager

Securing perpetual access for hunters has been and will continue to be a focus of the Department's Landowner Relation Program. A private landowner has approached the Department offering a perpetual access easement. The location of this easement is along Brown Canyon Road in Game Management Unit (GMU) 36C. If the Department is allowed to pursue this acquisition it will perfect one of nine access routes in GMU 36C, and this will be the first road that has a recorded public right-of-way in this GMU. This will secure access for hunters and other recreationist to over 20,000 acres of state and federal land that could be lost if the landowner in the future would lock a gate on this portion of Brown Canyon Road.

This easement is supported by both the U.S. Fish and Wildlife Service and the Bureau of Land Management, due to the fact that this easement will secure access to landlocked portions of the Buenos Aires National Wildlife Refuge and the Baboquivari Peak Wilderness Area and will improve both agencies' ability to manage these lands to promote wildlife habitat and recreational access opportunities.

**Motion:** Harris moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE REQUEST TO ACQUIRE A PERPETUAL ACCESS EASEMENT ACROSS PRIVATE LAND LOCATED IN GMU 36C.

**Vote:** Unanimous  
4 to 0  
Woodhouse not present

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5. Call to the Public

There were no requests to speak to the Commission.

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6. Department Staff and Commissioner Norm Freeman will lead a short demonstration of new voting software with Commissioners in preparation for the June, 2010 Commission meeting vote regarding issuance of Big Game Super Raffle Tags.

**Presenter:** John Bullington, Assistant Director, Special Services Division

Commissioner Freeman, with the assistance of Game Branch Chief Brian Wakeling and Mr. Bullington, provided a demonstration to the Commission of new voting software to be used in the selection process of organizations that will be issued the Big Game Super Raffle Tags. The selection process for these tags will take place at the June 2010 Commission meeting. The new

software will enable the Commission and the public to view how each Commissioner is voting. This will promote discussion and provide a more organized and structured approach to the selection process. The demonstration included hands on training and was a follow up from the March 4, 2010 Commission work session.

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#### 7. Approval of Minutes and Signing of Minutes

**Motion:** Freeman moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM APRIL 16-17, 2010.

**Vote:** Unanimous

4 to 0

Woodhouse not present

**Motion:** Freeman moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM SEPTEMBER 11-12, 2010 AND OCTOBER 9, 2010.

**Vote:** Unanimous

3 to 0

Woodhouse not present

Harris abstained because he was not on the Commission for these meetings

The Commission signed the minutes following approval.

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#### 8. Director and Chairman's Report

Director Voyles was not present to report on his activities.

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

- Toured Foster Ranch along with Commissioner Harris
- Went to Roper Lake to check on the Commission's investment there
- Continued to prepare for the Conservationists Committee.

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#### 9. Commissioner's Reports

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

Commissioner Woodhouse was not present.

Commissioner Harris:

- Went to the Foster Ranch property with Chairperson Martin
- Met with some constituents regarding access issues

- Read materials in preparation for this meeting

Commissioner Freeman:

- Attended a meeting with the Law Enforcement Supervisors and talked about taking GPS coordinates in the field and converting that to a small file that can be emailed or included in the packets
- Attended the Region III workshop/BBQ picnic
- Met with some of the ranchers in his area regarding access issues
- Met and discussed with constituents SB1200
- Worked on the software for agenda item #6

Commissioner Husted:

- Attended a briefing on Section 7 with Kirk Young, Fisheries Branch Chief
- Attended the Legislative Shootout
- Discussed elk issues with ranchers in his area
- Met with regional staff on the Management Plans for Wildlife Areas
- Took a lot of phone calls

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#### 10. Future Agenda Items and Action Items

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

- The Department will seek to continue and expand its involvement in the planning for the expansion of the Petrified Forest National Park in order to preserve as much hunting opportunity as possible; include the Commission in that involvement; when appropriate, pursue involvement in all other proposed expansions of National Parks in the future
- As a result of the Greenlee County wolf presentation, brief the Commission on the Engineer Springs release of wolves; when appropriate in the process of that release, agenda a presentation to the Commission on the issue; ensure that the Greenlee County Board of Supervisors is informed of that meeting in adequate time for them to prepare to attend and participate
- Provide the Commission an update on the impact of the ongoing rulemaking moratorium at the June Commission meeting
- Bring the guide bill back to the Commission with the 2011 legislative proposals
- Appropriately adjust, based on Commission comments, additional information in the future monthly Law Enforcement Reports
- Send a Department letter to Mr. Rusty Braun to inform him formally of his responsibility for signage to properly notice fishing closure within the confines of his deeded property; the Department will coordinate with Mr. Braun to ensure that the property is properly noticed for fishing closure and will assist in what the coordination leads to
- Provide the Commission with the necessary administrative materials in preparation for the Big Game Super Raffle tag allocations in June
- Agenda item for June – Agenda a discussion of the Director's performance review process

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

**Vote:** Unanimous

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Meeting adjourned at 11:25 a.m.

