

Minutes of the Meeting of the  
Arizona Game and Fish Commission  
Friday, August 6, 2010  
Saturday, August 7, 2010  
Arizona Game and Fish Department  
5000 West Carefree Highway  
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director and Staff)

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

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

Chairperson Martin called the meeting to order on Friday, August 6, 2010 at 8:00 a.m. This meeting followed an agenda revision #1 dated August 4, 2010. The Commission went directly into Executive Session.

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#### 1. Executive Session

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

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

**Vote:** Unanimous

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The Public Meeting reconvened at 10:27 a.m.

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

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#### Awards and Recognition

The following new recruits were introduced by Director Voyles and sworn in by Chairperson Martin:

Wildlife Managers: Jason Capps, Bryan Marshall, Benjamin Shelby, Tim Shurtliff, Colby Walton.

OHV Law Enforcement Specialists: Dave Mayer, Geoffrey Hossack.

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## 2. Litigation Report

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

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## 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:

### Interim Activities

#### Call for Legislative Bill Proposals

- The Department is collecting proposals for bills to run in the next session as approved by the Commission. The deadline for internal submission is Friday, August 13. The Department will be presenting these to the Commission at the September meeting.

#### 3-Day Special Session - August 9-11

- The Governor issued a call yesterday for a 3-Day Special Session to fix language of Prop 108.

#### JCCR Hearing

- Hearing scheduled for August 11 for approval to begin NASR Project.

#### Department Legislative Tours

- Tour scheduled for next week cancelled because of the 3-day Special Session
- Given the 18 month perpetual session, and campaigns, not a great deal of interest in tours this summer. Some interest from members, mostly staff
- Adobe Mountain (Member Assistants) & more trips to this facility to be scheduled
- Sipe Wildlife Area Tour– Cancelled
- Patterson – Tucson Tours (OHV & Sabino Tram Tour)
- Commissioners are invited to all tours.

### Congressional Update

In Recess, August 9 -September 10 (House to reconvene for consideration of State Aid). 111th Congress is nearing an end. After Recess, they still have to deal with elections, FY-11 budget, and a few other high-profile measures. The Department is still reviewing some of the measures, however all of the bills being reviewed are in the Legislative Update.

#### Mojave County Land Exchange - Tri-State Shooting Range, HR 2100 and SB 3565

- Senators John McCain, and Jon Kyl have written a letter to the Chair of Senate Natural Resource Committee requesting a hearing for SB 3565. It may not succeed in passing this Congress
- HR 2100 Concerns:
  - Categorical exclusions listed under NEPA, non-conveyance is an option, which this language does not allow as it states that land *SHALL be conveyed*
  - The language references Department throughout – not statutorily permissible
  - That the administrative costs *SHALL* be paid by Department, suggesting that whether standards had been met, those costs would need to be paid.
- SB 3565 Remedies:
  - Citing an EA, dated 2/8/10, as sufficient compliance with NEPA and NHP AND that the EA record shall not be subject to judicial review
  - Strikes *Department* throughout and inserts *Commission*
  - The Administrative cost subsection has been changed to reflect that *IF Commission* accepts the conveyance, that at that time they would pay administration costs

**Motion:** Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO SUPPORT SB 3565.

**Vote:** Unanimous

#### HR 6028 Gray Wolf

- Recently dropped by Chet Edwards (TX); Very simple language – Amends ESA to include: (4) The Gray Wolf (*Canis lupus*) shall not be treated as an endangered species or threatened species for purposes of this Act.

#### HR 5804 Billfish Conservation Act

- Recently dropped by Arizona's CD-3 member, John Shadegg; Defines several species of billfish; Language simple: Prohibition- No person shall offer for sale, sell, import, or export, or have custody, control, or possession of for purposes of offering for sale, selling, importing, or exporting, billfish or products containing billfish; Establishes penalties under Magnuson-Stevens Fishery Conservation and Management Act.

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

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

A copy of the Lands Update report (attached) was provided to the Commission prior to this meeting and was available to the public. The update addressed the latest developments relating

to the implementation of land and resource management plans and projects on private, state and federal lands in Arizona and other related matters, and included decisions or activities since the June 2010 Commission meeting. This update is in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding decisions and actions on all State and Federal lands in Arizona.

Mr. Avey provided one additional update. The Western Governors' Association (WGA) has initiated a pilot project related to the Wildlife Corridors and Crucial Habitats Initiative. The Department has elected to participate in the project along with Utah, Nevada, and California. About \$400,000 has been dedicated from the Department of Energy to participate in this effort. The Department is also elevating efforts with the federal agencies, primarily the BLM, USFWS and Bureau of Reclamation to have some of those products from the WGA efforts recognized in the Landscapes Conservation Cooperatives and the Rapid Eco-Regional Assessments.

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## 5. Consent Agenda

The following items were grouped together and noticed as consent agenda items to expedite action on routine matters. These items were provided to the Commission prior to this meeting and the Department requested that the Commission approve these matters as presented, subject to approval or recommendations of the Office of the Attorney General. Director Voyles presented each item to the Commission and items b and c were removed from the consent agenda.

### a. Request for the Commission to Approve an Agreement with the Federal Aviation Administration (FAA) to Develop and Maintain a Non-Directional Aircraft Landing Beacon at the Three Points Shooting Range, in Pima County, Arizona.

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

Since 1980 the Arizona Game and Fish Commission (Commission) has leased a small portion (approx 1/3 acre) of the Three Points Shooting Facility to the Federal Aviation Administration (FAA) for the purpose of developing and maintaining a Non-Directional Beacon necessary to assist in the safe landing of airplanes at Ryan Field. The current 10-year agreement expires on September 30, 2010. As provided for in the current agreement, FAA has requested to renew the agreement for an additional five years. The five-year agreement authorizes the FAA ingress and egress to and from the site as well as the authority to perform all necessary maintenance on the equipment. The agreement includes an annual rental fee of \$2,400.00. The Department has reviewed the potential impacts of the proposed uses and has determined that the terms of this agreement will not negatively impact nor change the original uses of the Three Points Shooting Facility. Furthermore, the Department has determined that the purposes and terms of the agreement to be in the best interest of the Commission's resource values, goals and mission, and of the State of Arizona.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE AN AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION TO DEVELOP AND MAINTAIN A NON-DIRECTIONAL AIRCRAFT LANDING BEACON AT THE THREE POINTS SHOOTING RANGE FACILITY, PIMA COUNTY, ARIZONA, AND TO

AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

d. Request for the Commission to Approve a Memorandum of Understanding with BLM for the Development of the Restoration Design Energy Project Environmental Impact Statement (EIS)

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

The BLM and the Department are currently developing an Environmental Impact Statement (EIS) for the Restoration Design Energy Project. The Bureau of Land Management Restoration Design Energy Project, funded under the American Recovery and Reinvestment Act (ARRA) of 2009, supports the goals of building America's energy resources and protecting and restoring treasured landscapes. The purpose of this initiative is to identify disturbed or previously developed sites in Arizona that can be made available for renewable energy projects. A public process that includes an Environmental Analysis will evaluate the suitability of sites for the development of renewable energy and other alternative land uses.

Potential sites are public and private lands that may require remediation or do not have higher resource values. The types of sites that may be considered are: Hazardous material sites or brownfields; Mine sites; Former landfills; Inactive mineral material sites or gravel pits; Damaged sites with limited restoration potential; Sites with very limited productivity due to a disruption of natural processes. This list is not all-inclusive. Other types of sites may be equally worthy to submit for consideration. In addition to restoration potential, sites will be evaluated on their technical suitability for alternative energy development (e.g., ability to connect to transmission, relationship to a source of demand, reliance on additional water allocation).

The Department requested to have Cooperating Agency status in the development of the EIS. The purposes of this MOU are:

- To designate Arizona Game and Fish Department as a Cooperating Agency in the Restoration Design Energy Project EIS process
- To provide a framework for cooperation and coordination among BLM and the Department that will ensure successful completion of the Restoration Design Energy Project EIS in a timely, efficient, and thorough manner
- To recognize that the BLM has the responsibility for the completion of the Restoration Design Energy Project EIS and their respective Records of Decision (RODs)
- To describe the respective responsibilities, jurisdictional authority, and expertise of each of the Parties in the Restoration Design Energy Project EIS process.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING TO ALLOW THE DEPARTMENT TO BE A COOPERATING AGENCY IN THE DEVELOPMENT OF THE RESTORATION DESIGN ENERGY PROJECT ENVIRONMENTAL IMPACT STATEMENT (EIS) AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THIS COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED AND APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

e. Request for Commission to Approve an Agreement with the Maricopa County Parks and Recreation Department to Permit a Section of the Maricopa County Trail System to Traverse a Portion of the Ben Avery Shooting Facility.

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

Maricopa County Parks and Recreation Department has requested that the Commission permit incorporation of an existing dirt maintenance roadway located on the northwest corner of the Ben Avery Shooting Facility (BASF) into the existing Maricopa County Trail system. Public access will be restricted to non motorized vehicle travel via the installation of step over gates at both entrances to the BASF. Trail users will be restricted from accessing the shooting areas of BASF by a 3-strand barbed wire fence to be erected along the entire length of the roadway (trail). The agreement contains a termination clause with a 30-day notice. The Shooting Ranges Branch has determined that the trail will not diminish the use of the property as a shooting range and would be in the furtherance of the public interest.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE AN AGREEMENT WITH THE MARICOPA COUNTY PARKS AND RECREATION DEPARTMENT TO PERMIT A SECTION OF THE MARICOPA COUNTY TRAIL SYSTEM TO TRAVERSE A PORTION OF THE BEN AVERY SHOOTING FACILITY AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THIS COMMISSION, TO EXECUTE THE AGREEMENT(S) AS RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

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

**Presenter:** Rod Lucas, Mesa Regional Supervisor

This agreement is a culmination of efforts by the Department and the City of Eloy to recognize and manage hunting with firearms as a safe and important activity in the local area, and to pursue an agreement that would allow for the continuation of hunting with firearms within Eloy, including any future annexations. Some of the land that lies within the incorporated boundary of Eloy is excellent small game habitat, and receives significant use by Arizona hunters. This agreement would permit hunting with firearms as long as other laws were followed, such as no shooting within a quarter mile, misuse of firearms, etc., and in areas deemed safe to hunt. Department and Eloy officials initiated the necessary process and have completed an appropriate agreement to allow for hunting with firearms in the City of Eloy.

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

g. Intergovernmental Agreement between the Arizona Game and Fish Commission and the Town of Marana regarding hunting with firearms within city limits.

**Presenter:** Raul Vega, Tucson Regional Supervisor

This agreement is a culmination of efforts by the Department and the Town of Marana to recognize and manage hunting with firearms as a safe and important activity in the local area, and to pursue an agreement that would allow for the continuation of hunting with firearms within Marana, including any future annexations. Some of the land that lies within the incorporated boundary of Marana is excellent small game habitat and receives significant use by Arizona hunters. This agreement would permit hunting with firearms as long as other laws were followed, such as no shooting within a quarter mile radius of occupied structures, in relationship to roads, etc., and in areas deemed safe to hunt. Department and Marana officials initiated the necessary process and have completed an appropriate agreement to allow for hunting with firearms in the Town of Marana.

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

h. Consideration of Memorandum of Understanding (MOU) to Establish Cooperating Agency Status with the Colorado Division of Wildlife

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

In 2001, a MOU was entered into with the Colorado Division of Wildlife for joint investigative assistance on covert wildlife investigations. The MOU expired in 2006 and a renewal is necessary to continue investigative assistance among the two agencies.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT AND THE COLORADO DIVISION OF WILDLIFE AND AUTHORIZE THE DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

i. Request for the Commission to approve a new Memorandum of Understanding with Iberdrola Renewables to cooperate on mutually beneficial wildlife projects.

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

Iberdrola Renewables has identified wildlife research and monitoring needs as an important component of alternative energy projects within Arizona. Iberdrola Renewables has a need for wildlife expertise to work with engineers and planners to investigate wildlife concerns related to resource projects. The Department has the expertise and experience to help Iberdrola Renewables make informed decisions about and minimize impacts to wildlife resources. Therefore, matching the Department's expertise with Iberdrola Renewables' 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 WITH IBERDROLA RENEWABLES FOR THE COMMON PURPOSE OF DEVELOPING WILDLIFE RESEARCH AND MONITORING PROJECTS AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE

COMMISSION, TO APPROVE THE AGREEMENT AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

**Motion:** Harris moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEMS A, D, E, F, G, H and I AS PRESENTED.

**Vote:** Unanimous

Commissioner Freeman recused himself from voting on consent agenda items b and c. He doesn't feel there is a conflict, but he is under contract with the Bureau of Reclamation for work at Glen Canyon Dam.

b. Request for the Commission to Approve a Memorandum of Understanding with Bureau of Reclamation (BOR) to be a Cooperating Agency for the Nonnative Fish Control Below Glen Canyon Dam Environmental Assessment.

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

The Department has a long history of coordination and cooperation with the Bureau of Reclamation (BOR) regarding the operation of Glen Canyon Dam (Dam). The Dam creates Lake Powell as well as the tailwater below, referred to as Lee's Ferry. The trout fishery at Lee's Ferry was established in coordination with BOR in the early 1960s. The Department has served as a contractor for BOR in Glen and Grand Canyon research and monitoring activities since 1982, and the Department served as a Cooperating Agency on the Environmental Impact Statement that modified operations of the Dam in the early 1990s.