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Jennifer L. Martin, Chair

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Robert R. Woodhouse, Vice Chair

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Norman W. Freeman, Member

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Jack F. Husted, Member

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John W. Harris, Member

ATTEST:

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Larry D. Voyles  
Secretary and Director

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

**Vote:** Unanimous

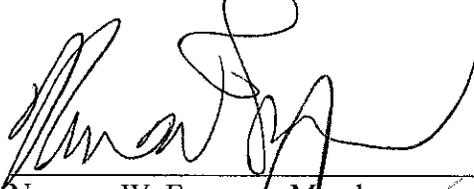
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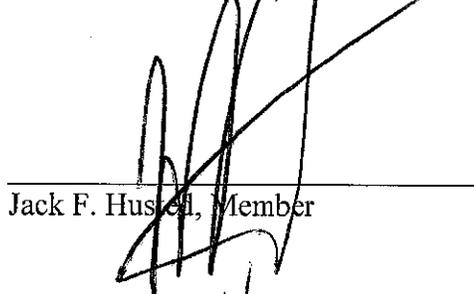
Meeting adjourned at 11:25 a.m.

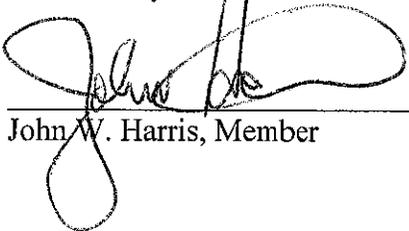
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Jennifer L. Martin, Chair

  
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  
May 14, 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 15<sup>th</sup>.

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. On March 8, 2010 the Pinal County Superior Court affirmed the Commission's decision. On April 7, the last day allowable under the Rules of Civil Appellate Procedure, Anderson's lawyer filed a notice of appeal to the Arizona Court of Appeals. Anderson's lawyer has contacted the Court of Appeals asking for assignment of the case to the Arizona Appellate Settlement Conference Program, in which a staff attorney and an appellate judge meet with the parties and attempt a mediated settlement. A Court of Appeals staff attorney has asked if the Commission is interested in mediation. Anderson's attorney has indicated to the Court of Appeals that the consecutive terms of revocation are the issue. **The AGO has notified the Court of Appeals that the Commission is not interested in mediation.**

**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. A reply in support of the motion to dismiss was filed on January 18, 2010. The parties are awaiting oral argument on the motion to dismiss.

On February 24<sup>th</sup>, the Center filed a request with the Court to take judicial notice of the Inspector General Report. The Department filed an objection with the Court on March 9, 2010.

**4. *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.**

**Lands Update**  
For the Arizona Game and Fish Commission  
May 7, 2010  
Phoenix, Arizona

**FOREST SERVICE LAND AND TRAVEL MANAGEMENT PLANNING**

**Apache-Sitgreaves National Forest**

The Department is currently in the process of reviewing the recently released initial draft alternatives for the revised Forest Plan, and is preparing comments in response.

**Coronado National Forest**

The Coronado National Forest (CNF) accepted scoping comments on the working draft of the Land and Resource Management Plan. The Department submitted numerous comments on the plan. Included in the plan are ten reports for potential additions to existing wilderness areas. The Department will continue to coordinate with the CNF as the plan revision proceeds. A final plan is expected to be finished in the fall of 2010.

**Kaibab National Forest**

The Department commented on the North Kaibab Ranger District's (NKR) Travel Management Rule Draft Environmental Assessment. Similar to other districts on the Kaibab National Forest, NKR is proposing to prohibit general cross-country travel by vehicles with some exceptions pertaining mainly to motorized big game retrieval (MBGR), fuelwood cutting, and livestock permittee operations. With regard to MBGR, the NKR has proposed to only allow retrieval of tagged bison and elk. They are not proposing to allow MBGR of deer. The Department is encouraging NKR to reconsider and allow MBGR of deer for three primary reasons: meeting deer harvest management objectives, providing adequate hunter opportunity, and helping sustain the California condor non-lead program.