Through this Memorandum of Understanding, and in compliance with the National Environmental Policy Act (NEPA), the Department and the Upper Colorado Region of the Bureau of Reclamation agree to cooperate on the Environmental Assessment. Because the proposal is related to fish and the blue ribbon trout fishery at Lee's Ferry, the BOR has asked the Department to serve as a cooperating agency in the NEPA compliance process. This Memorandum of Understanding (MOU) provides the framework with regard to development of the BOR Environmental Assessment, defines the respective roles and responsibilities of the two agencies, identifies BOR as the lead Federal agency and affirms the commitment of the BOR to fully consider the views of the Department. This document designates the Department as a cooperating agency in the environmental assessment.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE BUREAU OF RECLAMATION TO ALLOW THE DEPARTMENT TO BE A COOPERATING AGENCY IN THE NATIONAL ENVIRONMENTAL POLICY ACT PROCESS CONCERNING THE NONNATIVE FISH CONTROL BELOW GLEN CANYON DAM AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THIS COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

**Motion:** Woodhouse moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEM B AS PRESENTED.

**Vote:** Unanimous  
4 to 0  
Freeman recused

c. Request for the Commission to Approve a Memorandum of Understanding with Bureau of Reclamation (BOR) to be a Cooperating Agency for the High Flow Experimental Protocol for Releases From Glen Canyon Dam Environmental Assessment.

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

The Bureau of Reclamation (BOR) is undertaking development of an Environmental Assessment to establish protocols that would guide future experimental high flow releases from the Glen Canyon Dam (Dam) as part of the Adaptive Management Program established as a result of the Environmental Impact Statement and the passage of the Grand Canyon Protection Act (1992). During scoping for this Environmental Assessment, the Department expressed a desire to serve as a Cooperator, and BOR has since invited Department cooperation.

Through this Memorandum of Understanding, and in compliance with the National Environmental Policy Act (NEPA), the Department and the Upper Colorado Region of the Bureau of Reclamation agree to cooperate on the Environmental Assessment. Because high flow releases from the Dam have the potential to affect fish and wildlife resources and wildlife-associated recreation, the BOR has asked the Department to serve as a cooperating agency in the NEPA compliance process. This Memorandum of Understanding (MOU) provides the framework for development of the BOR Environmental Assessment, defines the respective roles and responsibilities of the two agencies, identifies BOR as the lead Federal agency and affirms the commitment of the BOR to fully consider the views of the Department. This document designates the Department as a cooperating agency in the environmental assessment.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE BUREAU OF RECLAMATION TO ALLOW THE DEPARTMENT TO BE A COOPERATING AGENCY IN THE NATIONAL ENVIRONMENTAL POLICY ACT PROCESS CONCERNING THE HIGH FLOW EXPERIMENTAL PROTOCOL AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THIS COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

**Motion:** Husted moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEM C AS PRESENTED.

**Vote:** Unanimous  
4 to 0  
Freeman recused

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6. Call to the Public

There were no requests to speak to the Commission.

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7. Request to approve the Department's recommendation to submit a request to the Governor's Office for permission to amend rules within Article 1 that meet current exception criteria as prescribed under House Bill 2260, Section 28.

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

House Bill 2260 continues the statutory moratorium on agency rulemaking activities until June 30, 2011. Section 28(B) outlines reasons agencies may submit an exception request to the Governor's Office to continue rulemaking during the moratorium if rules meet this specified criteria. Section 28(C) specifies that "an agency shall not conduct any informal or formal rule making pursuant to this section without the prior written approval of the office of the governor." An agency requesting an exception to the moratorium under Section 28(B) must submit a written request to the Governor's Office, who will determine if an exception may be granted. The written request must clearly identify the exception criteria the rule meets and the date on which the agency's decision making body granted the Department permission to request the exception.

The Department requested permission to move forward with amendments proposed in the Article 1 Five-year Review Report approved by the Commission on October 10, 2008. The Department proposes to amend R12-4-108 Management Unit Boundaries to update game management unit boundary descriptions. This rulemaking meets the criteria prescribed under Section 28(B) (7), which allows an agency to pursue rulemaking that eliminates or replace archaic rules. The Department also proposes to amend R12-4-121 Big Game Permit or Tag Transfer to allow a legal guardian or grandparent to transfer tags to their minor child or grandchild. This is in response to statutory amendments made to A.R.S. § 17-332 September 2007. This rulemaking meets the criteria prescribed under Section 28(B) (7), which allows an agency to pursue rulemaking that eliminates or replace archaic rules.

If the Commission votes to allow the Department to request an exception, the Rules and Risk Section will submit a letter to the Governor's Office, requesting permission to proceed with rulemaking to amend R12-4-108 and R12-4-121. If the Governor's Office approves the Department's exception request, the Department will initiate rulemaking designed to implement the amendments proposed above. Rulemaking documents will be presented to the Commission for review and approval at some point in the future, provided the Governor's office grants the exception request. If the Governor's Office denies the Department's exception request, the Department will refrain from pursuing the rulemaking activities outlined above until the moratorium lifts next year.

**Motion:** Freeman moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE THIS RECOMMENDATION FOR SUBMISSION TO THE GOVERNOR'S OFFICE, REQUESTING PERMISSION TO INITIATE RULEMAKING TO AMEND R12-4-108 AND R12-4-121.

**Vote:** Unanimous

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8. Request to approve the Department's recommendation to submit a request to the Governor's Office for permission to amend rules within Article 2 that meet current exception criteria as prescribed under House Bill 2260, Section 28.

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

The Department requested permission to move forward with amendments proposed in the Article 2 Five-year Review Report approved by the Commission on September 5, 2008. The Department proposes to amend R12-4-202 Disabled Veteran's License to remove the requirement that the certification, issued by the Disabled American Veteran's Organization, include the applicant's date of birth. The date of birth information is not consistently provided on the certification creating additional work for the applicant and Department employees. The Department does not use this information for verification purposes and removing it will increase customer service. The rulemaking updates an outdated process and reduces the burden on regulated individuals. This rulemaking meets the criteria prescribed under Section 28(B) (7), which allows an agency to pursue rulemaking that eliminates or replace archaic rules.

If the Commission votes to allow the Department to request an exception, the Rules and Risk Section will submit a letter to the Governor's Office, requesting permission to proceed with rulemaking to amend R12-4-202. If the Governor's Office approves the Department's exception request, the Department will initiate rulemaking designed to implement the amendments proposed above. Rulemaking documents will be presented to the Commission for review and approval at some point in the future, provided the Governor's office grants the exception request. If the Governor's Office denies the Department's exception request, the Department will refrain from pursuing the rulemaking activities outlined above until the moratorium lifts next year.

**Motion:** Harris moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE THIS RECOMMENDATION FOR SUBMISSION TO THE GOVERNOR'S OFFICE, REQUESTING PERMISSION TO INITIATE RULEMAKING TO AMEND R12-4-202.

**Vote:** Unanimous

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9. Request to approve the Department's recommendation to submit a request to the Governor's Office for permission to amend rules within Article 4 that meet current exception criteria as prescribed under House Bill 2260, Section 28.

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

The Department requested permission to move forward with amendments proposed in the Article 4 Five-year Review Report approved by the Commission on February 7, 2009. The Department proposes to amend R12-4-406 Restricted Live Wildlife to revise Group Order, Family, Genus, and Species names throughout the rule to reflect current taxonomy, categorize all birds listed in Migratory Bird Treaty Act (MBTA) as restricted wildlife, and categorize all endangered species as restricted live wildlife. This rulemaking meets the criteria prescribed under Section 28(B) (7), which allows an agency to pursue rulemaking that eliminates or replace archaic rules. These

amendments replace outdated information and align the rule with federal requirements currently in place. In addition, the Department proposes to amend R12-4-406 to expand the restricted primates list to include all non-human primates to protect the public, health, welfare, and safety as primates have the potential to carry dangerous zoonotic diseases that can have a significant impact on human health. This rulemaking meets the criteria prescribed under Section 28(B)(3), which allows an agency to pursue rulemaking to prevent a threat to the public health, peace or safety. The Department also proposes to amend R12-4-426 Possession of Primates to pursue rulemaking necessary to ensure human health and safety regarding the possession of primates. The Department determined that amending R12-4-406 will impact R12-4-426, and recommended amending both rules simultaneously to ensure they remain in alignment. This rulemaking meets the criteria prescribed under Section 28(B)(3), which allows an agency to pursue rulemaking to prevent a threat to the public health, peace or safety.

If the Commission votes to allow the Department to request an exception, the Rules and Risk Section will submit a letter to the Governor’s Office, requesting permission to proceed with rulemaking to amend R12-4-406 and R12-4-426. If the Governor’s Office approves the Department’s exception request, the Department will initiate rulemaking designed to implement the amendments proposed above. Rulemaking documents will be presented to the Commission for review and approval at some point in the future, provided the Governor’s office grants the exception request. If the Governor’s Office denies the Department’s exception request, the Department will refrain from pursuing the rulemaking activities outlined above until the moratorium lifts next year.

**Motion:** Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THIS RECOMMENDATION FOR SUBMISSION TO THE GOVERNOR’S OFFICE, REQUESTING PERMISSION TO INITIATE RULEMAKING TO AMEND R12-4-406 AND R12-4-426.

**Vote:** Unanimous

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10. Non-game Subprogram Activities Briefing: April 1, 2010 through July 31, 2010

**Presenter:** Eric Gardner, Chief, Nongame Branch

Mr. Gardner provided the Commission with a written briefing (available to the public) and a Power Point presentation on Nongame Subprogram activities from April 1, 2010 through July 31, 2010. Highlights from the briefing as well as significant updates that occurred since the briefing was written were provided in the presentation including the following:

Threatened, Endangered and Candidate Status Species in Arizona:

| Status | Historic Range Only, No Active Management Program | Historic Range, Not Known to be Present but Active or Potential Management | Recently Documented | Working Total |
|--------|---|--|---------------------|---------------|
|        |   |  |                     |               |

|            |                  | Programs                    |    |    |
|------------|------------------|-----------------------------|----|----|
| Endangered |                  | 2 (Aplomado falcon and TBP) | 26 | 28 |
| Threatened | 1 (grizzly bear) |                             | 13 | 13 |
| Candidate  |                  |                             | 16 | 16 |

#### WildEarth Guardians' Petition to List Black-footed Ferret 10j Populations

- USFWS treated petition pursuant to the Administrative Procedures Act; Department sent letter requesting USFWS respond and support role of 10j populations
- USFWS denied the petition on May 13, 2010; Cited “retracting the 10j status would be extremely detrimental”

#### WildEarth Guardians' Lawsuit and Appeal of Designating the Aplomado Falcon a 10j Population

- USFWS designated Arizona and New Mexico in 2006 as a 10j population to begin reintroduction efforts
- Lawsuit filed by WildEarth Guardians in 2008 because of sightings of aplomado falcons in the 10j area. Said the USFWS lessen protections afforded the species in New Mexico
- USFWS contended that sightings do not constitute a population. Court agreed
- 2010 Appellate court sided with the USFWS.

#### Petition to List the Mexican Wolf as a Subspecies and Designate Critical Habitat

- August 2009 the USFWS received multiple petitions from the Center for Biological Diversity and WildEarth Guardians' to List the Mexican Wolf as a Subspecies or Distinct Population Segment and Designate Critical Habitat
- USFWS announced a positive 90 day finding on August 4, 2010
- USFWS is undergoing a Status Review to determine if listing is needed under the ESA per the petition.

#### Page Springsnail Conservation

- Department staff recently found >100 springsnails inhabiting the Bass House Spring artificial channel
- Springsnails had been extirpated from Bass House Spring for decades, but a few had survived in the weir box for that site
- The artificial channel was built with AZ Heritage Funds in 2005 to help reestablish this snail population
- The reestablishment of this population helps meet one of the conservation goals under the Page Springsnail CCAA, which was signed Oct 2009

#### International & Borderlands Program - Black-tailed Prairie Dog Colonies in Northern Sonora

- The Department continues working on the reintroduction of the species back into Arizona
- Colonies are located within 30 miles south of the Huachuca Mountains

- The purpose of the trip was to establish some local contacts and initiate a population assessment of those colonies

#### Black-tailed Prairie Dog

- Population counts increasing after winter
- Reproduction occurring at both sites - 16 pups
- Next release: Fall 2010
- Source population from Sonora Mexico

#### Administrative Work Accomplished by Department

- Section 7 Sportfish Consultation
- CMS Federal Compliance Documentation - Aquatic and Terrestrial Activities
- SWG Federal Compliance Documentation
- Job Statements, Budgets and Performance Reports
- 10(a)(1)(A) Permit

#### Endangered Species Act Training

- >225 attendees Department wide - 8 to 16 hrs training (8 hrs LE credit for officers)
- Next training date: October 4 & 5

#### Public Comment

Stephanie Nichols-Young, Animal Defense League of Arizona: Appreciates these updates and what the Department has put into these species; expressed concern about wolves that have been shot; encouraged the Department to aggressively investigate those shootings and offered ADLA assistance.

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#### 11. Law Enforcement Program Briefing

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

Mr. Elms briefed the Commission on activities and developments relating to the Department's Law Enforcement Program. This briefing was in fulfillment of the Commission's request to be briefed on a monthly basis regarding activities and developments relating to the Department's Law Enforcement Program. The Commission was provided with a written report and a Power Point presentation by Mr. Elms which highlighted the following information: New AR-15 Transfers/Training, Watercraft Checkpoints, Agency Partnership – Schultz Fire, Wildlife Violator Compact.

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Meeting recessed for lunch at 11:37 a.m.

Meeting reconvened at 1:12 p.m.

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#### 13. Proposed Translocation of Merriam's Turkeys to Utah

**Presenter:** Amber Munig, Acting Big Game Management Supervisor

Utah Division of Wildlife Resources has requested 30–60 Merriam's turkeys from Arizona to be used to restore turkey populations that were reduced in number as a result of winter weather during the winter of 2009–2010. The Arizona Game and Fish Department has been involved in a number of intrastate translocations of Merriam's turkeys over the past several years, and currently plans to only move a small number within Arizona this year. The Department anticipates that Merriam's turkeys will be available within Units 1 and 27 to provide turkeys to the State of Utah during the upcoming winter. However, due to the vagaries of turkey population dynamics and trapping success, a plan to accomplish the proposed translocation effort may best allow two years to complete.

Utah has cooperated on a number of wildlife translocation efforts with Arizona for several years. Since 1998, 360 pronghorn have been relocated from Utah to a variety of units within Arizona. Arizona has also received 40 blue (dusky) grouse and 140 Rio Grande turkeys from Utah in the last 5 years. In addition, Utah has provided assistance to Department personnel in 2 intrastate pronghorn translocations from Unit 19A to other units in Arizona. This assistance included traps, training, and oversight of trapping procedures until this past year when the Department was able to obtain and construct our own pronghorn corral trap. Pursuant to Department Policy II.2 Game Animal Translocation Procedures, subsection C, translocation of big game animals for population reestablishment requires the approval of the Arizona Game and Fish Commission.

#### Public Comment

Rich Williams, AZ Chapter, National Wild Turkey Foundation: Supports this request for translocation of Merriam's turkeys to Utah.

**Motion:** Woodhouse moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE TRANSLOCATION OF UP TO 50 MERRIAM'S TURKEYS EACH YEAR DURING THE WINTERS OF 2010–2011 AND 2011–2012.

**Vote:** Unanimous

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#### 14. A Briefing on Activities By The National Wild Turkey Federation, primarily within Arizona

**Presenter:** Brian F. Wakeling, Game Branch Chief

Mr. Wakeling introduced Scott Lerich, Regional Biologist with the National Wild Turkey Federation (NWTF), who works in Arizona and New Mexico. Mr. Lerich provided a briefing to the Commission on activities that the NWTF and their volunteers and chapters have been involved with in Arizona.

The National Wild Turkey Federation (NWTF) is a national nonprofit conservation and hunting organization that, along with its volunteers, partners, and sponsors, has worked for the conservation of the wild turkey and preservation of our hunting heritage. When the NWTF was

established in 1973, there were only 1.3 million wild turkeys. Today that number stands at more than seven million birds throughout North America, and hunting seasons have been established in 49 U.S. states, Canada, and Mexico. Since 1973 the NWTF has grown tremendously as have wild turkey populations throughout North America.

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Meeting recessed for a break at 1:39 a.m.

Meeting reconvened at 2:00 p.m.

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19. 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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Executive Session

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

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

**Vote:** Unanimous

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The Public Meeting reconvened at 4:38 p.m.

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19. (Continued) 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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15. Call to the Public

George Reiners, Member of the Board of Directors with the Yuma Valley Rod and Gun Club (called from Region IV Office): The YVRGC has approached Arizona Legislators in an effort to get ARS 17-309 amended to raise the take or possession of trophy or endangered wildlife to a

class 6 felony. The YVRGC requested that the Commission and the Department assist them in drafting bills that can be submitted in the House and Senate at the beginning of the next Legislative Session.

Terry B. Johnson, representing himself, read a statement to the Commission dated August 6, 2010, titled "Personal Statement from Terry B. Johnson Regarding Arizona Game and Fish Commission Civil Assessment for Unlawful Take of a Jaguar" (attached).

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**Motion:** Husted moved and Freeman second THAT THE COMMISSION VOTE TO ADJOURN FOR THE DAY.

**Vote:** Unanimous

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Meeting recessed for the day at 5:20 p.m.

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Meeting reconvened Saturday at 8:00 a.m.

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

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### 1. 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 May 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. The presentation included the following:

#### Ben Avery Shooting Facility (BASF) Master Plan Amendment

The Department requested Commission approval of an amendment to the BASF Master Plan. The amendment included 1) the Maricopa County trail alignment as approved by the

Commission as part of this meeting's consent agenda item #5e and 2) relocation of the proposed Clay Target Center Clubhouse (Maps were provided as part of the presentation).

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

**Vote:** Unanimous

### Northern Arizona Shooting Range

- The acquisition process is complete. The Foster Ranch property fulfills the Commission 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
- The Department will be meeting with the Coconino National Forest to discuss acquiring the Right-of-Way easement, the SUP application (80 acres), closure of a safety area north of the Range property, and to establish a timeline
- The Department is working with consultant to finalize the archeological survey to be submitted to SHPO for approval; SHPO will outline options for documenting structures that meet criteria for National or Arizona Register of Historic Places; the process includes mapping, cataloging, photos, and architectural detailing and is being completed with Department personnel; SHPO and other environmental compliance will need to be approved before ground disturbing activities begin
- In accordance with Title 17-602 (State Outdoor Shooting Range Noise Standards) the Department is conducting an initial sound study to establish baseline data for noise standards; the Commission is invited to participate in the sound study; the sound study is scheduled for the week of the 23rd of August
- Public Open House – The Department will be scheduling an Open House in September to provide the public an opportunity to view and provide input on range layout and design
- At the JCCR meeting scheduled for next week the Department is requesting approval to expend remaining the funds for development
- The Department will coordinate with the Law Enforcement Community, National Park Service and Coconino County in September
- The Department is developing a Gantt chart with estimated timelines and milestones for range pre-development and development schedules and establish timelines.

The Commission discussed the structures on the property, the SHPO process and requirements. Development Branch Engineer Fred Bloom addressed the Commission and answered questions. Mr. Bloom stated that whether any of the buildings are removed or not, there locations on the property will not be an impediment to the development of the property.

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### 2. Information, Education and Wildlife Recreation Activities Briefing

**Presenter:** Craig McMullen, Branch Chief, Wildlife Recreation Branch

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

Mr. McMullen provided the Commission with a Power Point presentation and briefing on the Wildlife Recreation Branch created in January 2010. The focus and purpose of the Wildlife Recreation Branch is to work towards and create the future condition in which the Department can say it has used its expertise to build a broad, informed citizenry that values wildlife and provides financial and political support for hunting, angling, wildlife viewing, and shooting sports, ensuring the Department's fiscal stability and authority to manage wildlife through the North American Model of Wildlife Conservation. This will be done by conserving Arizona's outdoor heritage through angling, hunting, shooting sports, wildlife viewing, marketing, and management. Some of the programs the Department participates in towards this effort includes: Hunter and Angler Recruitment and Retention projects, Hunting and Angling Heritage Workgroups, research, grants to fund recruitment and retention efforts, Equipment Loan Programs, Youth Game Camps, Shooting sports including the Scholastic Clay Target Program, Archery in the Schools, Watchable Wildlife Projects, and partnering with many active groups and organizations.

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### 3. Removal of the slot limit for bass on Roosevelt Lake

**Presenters:** Kirk Young, Fisheries Branch Chief, and  
Rod Lucas, Mesa Regional Supervisor

The Department recommended that the Commission remove the slot limit on Roosevelt Lake this coming October, during the normal Commission Order 40 process, effective January 1, 2011. In response to the Town of Payson's request to temporarily remove the slot limit on Roosevelt Lake from September 21 through 26, 2010 for a bass fishing tournament, Department Staff decided to bring forward the Commission Order 40 request for removing the slot limit on Roosevelt Lake in August. By removing the slot limit on Roosevelt Lake during the August Commission meeting, effective 10 days post-meeting, a "win-win" situation will be created for anglers of Arizona, the Town of Payson, and the Department. The proposed Regulation change is: Roosevelt Lake, the limit is 6 bass in any combination. The current Regulation is: The limit is 6 bass, of which no more than 1 bass between 13 and 16 inches (protected slot limit) in length may be in possession.

The current slot limit was first initiated in 1990 because of low bass catch rates resulting from high angler harvest. The regulation was revised in 2008 to allow one slot fish to be possessed. The objectives of the slot regulation were to increase the catch rate of bass in general by protecting adults and increase the average size of bass caught by making more 13-16 inch fish available. Biologists found during the late 1980s that bass catch rates were down to 0.12-bass-per-hour, which meant that the average angler caught one bass for every eight hours of fishing. In 1988-1989 (pre-slot) Roosevelt Lake was experiencing a 51% harvest rate on all bass caught (AGFD 1989) and in 1992 (post slot) anglers harvested 23% of bass caught (AGFD unpublished

data). Since 1992, little harvest information was collected at Roosevelt Lake due to lack of personnel and other priorities.

At the 2008 Commission meeting, the Department committed to evaluate the slot regulation and determine if the regulation was still necessary. In 2008, 2009, and 2010, Department personnel conducted creel and fish population surveys to evaluate Roosevelt Lake and the slot regulation. Results from these surveys indicate the bass population is healthy with all size classes represented. In fact, largemouth bass were the most abundant fish in Roosevelt Lake in 2008 and the second most abundant fish in 2009. A 12 month creel survey was completed in June, and catch rates were 0.5 fish/hr, and the harvest rate for all bass was less than 7% (preliminary unpublished AGFD data). This dramatic reduction in harvest is consistent with recent creel surveys on Saguaro, Canyon, and Apache reservoirs downstream of Roosevelt and likely reflect changing angler attitudes of bass fisherman practicing more “catch and release” behavior and possibly the recent mercury consumption advisory at Roosevelt Lake.

With low harvest rates, protected slot limits do little to affect the population demographic that they were instituted to achieve. Therefore, the current regulation is having little effect on the bass population on Roosevelt Lake and can be removed. The Department will repeat the creel and population survey in 2012 to ensure harvest rates and fish population factors remain sustainable.

#### Potential Benefits:

- Data driven management decisions applied on Roosevelt Lake
- Increase angler opportunity at Roosevelt Lake
- Simplification of regulations
- Potential boost to local economies.

#### Potential Drawbacks:

- Potential that the population could revert to pre-slot levels and the fishery would become “fished down” if harvest increases in response
- Follow up intensive monitoring of bass population and angler use to detect “trigger” points for re-establishing a slot limit and cost to the Department in resources and workload.

Mr. Young discussed some of the comments received by the public via a survey, public meetings, and the Department’s website. 85% were supportive and 15% were not supportive of this proposal. Some expressed concerns that this was a politically motivated change and not a biologically motivated change.

Chairperson Martin stated for the record that the Department was considering this change long before the City of Payson’s petition. The only effect the petition has had is to move this issue to this meeting instead of the October meeting. This proposed Commission Order change was already slated to come before the Commission in October.

#### Public Comment

The following addressed the Commission in support of the removal of the slot limit on Roosevelt Lake:

- Kenny Evans, Mayor, Town of Payson
- Denny Anderson, President, United AZ Anglers Foundation
- Don McDowell, Conservation Director, AZ Bass Federation Nation, Radio Talk Show Host, Shake Rattle & Troll Radio

**Motion:** Freeman moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE THE REMOVAL OF THE SLOT LIMIT AT ROOSEVELT LAKE.

**Vote:** Unanimous

(This motion was later amended to include an implementation date and other specifics)

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4. Town of Payson’s request for suspension of the protected slot limit at Roosevelt Lake per R12-4-611.

**Presenters:** Kirk Young, Fisheries Branch Chief, and  
Rod Lucas, Mesa Regional Supervisor

This item was moot following the Commission’s action taken on agenda item #3.

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Meeting recessed for a break at 9:18 a.m.

Meeting reconvened at 9:40 a.m.

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3. (re-opened) Removal of the slot limit for bass on Roosevelt Lake

**Presenters:** Kirk Young, Fisheries Branch Chief, and  
Rod Lucas, Mesa Regional Supervisor

The Commission re-voted on this item to add the implementation date and other specifics to their motion.

**Amended Motion:** Freeman moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE THE REMOVAL OF THE SLOT LIMIT AT ROOSEVELT LAKE: THE BAG AND POSSESSION LIMIT FOR BASS SHALL BE 6 BASS IN ANY COMBINATION AT ROOSEVELT LAKE, GILA COUNTY, EFFECTIVE 10 DAYS FROM THIS DATE.

**Vote:** Unanimous

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5. Request for Commission Approval for the Department to Complete Negotiations for the Acquisition of the Horseshoe Ranch in Yavapai County, Arizona.

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

The Department has been working with The Trust for Public Land on the purchase of the Horseshoe Ranch (Ranch), associated federal grazing allotments and water rights. The purchase will include 198.8 acres of deeded property along with the 32,388 acre Horseshoe Allotment and 35,899 acre Copper Creek Allotment. The Horseshoe Ranch is an in-holding within the Bureau of Land Management's Agua Fria National Monument. The proposed purchase will also include approximately ½ mile of the Agua Fria River on the deeded property. Additional portions of the Agua Fria River, Indian Creek and Silver Creek are located on the allotments.

The Western Yellow-billed cuckoo has been documented in the riparian habitats on the Ranch. The portions of Silver Creek and Larry Creek on the allotments support Gila chub and the portions of Larry Creek on the allotment also support Gila topminnow and Desert pupfish. The allotments include the core fawning habitat for the southern population segment of the Unit 21 pronghorn herd. In addition, reaches of the Agua Fria River and its tributaries, surrounding the subject property, have been designated an Important Bird Area by the National Audubon Society.

The Department proposes to use Heritage Funds as match to a proposed U.S. Fish and Wildlife Service Section 6 Recovery Land Acquisition award to acquire the deeded property. The funding package for the acquisition is contingent upon the Department receiving this award. To meet federal requirements for the Commission to retain legal control of the grazing allotment permits, the Commission will need to enter into agreements with the Bureau of Land Management, the United States Forest Service and a qualified livestock operator, who will be responsible for grazing livestock on the allotments.