This week, the Kaibab National Forest released its Working Draft Land Management Plan for a 60-day public review period. The Department has been involved in all of the collaborative opportunities the Forest has provided during the development of this working draft, and we have initiated our review of the document.

**Tonto National Forest**

The Tonto National Forest - Mesa Ranger District, citizens of Queen Valley, and local livestock permittees' have expressed increasing concern over recreational shooting problems near Queen Valley/Whitlow Dam area north of Florence Junction. The land ownership around Queen Valley consists of not only Tonto National Forest (TNF) lands, but also Arizona State Land Department, Bureau of Land Management (BLM), Army Core of Engineers (ACOE), and private lands complicating the management of safe, legal areas for recreational shooting. The Queen Valley Association has held a couple of public meetings in which the Department has participated. The Department has met with the BLM, TNF, ACOE, and Pinal County Sheriff's Office to discuss the problem and try and resolve conflicts through coordination. The ACOE is currently revising their Master Plan for Whitlow Dam from which the Department has had input while the Tonto National Forest has suggested some closures (to recreational shooting) in those areas that present

the highest public safety threat and in proximity to the community of Queen Valley. The TNF has suggested that the timeframe for any closure is probably at least 12 months out but the Department remains engaged in discussions with these land management agencies. The Department will attend a meeting with ACOE and other entities the week of May 8<sup>th</sup>.

## **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 at least one million acres of northern Arizona forests over 20 years, with restoration costs covered by the wood product industry. The USFS and 4FRI stakeholders are actively working on a non-NEPA Landscape Strategy, which would help guide restoration approaches across the 2.4 million acres. Concurrently, the USFS has preliminarily identified the first project area, which would cover roughly 750,000 acres of the Coconino and Kaibab National Forests south and west of Flagstaff, around Williams, and up near Tusayan. Stakeholders are also working with USFS to develop a Memorandum of Understanding (MOU) to clarify roles and responsibilities. The Department is participating on working groups for both the Landscape Scale Assessment and the EIS, and we are currently leading efforts for a Science and Monitoring Working Group.

### **Coronado National Forest**

The Tucson Rod and Gun Club continues to pursue its interest in promoting a club-run shooting range near MP 8 on the Reddington Road in the Santa Catalina Ranger District. The range proposal remains in the conceptual stage but it could include rifle, pistol and shotgun sections that would be administered by the club. The exact mechanism for operating the range (fees charged to public, methods of joining or participating at the range, etc.) are yet to be determined. The U.S. Forest Service is reviewing the proposal and the Department will coordinate with the Forest as it progresses through the special use permit process and environmental review.

Apache Spring Water Development on the Santa Catalina Ranger District of the Coronado National Forest in Game Management Unit 33 was rebuilt on April 7th. The spring is located in the Canada del Oro Drainage on the north side of the Santa Catalina Mountains. This development was originally built in the 1950's and had been out of service for several years. The spring will benefit Coues whitetail deer, Gould's Turkeys, and numerous non game birds and mammals.

### **Coconino National Forest**

The Department recently participated in an annual coordination meeting with Coconino National Forest and US Fish and Wildlife Service. In addition to the normal discussions of issues and projects, we discussed ways to improve overall coordination between our agencies with regard to projects of mutual interest. The Department was encouraged by this discussion, which identified a simple yet robust process for identifying, prioritizing, and tracking implementation of projects that benefit wildlife and their habitats on Coconino National Forest. This process will include development of a project database, an interdisciplinary meeting to prioritize projects in the

database, presentation of the project database to Forest Leadership in time for USFS annual budget planning, and subsequent tracking of the database by project staff.

The Peaks and Mormon Lake Ranger Districts have invited the Department to participate on the Interdisciplinary Team for the Marshall Fuels Reduction and Forest Restoration Project. This project is located southeast of Flagstaff, in the ponderosa pine – pinyon juniper – grassland habitats of Unit 5B North. The Department is engaged in several aspects of this project, including pine restoration, grassland restoration, and wetland restoration in Marshall Lake. The Forest recently released its Proposed Action, and expects to finalize its decision this year.

### **Kaibab National Forest**

The Tusayan District released a scoping letter for the Russell Vegetation Management Project. The Project is an 8,000-acre vegetation treatment and prescribed burning project that plans to use non-commercial thinning activities to reduce stand densities in ponderosa pine and pinyon-juniper stands to promote forest health, improve wildlife habitat and reduce the risk of severe wildfire. The Department is currently working on comments for the Project.