The Department recommended that the Commission approve the Department completing the negotiations for the acquisition of the Horseshoe Ranch.

Commissioner Husted stated for the record that this motion is to approve the Department's continuation of negotiations and not completion of negotiations. It should be noted that this will come before the Commission a couple more times. This is an opportunity to involve new partners and to pursue an educational aspect, and to really think outside the box of the many possibilities associated with this property.

#### Public Comment

Karen LaFrance, Board Member, Sonoran Audubon Society, supports the Commission's acquisition of Horseshoe Ranch and offered the Audubon Society's assistance to the Department in developing new partnerships and in developing innovative ways to utilize the property.

**Motion:** Husted moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE DEPARTMENT'S CONTINUATION OF NEGOTIATIONS FOR THE ACQUISITION OF THE HORSESHOE RANCH AND ASSOCIATED HORSESHOE AND COPPER CREEK ALLOTMENTS LOCATED IN YAVAPAI COUNTY, ARIZONA.

**Vote:** Unanimous

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## 6. Call to the Public

There were no requests to speak at this time.

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## 7. Consideration of Proposed Commission Orders 5, 6, 8, and 9, for Spring 2011 Hunting Seasons.

**Presenter:** Brian F. Wakeling, Game Branch Chief

The Commission was asked to approve Commission Orders 5, 6, 8, and 9 (spring turkey, spring javelina, spring buffalo, and spring bear) establishing seasons and season dates, bag and possession limits, permit numbers, and open areas. A detailed description of all proposals was provided to the Commission prior to this meeting for review and consideration and was available for public review at all Department offices. An open house was held in each region where the public could review these hunt recommendations prior to the Commission meeting. The recommendations were also posted on the Department web site and press releases were provided to let the public know of their availability.

The Commission provided the Department with direction through the hunt guidelines approved in September 2009. The Department recommended juniors-only turkey hunting seasons that will be offered as over-the-counter permits in Units 1, 4A, 4B, 5A, 5B, 6B (except Camp Navajo), 7, 8, 10, 12A, and 27. Juniors harvested greater than 35% of the total spring harvest in Units 3C, 6A, and 23; therefore, according to guidelines, juniors-only spring turkey seasons will be permitted in those units. Over-the-counter permits were recommended for archery spring turkey hunts in Units 1, 4A, 4B, 12A, and 27. Juniors-only javelina permits were recommended at 1,025 permits, which comprise 3.7% of the spring permits. Javelina seasons in metro units are recommended as over-the-counter archery seasons. The Department recommended that several units be offered as over-the-counter general or archery bear hunts during the March 19–April 29, 2011 season.

As part of the individual recommendations for each Commission Order, the Commission was asked to approve a bonus point hunt number for each big game species.

### Commission Order 5 – Spring Turkey

For 2011, spring limited weapon shotgun shooting seasons were recommended at 7,249 permits, a 143-permit increase from last year. These permits are recommended during stratified seasons occurring April 22–28 and May 6–19 or April 29–May 19, 2011. Region 2 experienced some winter turkey mortality due to heavy snowfall; minor permit reductions were recommended for Units 6A, 7, and 9.

Spring seasons were again recommended for Gould's turkeys in Units 29, 31, 33, 34A, and 35A. The total number of permits recommended for Gould's is 34, a 2-permit decrease from last year.

Nonpermit limited weapon shotgun shooting shot seasons for juniors-only were recommended in Units 1, 4A, 4B, 5A, 5B, 6B (except Camp Navajo), 7, 8, 10, 12A, and 27. These permits would be unlimited in number and could be purchased over the counter. In 2010, juniors took greater than 35% of the total spring turkey harvest in Units 3C, 6A, and 23 therefore juniors-only limited weapon shotgun shooting shot seasons were recommended to be permitted and issued through the draw in those units with a total of 425 permits. The season dates for the juniors-only season were recommended to be April 15–21 and May 6–20, 2011.

Over-the-counter permits were recommended for archery spring turkey hunts in Units 1, 4A, 4B, 12A, and 27. Archery seasons were recommended to occur May 6–20, 2011.

### Public Comment

Rich Williams, Vice President, AZ State Board, National Wild Turkey Federation: Supports the Department's recommendation.

Howard Frampton, NWTF: Agrees with recommendation but has concerns about loss of opportunity for parents and grandparents to take their child with them.

Commissioner Harris confirmed with Mr. Wakeling that if you hunt in the last two weeks of the season, May 6-20, 2011, a junior and a tag holder can hunt together in that season so you can actually hunt with your child.

**Motion:** Harris moved and Freeman seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 5 – SPRING TURKEY, AS PRESENTED.

**Vote:** Unanimous

### Commission Order 6 – Spring Javelina

Actual permits (percentages) recommended for spring 2011 include 11,480 (43.5%) general, 9,375 (35.5%) archery, and 5,545 (21%) HAM. This no change for general permits, 35 permit increase for HAM, and 245 permit decrease for archery from last spring (however, several additional units are recommended for over-the-counter nonpermits tags). The Department also recommended 1,025 juniors-only javelina permits (5-permit increase from last spring), which comprises 3.7% of the total permits recommended. When considering the 800 fall juniors-only permits plus the 480 javelina companion tags to deer hunts authorized by the Commission for fall 2010, this brings the total allocation of juniors-only permits to 8.0% of the total permits recommended. This allocation is less than the 10% directed by the Commission, but exceeds the number of permits sold to juniors-only hunters in the last few years. Archery seasons were recommended to occur during January 1–20, 2011, juniors-only seasons during January 21–30, 2011, HAM seasons during February 4–13, 2011, and general seasons during February 18–24, 2011. Over-the-counter permits were recommended for archery hunts in metropolitan units, specifically Units 25M, 26M, 38M, and 47M, and in Units 1, 2A, 2B, 2C, 3A, 3B, 3C, 4A, 4B, 5A, 5B, 7, 8, and 9. Season dates for these units correspond with other archery season dates, specifically January 1–20, 2011.

Public Comment

Randy Phillips, Arizona Bowhunters Association: Recommended that the unused general tags be moved to over-the-counter tags.

Mr. Wakeling suggested that the Department look at this and bring it back to the Commission next year as part of the Hunt Guidelines packet.

**Motion:** Freeman moved and Harris seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 6 – SPRING JAVELINA, AS PRESENTED.

**Vote:** Unanimous

#### Commission Order 8 – Spring Buffalo

During spring 2010, 14 spring permits were authorized for the House Rock Wildlife Area herd in Units 12A and 12B. All hunters participated and 6 harvested buffalo. The Department recommended 14 any buffalo permits again for spring 2011, with season dates that will run from January 1–June 14, 2011.

For 2010, 5 spring permits were authorized for the Raymond Wildlife Area herd in Units 5A and 5B. The Department recommended 4 permits for spring 2011: 2 yearling-only permits during January 14–16 and 2 yearling-only permits during January 28–30, 2011.

The Department recommended the authorization of 14 any buffalo permits in Units 12A, 12B, and 13A for the House Rock Wildlife Area Herd with season dates of January 1 through June 14, 2011 and 2 hunts (January 14-16 and January 28-30, 2011) with 2 permits each for yearling buffalo in Units 5A and 5B for the Raymond Wildlife Area Herd.

**Motion:** Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 8 – SPRING BUFFALO, AS PRESENTED.

**Vote:** Unanimous

#### Commission Order 9 – Spring Bear

The Department recommended 2 new general nonpermit tag spring bear hunts in Units 17A, 17B, and 18B and Units 19A and 20A. One new archery permitted spring bear hunt is recommended for Unit 4B with 10 permits. There are no other changes to seasons or season structure, female harvest limits, or permits for spring 2011. General bear hunts (Units 17A, 17B, and 18B, 19A and 20A, 22, 23N, 24A, 27, 29 and 30A, 31, 32, 34A, and 35A and 35B [except Fort Huachuca]) and archery (Units 3B and 3C, 33) were recommended to offer over-the-counter permits during the March 18–April 28, 2011 season. On average for the last 5 years, 5 bears have been harvested annually during this time period, with an average of 2 being female bears. Generally three times more male than female bears are taken during this time period. Each hunt will have a female harvest limit, and any female bears taken during this time will apply to the annual female harvest limit that if met would close subsequent hunts. Annual female harvest limits are proposed as part of the recommendation for each hunt area.

Units 19A and 20A are part of a hunt area that includes Unit 20B. While 20B does not have a spring season, the annual female harvest limit includes Unit 20B and will apply to fall hunts in Unit 20B.

One permitted general bear hunt is recommended in Unit 6B (except Camp Navajo) with 5 permits and a female harvest limit of 1. Permitted archery-only bears hunts were recommended in Units 3B and 3C, 4B, 22, 23N, 33, 34A, 35A and 35B (except For Huachuca), and Fort Huachuca. Total permits were recommended at 285. Over the last 5 years, about 12 bears are harvested annually during the later season, with one third of this harvest being female bears.

Female harvest limits for general hunts total 15 and for archery hunts total 14 (Fort Huachuca harvest limits are a subset of Unit 35A). This is an increase of 4 from 2010. Annual female harvest limits for existing seasons will remain unchanged from 2010; annual female harvest limits for the 2 new general nonpermit tag spring bear seasons were recommended.

**Motion:** Woodhouse moved and Husted seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 9 – SPRING BEAR, AS PRESENTED.

**Vote:** Unanimous

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8. Consideration of Proposed Commission Order 21–Waterfowl and Commission Order 22–Snipe for the 2010–2011 Hunting Season.

**Presenter:** Mike Rabe, Small Game Program Supervisor

The Commission was asked to approve Commission Order 21 (Waterfowl) and Commission Order 22 (Snipe), establishing seasons and season dates, bag and possession limits, and open areas. A detailed description of all proposals was provided to the Commission prior to this meeting for review and was available for public review at all Department offices.

Commission Order 21 – Waterfowl

The Department's recommendations hinge on which regulation package is called for based on the results of the Western Mallard Model. Based on this year's survey results, a liberal package is the most likely season structure. That package is illustrated below.

The waterfowl season has different season opening and closing dates for the mountain and desert zones. It is most advantageous to hunters to open the season earlier in the mountain zone because birds arrive in mountain waters earlier than they do in the desert, and winter storms often drive those birds to the desert part of the state late in the season. In the desert zone, the season should be open as late as possible because birds typically remain in that zone through February. Federal frameworks do not allow the general waterfowl season to extend beyond January 31. However, junior hunts may occur into February.

Liberal Package

|                        | <u>Mountain Zone</u>   | <u>Desert Zone</u>            |
|------------------------|--|-------------------------------|
| Juniors-Only           | Oct 2 – Oct 3, 2010  | Feb 5 – Feb 6, 2011           |
| Falconry-Only          | Oct 4 – Oct. 7, 2010   | Jan 31 – Feb. 3, 2011         |
| General Duck           | Oct. 8, 2010 – Jan. 16, 2011   | Oct. 22, 2010 – Jan. 30, 2011 |
| General Goose          | Oct. 8, 2010 – Jan. 16, 2011   | Oct. 22, 2010 – Jan. 30, 2011 |
| Restricted Goose Hunts | Nov 15, 2010 – Jan. 16, 2011 (Units 1 and 27)<br>Nov. 15, 2010 – Jan. 30, 2011 (Units 22 and 23) |                               |

The Mountain and Desert Zones in Arizona are defined by unit within the Federal Register as follows: Desert (South) Zone: Those portions of Units 6 and 8 in Yavapai County, and Units 10 and 12B–45. Mountain (North) Zone: Units 1–5, those portions of Units 6 and 8 within Coconino County, and Units 7, 9, and 12A. Essentially, the North Zone is in the mountainous, high elevation areas of Arizona; the South Zone is in the lowland, desert areas.

The following recommendation is based on the data at hand at this time. The recommendation may change after the Pacific Flyway Council meeting in late July. The Department is recommending adoption of the federal bag limit of seven ducks (including mergansers) per day, with no more than two female mallards, two redheads, two pintails, three scaup, and one canvasback taken in any one day. Recommended possession limits for ducks are 14 after opening day, with no more than four redheads, four pintails, six scaup, and two canvasbacks. Bag and possession on canvasback, pintail and scaup may change due to final analysis of the harvest strategy for those species. Recommended goose bag limits are no more than six white geese (snow, including blue and Ross' geese) and three dark geese (Canada and white-fronted). Recommended goose possession limits are no more than 12 white geese and six dark geese. The Department recommended that the Commission adopt the species bag limits as prescribed by the Service for the 2010–2011 waterfowl season. Should the Service again require season within a season structure for either canvasback, pintail, or scaup, the Department will recommend selecting the maximum allowable days for those seasons.

The Department recommended continuation of the allowable framework extension for Liberal package. The use of mountain and desert zones is intended to offer mountain hunters the opportunity to hunt ducks and geese when the birds are in those areas. Likewise, the later opening and closing dates for the desert zone allows hunters to hunt as late as possible. Birds arrive earlier in the mountain areas of the state and leave as the waters freeze. In desert areas, many birds arrive later than in the northern areas and stay throughout the winter. Both zones receive the maximum allowance hunt days under both the Liberal and Moderate packages.

Under the Liberal package, there are 107 total hunt days allowed. In the Liberal recommendation above, 101 days are devoted to general waterfowl, four days are a Falconry-Only season and there is a weekend Juniors-Only season in each zone. Federal frameworks require that the youth hunt be on weekend days within 14 days of the General season, but may be outside the General season frameworks. The bag limits for the Juniors-Only hunts will be the same as during the General season.

Arizona and California are required to coordinate seasons along the lower Colorado River region. California is required to match their season along the Colorado to the Arizona season dates.

Commission Order 21 includes bag limit and season structure for coots and common moorhens within the general duck season frameworks. The Department will continue to recommend the full Federal framework and bag limit on coots and moorhens which is 25 per day, either singly or in the aggregate. Possession for coots and moorhens is 25 in possession, either singly or in the aggregate. Although an Arizona State Waterfowl Stamp is not required for harvest of these species, hunters taking coots or moorhens must have in their possession an Arizona Migratory Bird Stamp that registers them for the Harvest Information Program. Harvest of these species is typically incidental to waterfowl hunting.

#### Commission Order 22 – Snipe

The Department recommended that the Commission approve a general snipe season consistent with the total allowable season days and bag and possession limits allowed by the Service for Pacific Flyway states. In Arizona, the allowable bag is 8 snipe per day with a possession limit of 16 after opening day. Seasons for snipe are recommended to run concurrent with the general waterfowl seasons in each of the state's zones.

**Motion:** Freeman moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE, SUBJECT TO FINAL FEDERAL FRAMEWORKS, COMMISSION ORDER 21 – WATERFOWL AND COMMISSION ORDER 22 – SNIPE, AS PRESENTED.

**Vote:** Unanimous

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Meeting recessed for a break at 10:52 a.m.

Meeting reconvened at 11:03 a.m.

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#### 9. Hunt Permit-tag Application Schedule for Spring 2011 Hunts

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

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

**Motion:** Harris moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE THE APPLICATION SCHEDULE FOR SPRING 2011 HUNTS.

**Vote:** Unanimous

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#### 10. Director's Performance Evaluation Process

**Presenter:** Jim Odenkirk, Assistant Attorney General

At the June 2010 Commission meeting, Mr. Odenkirk presented the Commission with an evaluation process that included scoring criteria for the Director's Goals and Objectives. The Commission directed the Department to add another component to the performance review that would allow the Commission to have a more broad and general discussion of Department operations. Mr. Odenkirk prepared a one page document that describes how the Commission would engage in that discussion and provided that to the Commission prior to this meeting.

Commissioner Harris confirmed with Director Voyles that he had seen the one page document that included the process leading up to the Director's evaluation in December.

**Motion:** Woodhouse moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE ONE-PAGE DOCUMENT AS PRESENTED AND THE SCORING CRITERIA AS OUTLINED AT THE JUNE 2010 COMMISSION MEETING, AND THAT THE SCORING DOCUMENT WILL BE PROVIDED TO THE COMMISSION IN THE MONTH OF NOVEMBER TO BE BROUGHT TO THE EVALUATION MEETING IN DECEMBER.

**Vote:** Unanimous

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#### 11. Call to the Public

Landis Aden, former President, Arizona State Rifle and Pistol Association: Recommended proposed changes to R12-4-303 and R12-4-318, primarily applying to possession of certain ammunition and the removal of the magazine capacity, especially in light of the situation along the Arizona-Mexico border as it relates to protection and self-defense while hunting.

Chairperson Martin stated that since this item is not on the agenda, the Commission cannot comment or enter into discussion.

Director Voyles stated that the Department will consult with Mr. Aden on the Petition for Rule Change process.

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#### 12. Approval of Minutes and Signing of Minutes

**Motion:** Harris moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM JUNE 25-26, 2010.

**Vote:** Unanimous

The Commission signed the minutes following approval.

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### 13. Director and Chairman's Report

Director Voyles:

- Attended a meeting with the Governor's Office relative to issues regarding border security and the impacts of trash and the environment impacts along the border. A task force was formed by the Governor of which the Department is a participant
- Participated in an Intermountain West Joint Venture Conference call
- Met with Jim Kenna, State Director of BLM, and his staff to discuss a joint AGFD/BLM/Forest Service effort to combine our capabilities to do outreach on the positive aspects of the conservation efforts that are taking place in Arizona with primary first emphasis on activities in northern Arizona
- Met with Gloria Tom, Director of the Navajo Nations Wildlife Agency and their attorneys and our attorneys to discuss aspects of a proposed agreement to maintain hunter access to Navajo Nation lands on the Big Boquillas, and to assist the Navajo Nation in conservation actions on the Big Boquillas
- Participated in a conference call with the Bureau of Reclamation, BLM, USFWS, Jim Odenkirk and Jorge Canaca regarding negotiations over water rights related to the Planet Ranch
- Participated in a structured decision making preliminary conference call relative to wolf management in the United States with the USFWS and a multiple state Directors
- Had a conference call with Corbin Newman, Regional Forester, and Mike Taylor, with BLM, regarding outreach and the upcoming Joint BLM/FS/AZGFD meeting
- Had a breakfast meeting with Bas Aja to discuss various issues
- Met with Maria Baier, State Land Commission, and ADEQ to discuss the Maricopa County dust ordinance. Also discussed one of the few wetlands conservation projects being developed by NRCS in conjunction with Sandhill Farms in eastern Arizona
- Sat in on a webinar with Terry Johnson on the Wolf structured decision making process
- Attended the WAFWA Conference in Alaska
- Met with Kevin Kinsall regarding some reclassifying and restructuring of some Director's Office and Executive level positions
- Participated in a Mexican wolf meeting this week held at the Department
- Was invited to sit on the Board of Directors of the Counsel on Hunting and Shooting Sports, modeled after the RBFF effort to create an agency/industry partnership to identify and promote best business practices in the recruitment and retention area. One of the few seats offered to state Directors was offered to Arizona.

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

- Met with several Research Branch staff near Alpine to learn about a bear study they are doing up there. It's a cooperative study with the Forest Service to determine what the black bear response is to the thinning treatment programs they are doing
- Participated in the summer meeting of WAFWA. Was asked and agreed to Chair a sub-committee having to do with state fish and wildlife management authority challenges,

issues and conflicts with federal agencies. The first action item is an effort to achieve recognition of state authorities and to draft language for the initial purpose of an outreach tool for educating Congress about state authorities, and about some of the issues occurring in different states that make it difficult for states to exercise their authorities. It will also be a stepping stone to requesting specific language in all future legislation and seeking opportunities to effect federal policies that implement existing legislation

- Toured Horseshoe Ranch
- Prepared for this meeting including communication with staff and constituents.

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#### 14. Commissioner's Reports

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

Commissioner Woodhouse:

- Toured the Horseshoe Ranch
- Attended the Landowner/ Lessee Sportsmen Relations Committee meeting
- Dealt with some family issues
- Talked with several members of Yuma Valley Rod and Gun Club concerning the revocation process regarding those who get revoked that are genuine poachers and not sportsmen and don't care about the revocation process. There are some ideas being discussed that will be brought to the Commission as it progresses.

Commissioner Harris:

- Attended the Region V Habitat Partnership Committee meeting
- Attended a the Malpai Border Group meeting in Douglas
- Attended the Tucson SCI banquet
- Attended the WAFWA conference in Alaska
- Thanked Commissioner Husted for filling in for him in chairing the Statewide Habitat Partnership Committee meeting which he couldn't attend because it was scheduled for the day before SB1070 was to take effect
- Worked with a group in Tucson and Sahuarita on the second hunter safety course for the young people down there. That program is up and running very well.
- Toured the Horseshoe Ranch property

Commissioner Freeman:

- Hosted a Yavapai County Farm Bureau meeting and planning session and thanked the Director and his wife Donna for coming up and joining them. It was good to have the Director there to open up and promote dialogue
- Spent some time at Glen Canyon Dam and wants to take a look at that again in the future as it relates to fishing and recreation
- Watched a legal program on wildlife management on Tribal lands and saw Stephanie Nichols-Young moderating the panel. It was fascinating and worth getting a copy
- Dealt with issues with his farm

Commissioner Husted:

- Went to WAFWA. Made some friends and learned a lot. It was time well spent
- Toured the Horseshoe Ranch
- Chaired the Statewide Habitat Partnership Committee meeting
- Prepared for this meeting
- Will not be present at the September meeting. Will be going on a law enforcement trip through the Grand Canyon
- Attended the Department LE briefing on the SB1070 and commended the Law Enforcement staff for stepping up to the plate and handling it so professionally.

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#### 15. Future Agenda Items and Action Items

Prior to reading the action/future agenda items from this meeting, Deputy Director Broscheid went through a log of items from previous meetings and confirmed with the Commission that they were complete or that the Commission still had an interest in the item.

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

- The Department will agenda for Executive Session in September another briefing/discussion on the Unimak Island State of Alaska lawsuit
- Before the next Commission meeting the Department will provide the Commission in memo form the current science surrounding the genetic integrity of the Mexican wolf population in the state
- Mr. McMullen will forward the Wildlife Recreation presentation to the Commission
- Will review additional opportunities for over the counter approaches in the CO 6 javelina recommendation in August 2011.

\* \* \* \* \*

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

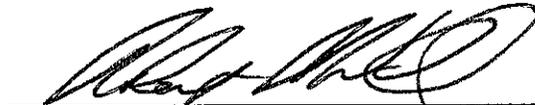
**Vote:** Unanimous

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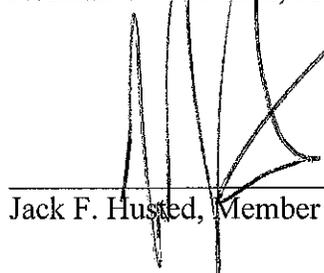
Meeting adjourned at 11:50 p.m.

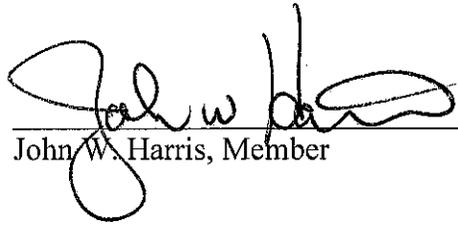
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Jennifer L. Martin, Chair

  
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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**  
**August 6, 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. Anderson appealed to the Arizona Court of Appeals. AGFD will file its answering brief August 3, 2010. After Anderson files his reply brief, the matter will be submitted to the Court for decision.**

**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, 2010. 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.

The Court has scheduled oral argument on the Department's motion to dismiss for July 27, 2010. **The parties agreed to dismiss the case by stipulation on July 23, 2010. The Court entered an order dismissing the case without prejudice on July 26, 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.

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

**Lands Update**  
For the Arizona Game and Fish Commission  
July 30, 2010  
Phoenix, Arizona

**FOREST SERVICE LAND AND TRAVEL MANAGEMENT PLANNING**

**Coconino National Forest**

The Forest is seeking input on the Analysis of the Management Situation (equivalent to the Needs for Change Report) which is to be the focus of its Land Management Plan Revision efforts. The Department is currently in the process of preparing comments in response.

The Department is reviewing the Draft Potential Wilderness Area Evaluation Report as part of the Land Management Plan Revision. Earlier in the year Department staff submitted detailed comments on potential wilderness areas in an effort to keep wildlife management flexible. Items addressed previously were continued flexibility for big game surveys, current and future habitat projects such as water catchment rebuilds and habitat improvement projects, wildlife translocations, stream treatments, fish stocking, wildlife damage control, fire management, and hunter access. The Department will review this draft to ensure that these detailed comments were referenced.

**Kaibab National Forest**

The Department reviewed the 'Working Draft' of the Kaibab National Forest Land Management Plan. The Forest has been actively engaging the Department throughout its planning process. Attached is the Department's response.

The Department is also engaged with the Forest in review of their Potential Wilderness Area Evaluation. There are several areas on the Forest that are being considered as new potential wildernesses, as well as expansion of some existing wilderness areas. The Department is awaiting maps in order to follow the same process as review of the Coconino proposed wilderness areas.

**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 Four Forests Restoration Initiative (4FRI). The 4FRI calls for mechanical tree thinning and fire to restore at least one million acres of northern Arizona forests over 20 years. The Department is an active participant in stakeholder meetings and working groups focused on developing a landscape restoration strategy and associated monitoring, research and adaptive management.

**Coronado National Forest**

Volunteers from the National Wild Turkey Federation and Department staff collaborated to build a new wildlife water development in Collins Canyon, GMU 35A. This new catchment will help

ensure a permanent source of water for turkeys and other wildlife species in the vicinity of Collins Canyon.

The Sierra Vista Ranger District surveys for catfish were recently completed at Parker Canyon Lake. Preliminary results from the survey show a low density of channel catfish. A funding drive to stock additional channel catfish in the lake is underway with local anglers. Any funds raised by the anglers to support the stocking will be matched by the Department. Section 7 consultation with the US Fish and Wildlife Service is required before the catfish can be stocked.

Construction on the boat ramp and associated facilities at Pena Blanca Lake, Nogales Ranger District should be completed by mid August.

### **Prescott National Forest**

Department personnel are participating in a series of public and agency workshops to develop strategies for improving outdoor recreation in the region (southern Prescott National Forest, adjacent public lands, and nearby communities, from Dewey-Humboldt to Mayer to Crown King to Black Canyon City).

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

### **Tonto National Forest**

Planning and implementation work for the Mogollon Stream Restoration Project is ongoing. The Department is currently working with the Forest to complete NEPA compliance analyses for fish habitat enhancement and riparian restoration work on Christopher, Haigler and Canyon Creeks. Natural Channel Design is working on the habitat assessments and enhancement designs for Christopher and Haigler Creeks. Assessments and designs are complete for Canyon Creek. Planning on Tonto Creek is the furthest along and the Environmental Assessment, habitat assessments and enhancement designs are complete with initiation of on the ground work anticipated to begin Fall of 2010.

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

### **Burro Management**

The Yuma Field Office released an Environmental Assessment on July 13, 2010 for the removal of 100 burros in the Cibola-Trigo Herd Management Area (HMA), which is scheduled to take place September 2010. Department and BLM Yuma personnel conducted an aerial census of the HMA in May 2010. The census resulted in 418 burros and 69 horses seen. While preliminary population estimates indicate in excess of 600 burros, the established Appropriate Management Level for the HMA is 165 burros and 150 horses. The BLM has sent the census data to the USGS for an independent analysis. 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.