## **BUREAU OF LAND MANAGEMENT (BLM)**

### **Burro Management**

The Yuma Field Office is preparing an Environmental Assessment for the removal of 100 burros in the Cibola-Trigo Herd Management Area (HMA), which is scheduled to take place in May or June 2010. Department personnel continue 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**

The Department is in the final stages of becoming a cooperating agency with the BLM on the development of a draft Environmental Impact Statement (EIS) for the proposed uranium mineral withdrawal (2-year temporary segregation) on almost 1 million acres of federal lands near the Grand Canyon. Cooperating agency status is still pending approval of an MOU, which will be on the May Commission agenda. In addition, the BLM has drafted a data sharing agreement that will be signed by all cooperating agencies within one document. On May 4-5th the Department attended a 2-day meeting regarding the EIS. We are also reviewing preliminary chapters of the EIS, with a new chapter coming out every 2 weeks. This is giving us the opportunity to clarify information and give additional input early in the process.

The Department continues to work cooperatively with the Arizona Strip Field Office on their Travel Management Planning. The Department has been primarily involved in assisting the field office with route designation. The process is nearing completion, and the Department is planning to attend a meeting with the field office to continue this work in early May.

The Department has been working cooperatively with the Arizona Strip Field Office to construct several wildlife water catchments on BLM lands in unit 13A. The Department is encouraged to see implementation of these projects.

### **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. 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.

### **Lower Sonoran Field Office**

The Department and Lower Sonoran Field Office completed Travel Management Plan route evaluations for the Gila Bend Mountains area in August 2009, and a preferred alternative is being developed. As part of a lawsuit settlement with the Western Watersheds Project the BLM agreed to have a completed ROD and Resource Management Plan for the Lower Sonoran Field Office and Sonoran Desert National Monument by December 15, 2011. The Field Office is working to complete the Draft RMP/Draft EIS with an anticipated release scheduled for early to mid summer 2010. Due to time constraints imposed by the settlement, the Department will likely review the RMP and provide comments concurrently with the BLM State Office and Washington Office. Additionally, as part of the settlement agreement, the BLM will not open any of the currently-closed roads with the Monument until the completion of the RMP and ROD.

### **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 will continue to assist the BLM with route evaluations in the Havasu South Area during FY 2011.

### **Kingman Field Office**

The Department continues to assist the BLM Kingman Field Office in permit-related forage inventories on grazing allotments that are requesting ephemeral grazing permits due to the extensive amounts of precipitation received this past winter.

### **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 Record of Decision 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 Record of Decision was published in the Federal Register on January 29, 2010, making it effective immediately. 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 Fall of 2010.

### **Tucson Field Office**

The US Fish and Wildlife Service completed a Biological Opinion on the Middle Gila Travel Management Plan. BLM expects the final plan review to be completed by the state office and available for public comment in May.

### **Safford Field Office**

The Department received an award from the Safford Field Office for our participation in the National Landscape Conservation System. The award was presented in Safford at an event celebrating the tenth anniversary of the system.

## **BLM NATIONAL MONUMENTS & CONSERVATION AREAS**

### **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 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 Court has granted the application of the National Rifle Association to participate in the case as an intervener. Safari Club International has filed a motion to file briefs as amicus curiae. The Arizona Game and Fish Commission has voted to file a motion to appear in the case as amicus.

The parties have reported to the Court that settlement discussions were not successful. The Court has ordered the Scheduling Conference to be held May 18, 2010.

Two important wildlife water catchments have recently been constructed on the Monuments. One is located on the Paria Plateau (Vermillion Cliffs), and the other is located at Cunningham (Parashant). The Department has been working cooperatively with the Bureau of Land Management on implementation of these projects.

### **Las Cienegas National Conservation Area (LCNCA)**

The Department continues to monitor the reestablishment of black-tailed prairie dog populations on two sites within the LCNCA. The project is ongoing and an updated briefing will be provided next month.

## **DEPARTMENT OF DEFENSE**

### **Fort Huachuca Integrated Natural Resource Management Plan (INRMP)**

The Department recently received and is reviewing the final Fort Huachuca INRMP. The Draft plan was reviewed and comments were provided in February. The Department will submit comments on the plan on or before the deadline of the 45 day comment period. The plan requires a letter of concurrence from the Department.