The BLM and Department of Interior are seeking comments for their June 2010 Wild Horse and Burro Strategy Development Document (Strategy), *Working Toward Sustainable Management of America's Wild Horses and Burros*. The Strategy identifies draft goals, objectives and possible management actions aimed at the implementation of the Secretary of Interior's October 2009 initiative for wild horse and burro management. The Department's Director attended the Wild Horse and Burro Advisory Board meeting on June 14 and 15, 2010. Department personnel are preparing comments for the Strategy, which are due by August 3, 2010, and at the recent WAFWA conference the WAFWA directors agreed to send a similar letter.

### **AZ Strip Field Office**

The consultant is in the final stages of preparing the effects analysis section of the draft Environmental Impact Statement (DEIS) for the Northern Arizona Proposed Withdrawal project on the Arizona Strip. The Department has reviewed the draft Chapters 1-3 of this project and is just starting review of the effects analysis. The revised schedule for the DEIS is as follows: DEIS draft out October 15<sup>th</sup> for 45 days, Final EIS out April 11, 2011. As part of the analysis, USGS has had the opportunity to re-sample some springs and seeps within the study area. Results indicate a need to revise/update some of the original USGS report. A memo from the USGS is forthcoming on the most recent sampling results.

### **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.

### **Lower Sonoran Field Office**

The Department anticipates the release of the Draft Resource Management Plan (RMP/Draft EIS) for the Lower Sonoran Field Office and Sonoran Desert National Monument in late July. Due to time constraints imposed by a settlement agreement with Western Watershed, the Department will likely review the RMP and provide comments concurrently with the BLM State Office and Washington Office under very short timeframes. Additionally, as part of the settlement agreement, the BLM will not open any of the currently-closed roads within the Monument until the completion of the RMP and Record of Decision.

### **Havasu Field Office**

The Department continues to coordinate closely with the Field Office in the development of subsequent implementation-level plans, including Travel Management Plans, the associated route designation process, and developing alternatives for NEPA compliance. Department personnel will participate in the Havasu Field Office Travel Management Plan Public Open House on August 18, 2010.

### **Phoenix District Office**

The Department continues to work with the BLM on juniper thinning within the Agua Fria National monument to benefit pronghorn and other grassland species. The BLM has contributed Healthy Lands Initiative funding and fire crews to the effort. The Department continues to seek

funding from various sources. This work is part of the Central Arizona Grasslands Conservation Strategy.

### **Yuma Field Office**

The Record of Decision (ROD) for the Yuma Field Office Resource Management Plan was signed by the BLM Arizona State Director on July 28, 2009 and the Notice of Availability for the ROD was published in the Federal Register on January 29, 2010, making it effective immediately. The Department 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.

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

### **Agua Fria National Monument**

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

### **Ironwood Forest National Monument (IFNM)**

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

### **Grand Canyon-Parashant National Monument / Vermillion Cliffs National Monument**

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

The National Rifle Association is an intervener. The Arizona Game and Fish Department has been granted amicus status, as has the Safari Club. The federal government has filed the Administrative Record. The CBD and Wilderness Society's motions for summary judgment are due September 15; the U.S. files its motion for summary judgment on November 3. The State of Arizona Game and Fish Department's amicus brief is due November 10, 2010.

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

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

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

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

On May 21, 2010 the FWS released a notice of availability for the December 2009 final EA, Limiting Mountain Lion Predation on Desert Bighorn Sheep on Kofa NWR, and Finding of No Significant Impact (FONSI). Department personnel continue working to capture lions in box traps and snares set within the Kofa Mountains Complex Predation Management Area. No lions have been caught since the female lion in GMU 41 was captured, collared, processed, and released on April 4, 2010; its activities continue to be monitored by Department personnel. Department personnel recently hauled water to Frenchman Tank and other waters are being monitored to determine water hauling needs.

## **NATIONAL PARK SERVICE**

### **Petrified National Forest Park**

The origins of the Petrified Forest National Park date back to December 8, 1906 with the establishment of the Petrified Forest National Monument by Presidential Proclamation 697, signed by President Teddy Roosevelt. Effective December 9, 1962, and pursuant to the Petrified Forest National Park Act (72 Stat. 69), March 28, 1958 the Petrified Forest National Park (Park) was established, and the National Monument was concurrently abolished.

Petrified Forest National Park Expansion Act of 2004 (Public Law 108-430), passed by Congress and signed by President George W. Bush expanded the authorized Petrified Forest National Park (PFNP) boundary by approximately 125,000 acres (additional lands). To date, approximately 12% of these lands have been transferred from the Bureau of Land Management to the Park Service, with the remaining 88% still under private ownership or owned by the state of Arizona.

Department and Commission concerns regarding, and written opposition to Park boundary expansion proposals (letter from the Commission dated September 13, 2002, and from the Director dated November 13, 2002) was based on the potential effects on the Department's ability to manage fish and wildlife populations, the loss of access and loss of wildlife-related recreational opportunities (e.g., hunting). As stated above, and despite the Commission's written opposition, Park boundary expansion was subsequently authorized by Congress.

Hunting does not occur on the Petrified Forest National Park, nor will it be permitted within the additional lands as they are acquired by the Park. Hunting is not permitted in national parks unless specifically authorized by Congress. Neither the Petrified Forest National Park Act, nor the Petrified Forest National Park Expansion Act of 2004 provided allowances for hunting, though the Petrified Forest National Park Expansion Act of 2004 did include allowances for the continuation of livestock grazing within the boundaries of the authorized park expansion.

Following passage of the Petrified Forest National Park Expansion Act of 2004, and because the permissibility of hunting on Park lands is based on the enabling legislation passed by Congress, the Department has not commented further nor pursued discussions with the Park concerning allowances for hunting. The Department's latest communication with the Park (letter dated April 1, 2010) was to provide written comment on the Petrified Forest National Park General Management Plan Amendment Environmental Assessment (EA), which is intended to establish the overall management direction for the lands covered by the Petrified Forest National Park Expansion Act of 2004.

In the April 1 letter, the Department acknowledged that hunting would not occur on Park lands, but nonetheless stressed that these lands remain an important component of north-eastern Arizona's wildlife habitat, and hold potential for non-consumptive wildlife recreational opportunities. In light of existing and likely future development within north-eastern Arizona, lands protected from development will become increasingly important in protecting Arizona's wildlife heritage and wildlife recreational opportunities into the future. Although consumptive wildlife recreational opportunities are not included in this potential, Park lands should provide the Department opportunities to pursue other important aspects of the Department Mission including the conservation, enhancement, and restoration of Arizona's diverse wildlife resources and habitats,

as well as providing wildlife resources for the enjoyment and appreciation by present and future generations (non-consumptive).

## **GENERAL UPDATES**

### **Apache County**

Department personnel attended the July 20<sup>th</sup> Apache County Natural Resource Conservation District (NRCD) meeting in Springerville. During this meeting the topic of elk in and around the Springerville area was discussed. A number of local ranchers expressed concern over the increased numbers of elk observed on their properties, as well as what the Department is doing to address this concern. The NRCD voiced a similar concern over elk numbers, and expressed a desire to work with, among others, the Department, USFS, and Arizona State Lands Department before the situation escalates into an “elk battle”. The NRCD expressed its interest in planning and attending a meeting with all agencies in regard to the “elk problem”, with Department personnel maintaining contact with NRCD in coordinating this planned meeting. In the meantime, Department personnel will be meeting on August 9<sup>th</sup> to determine revisions proposed to hunt structures (and accompanying management objectives) for the Round Valley and GMU 1 areas that are designed to help address these issues and otherwise manage for reductions in related elk populations. The product of this August 9<sup>th</sup> meeting will be shared with NRCD members in advance of the Department’s upcoming hunt recommendation meetings in an effort to gain improved visibility and concurrence with ongoing management efforts/objectives.

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

The Department has identified 10 potential pinyon-juniper treatment areas on the North Kaibab Westside Project and forwarded them to the consultant for Arizona Sportsmen for Wildlife Conservation. A field trip to the Westside of the Kaibab was held July 22, 2010. Attendees included Department personnel, AZ Sportsmen for Wildlife Conservation, and the Forest Service. The group looked at 3 areas to treat with the mechanical grinder in mule deer habitat (approximately 200 acres). These areas have been flagged for treatment and a contractor is being selected. Work may begin in these areas as soon as August or September. Whether to seed these areas prior to mechanical grinding is still being considered. The Forest Service has committed to oversee contractors with the project.

### **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 July 7, 2010 Steering Committee meeting. The Committee, researchers, and stakeholders are working to develop a bio-compilation report and a long term science, monitoring, and compliance strategy for the Bill Williams River corridor, focusing on linking management, research, and monitoring needs. The next Steering Committee is scheduled for October 12, 2010.

### **Burned Area Emergency Response (BAER)**

Because the BAER response has to be facilitated so quickly post fire, the Department’s ability to engage varies depending on whether the federal agency asks us to be involved. The Regions have been able to work closely with BLM and/or USFS on the BAER process in some cases. For example, the BLM solicited numerous comments from the Department as it related to the Mojave Desert fires of 2005. For the most recent fires in Region 2, the Eagle Rock and the

Schultz Fire, we were not engaged directly, however, we did receive updates from the USFS. When the Department does have the ability to engage, we typically advocate that the federal agency NOT do post fire reseeding. Based on research and on-the-ground experience, it is our opinion that not only is post fire reseeding ineffective, it also has the ability to inhibit native vegetation response. For the future, it would be helpful if the Department were able to engage in the BAER process in a more formal manner and may consider adding this to future revisions of our Master MOUs with USFS and BLM.

### **City of Flagstaff**

Department staff have written and edited background information, goals, and policies for several sections of the Environmental Planning and Conservation element of the revised Greater Flagstaff Area Regional Land Use Plan that are relevant to wildlife, wildlife habitat, and ecosystem conservation. The Department will contribute similar background analysis and policy to relevant sections of the forthcoming Open Spaces element. In collaboration with Coconino County and City of Flagstaff planners the Department is helping to plan and facilitate meetings of the Regional Plan Citizen's Advisory Council (CAC) at which these elements of the plan are being reviewed. The Department continues to provide wildlife expertise to local scientists and archaeologists who are developing an inventory of the greater Flagstaff area's biological and cultural resources known as the Resource Inventory of the Flagstaff Area (RIFA). This effort will result in an interactive website and resource maps to be integrated with the revised Regional Plan and inform future exploration of a potential Conservation Lands System (CLS) for open space conservation in the greater Flagstaff area.

### **Gila River Indian Community**

The Department attended a joint meeting on June 14, 2010 with Gila River Indian Community (GRIC) Cultural Resources Committee and Environmental Resources Committee. The purpose of this meeting was to further discuss the memorandum of understanding between the Department and GRIC and further the relationship between the two entities. The Department presented what the Department can offer GRIC in terms of inventorying wildlife resources and subsequent linkages to state and federal land beyond the Community. GRIC was primarily interested in hearing another presentation in front of the tribal council in the next few months as to what resources the Department can offer GRIC. Department personnel will be leading this effort in regards to the presentation and met with Barbara Cook (Director of Environmental Resources for GRIC) on July 14<sup>th</sup>. A preliminary date for the presentation for tribal council is set for September 1<sup>st</sup>.

### **Maricopa County Flood Control District**

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

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

The Department recently met with the Arizona State Land Department (ASLD) and Maricopa County Air Quality Department (MCAQD) to discuss the recent revisions to Maricopa County

Ordinance P-28. In attendance were Director Larry Voyles, Land Commissioner Maria Bair, and MCAQD acting Director Max Porter. The latest revision allows for access onto state lands in unincorporated Maricopa County. Under the current ordinance access is limited only to the Desert Wells Multi-Use Area, the rest of ASLD lands in Maricopa County are effectively closed. This has not been an issue due to limited enforcement resources that are allocated in response to complaints. However, ASLD has recently contracted with the Maricopa County Sheriff's Office to keep users off of ASLD Lands in targeted portions of Maricopa County using OHV Decal funds. ASLD cited receiving several notices of violations attributed to OHV use as the reason for requesting the exclusion of ASLD Lands in P-28. MCAQD informed the group that only two of the notices of need for improvement went to the violation level and they were deferred. Regardless of the outcomes, ASLD believes the liability to the Trust is unacceptable and that P-28 is an effective tool in limiting their liability. ASLD also continues to seek entities to purchase Special Land Use Permits (SLUP) as a remedy. The holder of the SLUP would have non-exclusive use of the property and would encumber ASLD's liability. The Department will continue to work with MCAQD and ASLD to find resolutions that will allow for reasonable access while working to meet national air quality standards.

### **Oro Valley**

The Department has been participating in the Town of Oro Valley's Environmental Sensitive Lands (ESL) Project. Department staff-along with representatives from Pima County, Town of Marana, and Fish and Wildlife Service participated on the Technical Advisory Committee to create guidelines for identifying ESLs within Oro Valley. Over the next couple months the committee's findings will be presented to the community, Planning and Zoning Commission, and Town Council for review and comment. The full version of committee's recommendations is available at: [http://www.orovalleyaz.gov/ESL/Draft\\_ESL\\_Ordinance.htm](http://www.orovalleyaz.gov/ESL/Draft_ESL_Ordinance.htm)

### **Pinal Partnership Open Space Initiative Workshop**

Pinal Partnership Open Space Initiative Workshop steering committee was chartered by the Pinal Partnership (a coalition of community, business, educational, and governmental leaders in Pinal County) 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, USFWS, Sonoran Institute, Land and Water Trust, Arizona State University, Pinal Community College, a landowner/developer, ranching and OHV representative, and others participate on the committee. The steering committee is primarily tasked with the following: creating a stakeholder workshop to candidly discuss open space issues in Pinal County, develop collaboration and communication amongst stakeholders, and ideally produce a "product" (e.g., map) stakeholders can use when addressing open space issues. The all-day workshop is scheduled for September 24 and features Grady Gammage as the keynote speaker. Department participation in the committee and workshop ensures wildlife habitat and corridors are considered during current and future open space planning.