## **U.S. FISH AND WILDLIFE SERVICE**

### **Kofa National Wildlife Refuge (Kofa NWR)**

The Department continues to implement the Kofa Mountains Complex Predation Management Plan in areas outside of the Kofa National Wildlife Refuge. On April 4, 2010, Department personnel captured a lion in a box trap set in GMU 41, within the Kofa Mountains Complex Predation Management Area. The female lion was collared, processed, and released, and its activities are being monitored by Department personnel. Additionally, the Department removed mountain Lion RMO1 from the Painted Rock Hills on April 12, 2010. The lion had met the offending lion criteria by killing 3 bighorn sheep within the predation management area in a 6-month time period and had also killed at least 11 bighorn sheep.

## **GENERAL UPDATES**

### **AZ Sportsman for Wildlife Conservation Memorandum of Understanding (MOU)**

The project is ongoing and an updated briefing will be provided next month.

### **Bill Williams River Corridor Steering Committee**

The Department continues to work with the Bill Williams River Corridor Steering Committee agencies to manage releases from Alamo Dam and attended the April 20, 2010 Steering Committee meeting. The Corps released approximately 3,000 cfs from Alamo Dam from March 6 to March 9, 2010; they released approximately 2,000 cfs from March 17 through March 23, 2010; and they also conducted a "riparian regeneration" release from March 24 through April 15, 2010. The Committee, researchers, and stakeholders are working to develop a long term science, monitoring, and compliance strategy for the Bill Williams River corridor, focusing on linking management, research, and monitoring needs.

### **Central Arizona Grasslands Strategy Projects**

#### **Anvil Rock Ranch**

Department personnel met on-site, with ranch ownership and the hired contractor for the Anvil Rock Ranch Grassland Restoration project, where the crews began cutting junipers, creating

corridors of movement for pronghorn and improving habitat for grassland obligate species. The project will restore approximately 1,100 acres of Grassland located in northwest Yavapai County that has been invaded by Juniper. The treatment will be completed using hand crews with chain saws. Branches and tree boles will be removed down to a height of no more than 18 inches above the ground surface and scattered to allow retention of soil moisture, creating microclimates conducive to the production of cool season grasses and forbs. Approximately 99% of all junipers that are located in deep soil and in historic grassland will be removed. On sites that have a shallow soil depth and a greater potential for browse production, all junipers within 10 feet of a browse plant will be selectively removed to reduce competition. Stringers of trees associated with shallow soils will be left to provide thermal cover and travel corridors for mule deer and elk. The corridors will be associated with rocky drainages and ridges. The objective in historic grassland habitat is to remove all recent growth juniper trees while retaining intermittent single stemmed savannah-like trees for shade. Central Arizona Grassland funding will be leveraged against LIP dollars to complete project areas on State Trust lands.

#### Yolo and 7-Up Ranches

Final funding coordination continues, preceding a similar juniper treatment effort that will take place on the Yolo and 7-Up Ranches. Juniper treatments will begin by mid-May on the first of 6 treatment blocks that have been targeted for juniper eradication. If funding for Central Arizona Grasslands Strategy projects remains secure in upcoming years, at its completion, this project will have treated roughly 15,000 acres of juniper-encroached grassland.

#### **City of Flagstaff**

The Department continues to pursue initial scoping of a Conservation Lands System to support the revision of the Greater Flagstaff Regional Land Use Plan in collaboration with the City of Flagstaff, Coconino County and interested citizens. The Department has consulted with land use planners and biologists involved with the development of Pima County's Conservation Land System, and will make a joint presentation with Coconino County Community Development staff to the Regional Plan Citizens' Advisory Committee on May 20<sup>th</sup> to gauge community interest. The Department is also rewriting wildlife-applicable sections of the Environment and Conservation elements for revision of the Flagstaff Regional Land Use Plan.

#### **Lake Pleasant Regional Park Agua Fria Conservation Area Management Plans**

The Final Environmental Assessment and Finding Of No Significant Impact for the Lake Pleasant Regional Park Agua Fria Conservation Area (AFCA) has been released. The plan will facilitate a boating access project for the Agua Fria arm of Lake Pleasant by allowing managed vehicle access. Shooting, trash dumping, off-road vehicle travel, vandalism, and criminal activities were degrading cultural and natural resources of the AFCA and creating a public hazard. The Bureau of Reclamation and Maricopa County Parks and Recreation Department determined that some type of plan needed to be developed and implemented which would allow access and recreational opportunities within the AFCA for responsible users, while providing protection to the natural and cultural resources of the area. That process led to the development of the proposed AFCA Management Plan.

### **Lower Colorado River Multi-Species Conservation Program**

The Department is partnering with the Bureau of Reclamation to restore native habitats within the Laguna Division of the Colorado River, north of Yuma as part of the Lower Colorado River Multi-Species Conservation Program (LCRMSCP). The Laguna project consists of approximately 920 acres, most of which is found within the Department's Mitty Lake Wildlife Area. The purpose of the project is to restore native marsh, riparian, and upland habitats in an area that has become dominated with dense stands of saltcedar and other invasive vegetation. The project will provide suitable habitat for federally-listed and other sensitive species. Initial vegetation clearing is scheduled to begin in 2011, with the restoration activities completed in 2014; the Bureau of Reclamation will maintain the habitat through 2055 under the LCRMSCP.

The Department continues to work with Reclamation, BLM, FWS, the City of Scottsdale and Freeport McMoran toward the acquisition of Planet Ranch land and water for LCR MSCP purposes. If successful, the Department would acquire approximately 3,400 acres of land and 4,000 acre-feet of water at Planet Ranch, and would enter into a 50-year long-term lease agreement with Reclamation to manage the property for LCRMSCP purposes. Regular meetings and coordination will continue with the objective to complete the process in 2011.

### **Maricopa County Ordinances P-28 and P-27**

The Department is working with the Maricopa County Air Quality Department to revise Ordinance P-28 and is awaiting the next draft version. Recently the American Lung Association announced that the Phoenix Metropolitan area has the worst air quality in the nation. This data is skewed due to extraordinarily high readings at one monitor in Pinal County. This monitor is referred to as the Cow Town monitor and is situated in close proximity to cattle feed lots, a bulk grain processor, and an ethanol producing plant. If the data gathered from this monitor were omitted the two county area would have received a passing grade. This latest designation may hinder our progress in obtaining reasonable access for wildlife related activities in Maricopa County. The County anticipates that the Ordinance P-28 revision will go before the County Board of Supervisors in three to four months.

### **Pinal County PM<sub>10</sub> Non-attainment Area designation**

In Mid March the Governor's office forwarded their recommendation for the PM<sub>10</sub> non-attainment boundary for Pinal County. The Department had met with both the Arizona Department of Environmental Quality and the Pinal County Air Quality Department to discuss the proposed PM<sub>10</sub> non-attainment area (NAA) boundary for Pinal County, subsequent plan for attainment, and the possible effect on access. Several agencies as well as non-governmental organizations weighed in on the designation area. The Governor submitted proposal reflected a change to the boundary that is favorable to access for wildlife related recreation and furthermore appropriately addresses the areas that are responsible for the PM<sub>10</sub> emissions. The EPA will either approve or designate its own boundary based on the available data.

### **Northern Arizona Shooting Range (NASR)**

On April 30, 2010, the Department conducted a site visits with Commission Chair, Jennifer Martin and Commissioner John Harris of the Foster Ranch property, alternative sites, and Willard Springs exchange parcel. The Department has opened escrow and ordered all remaining due diligence investigations including Title reports, ALTA survey, Geotechnical survey, and aerial photography mapping.

## **Renewable Energy Development**

Department personnel met with BLM-Safford District and Navajo County personnel concerning wind and solar development within Navajo County. A workgroup has been formed from the meeting in order to facilitate better communication between the three entities regarding alternative energy development. Plans are to approach Apache County and invite them to participate on the workgroup as well.

### ***Solar***

#### **Sonoran Solar**

The Draft Environmental Impact Statement (DEIS) for the Sonoran Solar project has been released for public comment by May 28, 2010. The BLM held DEIS public meetings April 27-29 in Phoenix, Buckeye and Gila Bend. The Department has worked closely as cooperating agency to address wildlife concerns related to the project. Proposed wildlife mitigation will include: access road designs to enhance wildlife crossing and minimize impacts to Desert tortoise and other common wildlife; construction of a stock tank as replacement for one that will be eliminated; relocation of burrowing owls, kit fox and badger known to occupy burrows within the development footprint; monitoring and design measures for evaporation ponds to minimize wildlife mortality as a result of water quality issues. The project proponent will be working directly with the Department to fund wildlife research to evaluate community level impacts to local wildlife as a result of the solar development as well as potential research on wildlife movement patterns within an adjacent area of BLM land identified by AGFD as a wildlife linkage.

#### **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 Department is currently reviewing technical reports used in the Environmental Impact Statement (EIS). The Department has commented on several of these reports and will continue to provide comments to the Forest Service (FS) as additional reports are released and reviewed. Several of the technical reports the Department would like to review have not yet made available to us. The draft EIS scheduled for review by cooperating agencies in April is yet incomplete. No revised timeline for the EIS has been announced by the FS who are renegotiating their memorandum of understanding with Rosemont.