### **Renewable Energy Development**

Navajo County will be holding a Work Session on the Renewable Energy Ordinance with the Navajo County Board of Supervisors on Tuesday, July 27th. The work session will provide an opportunity for public comment on the draft Ordinance that is proposed to regulate renewable energy in the unincorporated areas of Navajo County. No action or decisions are to be made by the Board of Supervisors at this work session. The Department has been working with the

County on this issue, with input provided primarily based on the Department's wind and solar guidelines.

**Solar**

Department personnel continue to work with BLM, FWS, ASLD and other agencies regarding numerous solar projects being proposed within Region IV (see table below). Department personnel participated in Maricopa County Technical Advisory Committee meeting on July 20, 2010 to discuss 6 of the solar energy proposals in Region IV.

| <b>Name</b>              | <b>Applicant</b>                   | <b>County</b> | <b>Land</b> | <b>Acres</b> | <b>Project Status</b>  |
|--------------------------|------------------------------------|---------------|-------------|--------------|--|
| McMullen                 | Horizon Wind Energy                | La Paz        | BLM         | 32,959       | Discussions with Department  |
| Aguila                   | Horizon Wind Energy                | Maricopa      | BLM         | 11,866       | Discussions with Department  |
| Harquahala Valley        | Starwood                           | Maricopa      | Private     | 1,968        | Begun county & ACC compliance  |
| Solar Reserve Quartzsite | Solar Reserve                      | La Paz        | BLM         | 26,241       | Begun NEPA compliance and has asked Department to work as cooperating agency |
| Solana                   | Abengoa                            | Maricopa      | Private     | 3,120        | Begun NEPA and county compliance; completed ESA Section 7 compliance         |
| Mesquite                 | Sempra                             | Maricopa      | Private     | 2,406        | Begun county & ACC compliance  |
| Palomas                  | NextLight                          | Yuma          | BLM         | 2,303        | Begun NEPA compliance  |
| Palomas                  | NextLight                          | Yuma          | BLM         | 1,830        | Begun NEPA compliance  |
| Enviromission            | Enviromission                      | La Paz        | ASLD        | 11,380       | Discussions with Department  |
| Ranegras                 | Iberdrola                          | La Paz        | BLM         | 25,751       | Discussions with Department  |
| Hyder Iberdrola          | Iberdrola                          | Maricopa      | BLM         | 1,538        | Discussions with Department  |
| Hyder                    | Solar Reserve                      | Yuma          | ASLD        | 2,568        | Discussions with Department  |
| Crossroads               | Solar Reserve                      | Maricopa      | Private     |              | Comprehensive Plan Amendment   |
| AVSE I & II              | Arlington Valley                   | Maricopa      | Private     | 2,200        | Begun county & ACC compliance  |
| Aqua Caliente            | NextLight                          | Yuma          | Private     | 2,372        | Discussions with Department  |
| Verma Solar Hyder        | Verma                              | Yuma          | Private     | 100          | Comprehensive Plan Amendment   |
| AVSE I & II              | Arlington Valley                   | Maricopa      | ASLD        | 4,900        | ASLD lease review  |
| Solar Entitlements       | Archaeological Consulting Services | Yuma          | ASLD        | 320          | Discussions with Department  |
| Golden Sands             | Res America Developments           | Maricopa      | BLM         | 3,200        | Comprehensive Plan Amendment   |

Sonoran Solar

NextEra has requested that BLM suspend major permitting efforts. The project will not be on a fast track, which means BLM will not be working towards a record of decision on the Environmental Impact Statement (EIS) by the end of the year. NextEra remains very interested in the application area and BLM is working with the company on revising the schedule. BLM

submitted an estimate for level of work for the next few months as they reevaluate the schedule. For the time being, BLM is working through the DEIS comments, refining mitigation measures and will be coordinating with cooperating agencies on further development of the EIS.

## ***Wind***

### NextEra

The Department recently reviewed an initial pre-application by NextEra Energy to Coconino County Planning and Zoning staff for installation of new meteorological towers on C-O Bar, Espee, and Perrin ranches. NextEra representatives have previously reviewed the Department's wind development guidelines and stated their intention to follow all of the recommendations for meteorological tower installation.

### Boquillas Wind Resource Area

The Department is also reviewing WEST, Inc.'s pre-construction biological assessment of the Boquillas Wind Resource Area (BWRA), located on the Aubrey Cliffs near Seligman, being developed by Foresight Wind and Edison Mission Marketing and Trading for the Navajo Nation. Department staff and the U.S. Fish and Wildlife Service provided comments on WEST, Inc.'s report to Foresight and Edison representatives at a recent meeting in Flagstaff, and have requested a follow-up meeting to provide more detailed comment and discuss the need for additional monitoring data. The project site has high biological value to raptor and bat species based on previous Department research and the Species and Habitat Conservation Guide.

## **Rosemont Copper Project**

The Department continues to participate closely with the Coronado National Forest and other cooperating agencies on the proposed Rosemont Copper Mine. Chapter 1 of the draft EIS has been released for review by cooperating agencies with additional chapters being released monthly. The Draft EIS is scheduled to be completed late this winter.

## **Spatial Data Management**

The Department has been working with local partners to synthesize existing spatial data and to generate new spatial information representing the Department's habitat improvement projects. Specifically, we have worked with Northern Arizona University, National Resources Conservation Service, the Forest Service, our Landowner's Incentive Program and local landowners to map past and on-going grassland restoration treatments. We will continue to maintain this database, and have offered to maintain spatial data from other partners, to inform habitat projects and annual planning by agencies and non-governmental groups.

## **SunZia Transmission Line Project**

SunZia is a high-capacity transmission (power) line approximately 500 miles long, beginning in northeastern New Mexico and terminating near Eloy, Arizona. SunZia proposes to construct and operate up to two 500 kilovolt transmission lines, metal towers, service roads, and several new intermediary substations. Project proponents claim the new transmission lines are needed to deliver renewable energy resources to the western United States. The Department provided comments on several routes proposed for the transmission line. Some of the proposed routes could have a substantive negative impact on wildlife, habitat, and our constituents.

BLM is responsible for preparing an environmental impact statement (EIS), a draft of which is scheduled to be released in late 2010. Currently, the SunZia project is in the public scoping phase. Cooperating agencies participating in the scoping or 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 federal, local, tribal, and state agencies. Thus far stakeholders have submitted comments expressing concern for potential environmental impacts to ranching, private lands property values, biological resources, visual resources, local economics, invasive species, and unauthorized off-road traffic on the access roads.

## **Transportation**

### Northwest Cochise County-Benson Transportation Planning Project

The Department continues to work with the Arizona Department of Transportation (ADOT), 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 provided input to ensure any planned structures (e.g., roadways, bridges, fences, and culverts) minimize impacts on wildlife and habitat. The northwest section of Cochise County is of particular interest to the Department because three potential wildlife linkage corridors pass through the planning area. ADOT held a public meeting on the long-term planning project in June to solicit public input.

### US60

ADOT has scheduled an Aug. 12th meeting to update the project team on the status of the environmental investigations for the tier two design concept alternative evaluation, Alternative Selection Report Corridor Alternatives to carry forward, a working session on the detailed engineer design concept alternative (DCA) alignments, and graphic presentation of the environmental considerations. Prior to this meeting, draft engineering plans and environmental constraint maps will be sent out to the team for review to obtain input on issues and concerns regarding the DCA's. The Department will be participating in that review.

### SR 87

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

### Northern Parkway

The Maricopa County Department of Transportation (MCDOT) has initiated the Northern Parkway Corridor Feasibility Study for the extension of Northern Avenue as a 6-8 lane parkway west of the White Tank Mountains, across the Hassayampa River to the Tonopah area. The

Department will be evaluating whether the future parkway will impact conservation goals to preserve a wildlife habitat linkage between the White Tanks, Hassayampa River and Belmont/Buckhorn Mountains to the west. The Department will be attending a series of stakeholder meetings to participate in the Corridor Feasibility Study.

### I-17

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

### ADOT-What Moves You Arizona

ADOT kicked off a 25-year long range transportation planning (LRTP) effort that tiers to the vision planning done through the BQ AZ planning process that led to the Statewide Transportation Framework. The LRTP process will involve 3 phases:

- Focus Vision- Goals & Objectives
- Investment Choices- 25-year plan
- Recommendations/Approval

Investment options will be prioritized based on the goals and objectives. There are currently 8 draft goals including protect the environment and natural resources, strengthen partnerships, enhance safety and security, link transportation and land use, support economic development, preserve and maintain the system, improve mobility and accessibility and promote fiscal stewardship. The Department will be providing input throughout the planning process.

### **Wildlife Linkages/Corridors**

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

#### Apache and Navajo Counties

Department personnel hosted the first Apache and Navajo County Wildlife Linkages Workshop on July 27<sup>th</sup>. This half-day workshop drew almost 20 participants from various organizations, including ADOT, TNC, Navajo County, Arizona Elk Society, several consulting firms, and many others.

#### Coconino County

The Department has finished collecting input on Coconino County wildlife corridor locations from stakeholders and is working to finalize a GIS shapefile and will produce a linkage report for Coconino County by sometime this fall once the template is finalized. Stakeholder input has been collated for selection of high-priority linkage areas for fine-scale GIS corridor modeling, which we will present to County staff. We will also begin working with Department GIS staff to

develop habitat suitability models of new focal species based on expert data and use these to create GIS-based linkage models of selected wildlife movement areas of high conservation interest to Coconino County and the Department.

#### La Paz County

The Department will be hosting the La Paz County Wildlife Linkages Workshop at the County Board of Supervisors Building in Parker, Arizona on September 30, 2010 from 9 a.m. to noon. Early responses to the invitations indicate that there will be a good turnout. La Paz County Community Development provided valuable assistance in setting up the workshop.

#### Yavapai County

Department personnel hosted the second Yavapai County Wildlife Linkages Workshop on July 21<sup>st</sup>. This half-day workshop drew almost 30 participants from various organizations, including ADOT, TNC, BLM, Yavapai County, Cities of Sedona, and Cottonwood, Prescott National Forests, several local environmental groups, and many others. Staff tested the use of SMART boards during this workshop and determined that they will be extremely beneficial to this and other collaborative GIS projects, ultimately saving hundreds of hours of staff time digitizing data into a GIS.



THE STATE OF ARIZONA  
**GAME AND FISH DEPARTMENT**

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7 July 2010

Ariel Leonard, Forest Planner  
Kaibab National Forest  
800 S. 6<sup>th</sup> Street  
Williams, AZ 86046

RE: Kaibab National Forest Working Draft Land Management Plan

Dear Ms. Leonard,

The Arizona Game and Fish Department (Department) reviewed the Kaibab National Forest Draft Land Management Plan (LMP) dated March 2010. The Department recognizes the vital role that lands administered by the Kaibab National Forest (KNF) currently play in providing wildlife habitat as well as opportunities for wildlife-related recreation in northern Arizona. As Arizona's human population continues to grow throughout the life of the revised LMP it is anticipated that wildlife and the public will become increasingly dependent on lands administered by the KNF. It is therefore essential that the next LMP not only address current wildlife habitat and recreational needs, but also provide for the high quality habitat and the maintenance of wildlife connectivity both within and across KNF lands that will be essential for sustaining healthy populations of wildlife within a more fragmented future Arizona landscape.

For your consideration the Department offers the following comments:

**General Comments:**

- We would like to take this opportunity to thank KNF for engaging the Department and the public early and frequently during this planning process. Your collaborative efforts are a model for other Arizona Forests undergoing Land Management Plan Revision.
- We thank KNF for considering the Species of Greatest Conservation Need from the Arizona State Wildlife Action Plan in your analysis of Forest Planning Species. Interagency strategies are essential to conservation and recovery of these species.
- We appreciated learning about the Management Indicator Species (MIS) Selection Process and Criteria at the Wildlife Topic Meeting on June 15, 2010. It is our understanding that the current MIS list is subject to change based on ongoing KNF analyses, and we support the criteria currently being used in this analysis. This includes selecting species that will be sensitive to management actions and species for which population data are readily available.
- We recommend better integration of Guidelines and Management Approaches across Plan elements. For example, in the Guidelines for p-j grasslands, the Plan states that 'During AMP reviews, updates may be needed to ensure [pronghorn] fawning habitat is considered.' However, in the Guidelines for Livestock Grazing, there is no mention of providing fawning habitat for pronghorn. While duplication of information and direction in multiple places throughout the Plan is not desirable, we remain concerned that without more explicit integration across Plan elements the direction provided for one Forest program may get lost during the implementation of another Forest program.

Throughout our comments below, we will point out key places where better integration across programs is needed.

#### **Pinyon-Juniper Grasslands – Desired Conditions (pg 8)**

- "... Scattered shrubs and a dense herbaceous understory including native grasses, forbs and annuals are present to maintain soil productivity, resist soil erosion, support frequent low intensity surface fires, and provide habitat for wildlife".
- "Understory height provides adequate cover for pronghorn antelope fawning, small mammal foraging, and songbird nesting. Understory composition provides adequate diversity for pronghorn nutrition".