#### **SunZia Transmission Line Project**

The Department continues to be actively involved in the proposed SunZia Southwest Transmission 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.

BLM is responsible for preparing an environmental impact statement (EIS), a draft of which is scheduled to be released in late 2010. Cooperating agencies involved in reviewing the EIS include the U.S. Army Corps of Engineers, U.S. Army White Sands Missile Range, U.S. Fish and Wildlife Service, New Mexico State Land Office, Arizona State Land Department, Arizona

Game and Fish Department, and numerous other local, tribal, and state agencies. Currently the SunZia project is in the public scoping phase.

Additional public scoping meetings were recently held to highlight a new alternative route/expanded study area south and west of the I-10 from Wilcox to Tucson. These routes are in addition to several originally proposed routes located in the vicinity of the San Pedro River and Sulphur Springs Valleys. Comments submitted to date on the proposed SunZia project have expressed concern for potential environmental impacts to: ranching, private lands property values, biological resources, visual resources, local economics, and unauthorized off-road traffic on the access roads.

## **Transportation**

### La Paz County Transportation Planning Study

Department personnel are participating in the Technical Advisor Committee (TAC) for the joint study conducted by La Paz County, the towns of Quartzite, the Colorado River Indian Tribes, and ADOT in order to prepare a comprehensive transportation plan and a Transportation Improvement Program. Department personnel also met with La Paz County on April 16, 2010 as the first step to begin the process of setting up a stakeholder meeting as part of the statewide effort to identify movement corridors at the county level by involving county, community development programs, and other stakeholders.

### SR 260 – Younger Ranch Development

Department personnel met with Ironside Engineering and Development, Inc. in Show Low concerning their Younger Ranch Development master plan. Younger Ranch Development is located along the north side of SR 260 where Cottonwood Wash crosses the highway. The Cottonwood Wash site is a likely priority location for a wildlife crossing structure for the future widening of this portion of SR 260. Department personnel are working with the developers to ensure that Cottonwood Wash remains a viable movement corridor across SR 260 and into the National Forests lands to the north of this private parcel.

## **Wildlife Linkages/Corridors**

### Coconino County

As a follow up to our successful stakeholders' workshop in Flagstaff on March 2<sup>nd</sup>, the Department has been collecting input on wildlife corridor locations from stakeholders who were not able to attend the workshop. We have met with biologists from the Hopi Nation, and hope to receive input from biologists and land use planners from the Navajo Nation and other agencies in the near future. We will compile this information in a county-wide report of all stakeholder-identified linkage areas in Coconino County including Geographical Information System (GIS) maps and an associated database, following development of a template for county-specific reports being developed by an internal Department wildlife linkages working group. We are reviewing the stakeholder input we received during the March workshop concerning the selection of high-priority linkage areas for fine-scale GIS corridor modeling, and have received habitat suitability data from a range of regional species experts on focal species which we will incorporate into the modeling effort.

### Pinal County Wildlife Linkages Workshop

A Wildlife Linkages Workshop is scheduled for Pinal County on May 5<sup>th</sup> in Florence. Similar workshops have been held with stakeholders in Yavapai, Coconino, and Maricopa Counties. Stakeholders in the Pinal County workshop will refine the results in the 2006 Arizona Missing Linkages Report at the county scale. Specifically, participants will identify (on maps) large blocks of habitat or designated open space, existing and future developments, roads, and other barriers to wildlife movement, and important corridors connecting open spaces.

#### Pinal County Open Space Summit Steering Committee

The Pinal County Open Space Summit Steering Committee was chartered by the Pinal Partnership (a coalition of community, business, educational, and governmental leaders) with the mission to “improve research, planning, and coordination of private and public efforts related to infrastructure, natural resources and community development in Pinal County.” The Department, Pinal County, State Land, USFWS, Sonoran Institute, and a landowner/developer participate on the committee. Pinal County Open Space Summit Steering Committee is tasked with creating a venue (i.e. summit) for stakeholders to candidly discuss open space issues in Pinal County, develop stakeholder consensus, and produce a “product” (e.g., map) stakeholders can use when considering development issues. Department participation ensures wildlife habitat and local corridors are considered during open space planning.

#### Northwest Cochise County-Benson Transportation Planning Project

The Department continues to work with the Arizona Department of Transportation, Cochise County, and the City of Benson in preparing a long-range transportation plan for northwest Cochise County. The objective of the transportation plan is to anticipate future needs due to an increase in traffic volume. Northwest Cochise County study area is approximately 234 square miles, divided by 3 major roadways (i.e., I-10, SR 80, and SR 90), two railroads, San Pedro River, and a few communities (e.g., Benson, St. David). Potential projects, strategies, recommendations, and actions are currently being developed for years 2020 and 2040. Department staff provides input to ensure any planned structures (e.g., roadways, bridges, fences, culverts) minimize impacts on wildlife. The northwest section of Cochise County is of particular interest to the Department because three potential wildlife linkage corridors pass through the planning area.

# Hunt Permit-tag Application Schedule – Fall 2010

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

<b>Drawing</b>					
	<b>ACCEPTANCE DATES<sup>1</sup></b>	<b>CORRECTION PERIOD<sup>2</sup></b>	<b>DEADLINE DATES<sup>3</sup></b>		
<b>HUNT</b>	<b>Applications accepted on or after:</b>	<b>Deadline 5 p.m. (MST) in Department offices</b>	<b>Deadline 7 p.m. (MST) in Department offices on:</b>	<b>Hunt permit-tags mailed out by</b>	<b>Refund warrants mailed out by:</b>
Deer	(See notes 1, 2, 3)	May 27, 2010	June 8, 2010	Aug. 13, 2010	Sept. 3, 2010
Turkey	(See notes 1, 2, 3)	May 27, 2010	June 8, 2010	Aug. 13, 2010	Sept. 3, 2010
Javelina	(See notes 1, 2, 3)	May 27, 2010	June 8, 2010	Aug. 13, 2010	Sept. 3, 2010
Bighorn Sheep	(See notes 1, 2, 3)	May 27, 2010	June 8, 2010	Aug. 13, 2010	Sept. 3, 2010
Buffalo	(See notes 1, 2, 3)	May 27, 2010	June 8, 2010	Aug. 13, 2010	Sept. 3, 2010
Pheasant	(See notes 1, 2, 3)	May 27, 2010	June 8, 2010	Aug. 13, 2010	Sept. 3, 2010
Sandhill Crane	Aug. 2, 2010 <sup>4</sup>	N/A	Aug. 31, 2010 <sup>4</sup>	Sept. 20, 2010	N/A
Raptor	Feb. 22, 2011 <sup>4</sup>	N/A	March 15, 2011 <sup>4</sup>	March 22, 2011	N/A

<b>First Come</b>		
	<b>Applications accepted by mail on or after 8:00 a.m. (MST):</b>	<b>Permits available for purchase at all Department offices after 8:00 a.m. (MST):</b>
<b>HUNT</b>	<b>ACCEPTANCE DATES</b>	<b>ACCEPTANCE DATES</b>
Deer	Aug. 2, 2010 <sup>5</sup>	Aug. 9, 2010 <sup>5</sup>
Turkey	Aug. 2, 2010 <sup>5</sup>	Aug. 9, 2010 <sup>5</sup>
Javelina	Aug. 2, 2010 <sup>5</sup>	Aug. 9, 2010 <sup>5</sup>
Bighorn Sheep	Aug. 2, 2010 <sup>5</sup>	Aug. 9, 2010 <sup>5</sup>
Buffalo	Aug. 2, 2010 <sup>5</sup>	Aug. 9, 2010 <sup>5</sup>
Pheasant	Aug. 2, 2010 <sup>5</sup>	Aug. 9, 2010 <sup>5</sup>
Sandhill Crane	Sept. 20, 2010 <sup>4</sup>	N/A
Raptor	March 29, 2011 <sup>4</sup>	N/A

## Notes:

- The Department will accept Hunt Permit-tag Applications for big game and Pheasant listed above as soon as the applicable year's hunt information is available on the Department's Web site ([www.azgfd.gov](http://www.azgfd.gov)), or from any Game and Fish Department office or license dealer, unless otherwise noted in the Hunt Permit-tag Application schedule. Please consult the regulation booklet for eligibility and requirements before submitting your application.
- If a paper Hunt Permit-tag Application that is submitted contains an error and is received by May 27, 2010, 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.
- Sandhill Crane and Raptor applications are accepted by mail only at the following addresses: P.O. Box 74020, Phoenix, AZ 85087-1052; or at 5000 W. Carefree Highway, Phoenix, AZ 85086-5000. These applications may not be hand delivered to any Department office.
- 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](http://www.azgfd.gov) or at any Department office.