#### **Pinyon-Juniper Grasslands – Guidelines (pg 9)**

- "Where historically occurring, patches of grassland are maintained by removal of encroaching juniper".
- "Vegetation treatments and livestock utilization levels should favor the development of understory diversity in areas where it has the potential to establish and grow".

#### **Pinyon-Juniper Communities – Guidelines (pg 10)**

- We look forward to seeing some guidelines for fire management in pinyon-juniper communities. We are concerned in particular about the interaction of fire and cheatgrass invasion in pinyon-juniper communities and encourage you to consider including guidelines that attempt to address this threat.

#### **Pinyon-Juniper Communities – Management Approach (pg 10)**

- We understand the difficulty in setting restoration objectives for pinyon-juniper communities with the KNF's limited capacity and the general lack of good information available to guide pj restoration. However, there are identifiable management approaches that would help to achieve or maintain desired conditions (in addition to the two listed on pg 11), such as:
  - Designing and implementing livestock grazing strategies that enhance understory production and diversity,
  - Designing and implementing cheatgrass prevention strategies that refer to the "Final Environmental Impact Statement for Integrated Treatment of Noxious or Invasive Weeds – Coconino, Kaibab, and Prescott National Forests" and integrate best management practices for both livestock and fire management programs, and
  - Prioritizing thinning projects in areas where juniper has encroached into historic grassland patches.

#### **Ponderosa Pine Forests –DFCs (pg 12 - 14)**

- We appreciate the emphasis on creating heterogeneous, uneven-aged forest structure at all spatial scales. We believe this goal will help recreate more resilient forest structure and enhance wildlife habitat.
- We would like to see greater emphasis on enhancing the oak component of ponderosa pine forests because of its value to wildlife habitat diversity. For example, the only mention of oak at the Fine Scale pertains to small oak thickets with DRC less than 10 inches. We believe there needs to be more emphasis on creation and retention of tree-form oak at all spatial scales, where appropriate. Tree-form oak needs explicit mention in the Forest Plan because it is a limited resource at risk from fuelwood cutting and fire management.
- Within the Mid-Scale DFCs:

- “Tree density within forested areas generally ranges from 20 to 80 square feet of basal area per acre. Openings with grass/forb/shrub vegetation are variably-shaped and occupy 10% in the more productive types and 70% in less productive sites.”
  - Does ‘forested areas’ refer only to tree groups, or are you describing basal area across a site? The Department has previously raised this concern in our comments on KNF projects: if 70% of a site is in openings, and basal area within tree groups is limited to 80 square feet per acre, this could amount to a very significant reduction in overall basal area across the site. Site conditions may indicate the appropriateness of a significant reduction in basal area. However, with the relatively new NFS interpretation of the Northern Goshawk Guidelines, the Department is asking all Forests to consider an analysis of how forest structure might change as we shift our measurements away from the stand level and toward the group level. Moreover, we encourage the KNF to provide guidance on more structural parameters than just basal area; for example, range of % canopy cover, range of crown-base height, degree of patchiness (see Sanchez-Meador 2006).
  - Please consider providing a range of acres for the size of forest openings. Please refer to the the AGFD-USFWS DRAFT document “*Desired Ponderosa Pine Forest Conditions for Wildlife in the Southwest*”. Herein you will find citations for historic forest openings ranging from 0.25 – 0.5 acres in size (Pearson 1950).
- We recommend shifting all forestwide direction specific to the northern goshawk out of DFCs and into Guidelines or Management Approaches. By having forestwide DFCs specific to one wildlife species, particularly for that of a habitat generalist such as the goshawk, you run the risk of overlooking the wildlife habitat needs of other species particularly those of habitat specialists. We support DFCs that place more emphasis on restoration of ecosystem processes rather than on the needs of a single wildlife species.
- Within the Landscape-Scale DFCs:
  - The Department recommends a more thorough definition of old growth, and greater consistency in this definition across Plan components.

#### **Mixed Conifer DFC’s – pg 16-22**

- We recommend emphasizing the importance of tree species diversity in frequent fire mixed conifer. It is important to recognize the difference of this vegetation type from pure ponderosa pine; it is a transitional habitat supporting higher wildlife species diversity than pure pine.
- We recommend shifting all forestwide direction specific to the northern goshawk out of DFCs and into Guidelines or Management Approaches. By having forestwide DFCs specific to one wildlife species, particularly for that of a habitat generalist such as the goshawk, you run the risk of overlooking the wildlife habitat needs of other species particularly those of habitat specialists. We support DFCs that place more emphasis on restoration of ecosystem processes rather than on the needs of a single wildlife species.
- We look forward to reviewing Guidelines for fire management in mixed conifer.

#### **Aspen DFC’s – pg 22 – 24**

- Pg 22: “Aspen stands are currently in decline throughout most of the southwest as a result of increased fire suppression activities, unmanaged forest succession, drought, overgrazing by livestock, and over browsing by elk.” In the subsequent sentence, the Department recommends the KNF recognize that impacts to aspen recruitment are not only the result of elk but also the result of livestock grazing.

- Pg 23: “Aspen stands are characterized by natural and human disturbances which may include fire, mechanical thinning, insects, *ungulate browse*, pathogens, and abiotic factors.” Please recognize that ungulate browse is a natural disturbance factor; it is the intensity of that browse that we may choose to manage.
- Pg 24: Management Approach: We recommend you also include working with livestock managers to develop appropriate strategies for managing livestock and aspen interactions on the Williams and Tusayan RDs.

#### Grassland DFC's – pg 26

- We recommend an additional DFC that considers the importance of connectivity between grasslands at the landscape scale for movement of pronghorn and other wildlife.

#### Colorado Plateau/Great Basin Grasslands – pg 27

- Please include cliffrose (*Purshia stansburiana*) in your shrub list.
- DFC's: This habitat type is particularly important for management for the Kaibab deer herd. Please consider including language that shrub diversity, distribution, and productivity are maintained to support wildlife.

#### Desert Communities – pg 27: Management Approach:

- We recommend you add language such as “work collaboratively with the Arizona Game and Fish Department and Bureau of Land Management to implement strategies identified in the Arizona Strip Desert Bighorn Sheep Management Plan within the desert communities of Kanab Creek”.

#### Invasive Species – pg 32: Guidelines:

- Consider including guidelines related to fire management and its interaction with the spreading invasive weeds. Proximity to known weed populations, season of fire treatments, and BMPs for equipment used on planned and unplanned fires all can influence the likelihood of invasive weed establishment and spread post-fire. This is of concern across all vegetation types on the KNF, but particularly those that overlap most extensively with cheatgrass invasions in Arizona (Colorado Plateau/Great Basin Grasslands, Pinyon-Juniper woodlands).

#### Wildlife – pg 33 – 35

- As you have stated, the spatially disjunctive nature of the three districts on the KNF influences wildlife movement patterns across the landscape. KNF plays a key role in providing crucial wildlife habitat in a landscape that will experience rapid change to serve the needs of the state's burgeoning human population. To that end, we ask that you incorporate relevant components of the vision and guiding principles set forth in the Department's “*Vision for Arizona's Wildlife*” document (attached to this letter).
- Management Approach: We recommend you add language such as “*work collaboratively with the Arizona Game and Fish Department, the Arizona Wildlife Linkages Workgroup to implement strategies identified in the Arizona Wildlife Linkages Assessment as well as the Coconino County Wildlife Corridor Assessment*”.
  - The Guidelines place particular emphasis on the northern goshawk. By having so much forestwide guidance specific to one wildlife species, particularly for that of a habitat generalist such as the goshawk, you run the risk of overlooking the wildlife habitat needs of other species particularly those of habitat specialists. We encourage the KNF to consider Guidelines and Management Approaches that are not so specific to the goshawk but address the need for variable conditions that also support the needs of habitat specialists such as the

Mexican spotted owl (a species requiring a more closed-canopy forest condition) and pronghorn (a species requiring the restoration of meadows and grasslands). Guidelines and Management Approaches that encourage habitat diversity and refuge habitats are more likely to provide benefits for more wildlife in an era of unpredictable change. We recommend shifting all forestwide direction specific to the northern goshawk out of DFCs and into Guidelines or Management Approaches. We support DFCs that place more emphasis on restoration of ecosystem processes rather than on the needs of a single wildlife species.

- Pg 35, "Cooperate with the AGFD to achieve management goals and objectives specified in the *Arizona State Wildlife Action Plan...*"

**Watershed – p. 36: Guidelines:**

- "Domestic livestock should be excluded from burned areas until readiness is confirmed by range staff". The Department supports guidelines that address post-fire grazing. Pertaining to our general comment at the top of this letter about cross-walking guidelines across programs, we believe this guidance also needs to be provided in the Guidelines for Livestock Grazing. Moreover, '[range] readiness' may be a Forest Service Handbook term and process; if so, a reference for where the public can find this information is needed. We also ask that you consider the recommended guidelines found in the attached Resource Safeguards drafted by the Apache-Sitgreaves NFs titled '*Watershed and Hydrologic Recovery through Soil Stabilization and Vegetation Regeneration: Recommended Guidelines for Watershed Stability and Vegetation Recovery Pertaining to Restocking Burn Areas with Domestic Livestock: Wildlife and Managed Ignition Fires*'.

**Natural Waters – p. 39: Management Approach:**

- Please include the Arizona Game and Fish Department and the US Fish and Wildlife Service in your list of partners to develop a spring/seep inventory.

**Artificial Waters – p. 40: DFC**

- "Artificial water developments in aspen are limited or non-existent; *unless those are existing water developments upon which special status species have become dependent.*"

**Front Country Recreation – p. 46: DFC**

- "...people can engage in a variety of recreation activities including camping, picknicking, fishing, boating, *wildlife viewing, and recreational shooting.*"

**Back Country Recreation – p.47: DFC:**

- "Motorized trails are not present in Back Country. The Capacity of the non-motorized trail system meets the demand during all seasons." Please see the Department's comments submitted to each District for the Travel Management Rule Proposed Actions.
- "Dispersed recreation opportunities of the NKRD emphasize non-motorized trail, wilderness, *and hunting opportunities.*"

**Recreation – p. 51: Management Approach:**

- Please consider Arizona Game and Fish a key partner in providing outdoor recreation, as our mutual cooperation is needed to enforce Game and Fish laws as well as OHV laws.

**Energy Transmission – p. 52: Desired Conditions:**

- Add: "*Wildlife connectivity is maintained across energy corridors.*"

### Livestock Grazing – p. 55

- As mentioned above, please ensure adequate cross-walk between Plan components where guidelines are provided for livestock grazing but receive no mention in the actual Livestock Grazing component.
- DFCs – consider adding the following:
  - Livestock grazing is in balance with available forage at all times. If there is a temporary imbalance, it should be in favor of the plant rather than the animal.
  - Livestock grazing allotments have sufficient excess pasture and forage capacity within the allotment to help provide forage during habitat restoration activities and drought, and to provide management flexibility in meeting resource needs.
  - The KNF is generally free of unauthorized livestock.
  - Livestock and dual-use water developments maintain a minimum water level after removal of livestock to continue to provide water for dependent wildlife.
- Please also consider placing particular Guidelines on restocking post-fire. Please refer to the attached Resource Safeguards drafted by the Apache-Sitgreaves NFs titled ‘*Watershed and Hydrologic Recovery through Soil Stabilization and Vegetation Regeneration: Recommended Guidelines for Watershed Stability and Vegetation Recovery Pertaining to Restocking Burn Areas with Domestic Livestock: Wildlife and Managed Ignition Fires*’.
- The Working Draft currently contains little to no information guiding monitoring of livestock grazing. The Department encourages the KNF to expand the Plan’s direction with regard to the goals, types, responsibilities, and adaptive management mechanisms as they relate to livestock grazing.

### Large Scale Disturbance Events – p.57: Guidelines:

- “Where extensive tree mortality results from fires or insect epidemics and sufficient timber value exists, salvage of dead trees should be considered to achieve the desired fuel levels while considering impacts to wildlife and other ecological objectives and ~~help fund the restoration and recovery work~~”. The Department recommends that salvage logging decisions have an ecological basis.

### Wildland Fire Management – p. 57-61

- The Department understands that the KNF is actively working to develop prescribed fire DFCs and guidelines to accompany wildland fire DFCs and guidelines. We look forward to reviewing this section upon further development.
- We recommend the KNF include Guidelines in this section that address prevention of noxious weeds post-fire. The Department is particularly concerned about the spread of cheatgrass post-fire on the North Kaibab. Please refer to the guidance found in the “*Final Environmental Impact Statement for Integrated Treatment of Noxious or Invasive Weeds – Coconino, Kaibab, and Prescott National Forests*”.

### Transportation – p. 62

- The Department appreciates the KNF’s mention and emphasis on the importance of wildlife connectivity and your commitment to work cooperatively to identify and mediate threats to wildlife movement.

### Lands – p. 63

- DFC: Consider adding “KNF system lands are composed of large contiguous tracts of NFS lands providing for efficient and effective resource management and wildlife connectivity both within and across NFS lands”.

- Consider including DFCs and/or Guidelines that emphasize the importance of NFS lands that are in proximity to urban landscapes, recognizing their importance for open space connectivity. Please refer to the *Forest Service Open Space Conservation Strategy*, which can be found at [http://www.fs.fed.us/openspace/OS\\_Strategy\\_final\\_web.pdf](http://www.fs.fed.us/openspace/OS_Strategy_final_web.pdf). This strategy also emphasized the importance of FS participation in local and regional planning processes to ensure consistent management across land ownership boundaries as it relates to open space, ecosystem services, and nature-based recreation.

#### **Potential Additions to Existing and New Wilderness Areas – p. 67-68**

The Department appreciates the effort that the KNF has put forth to identify areas for Wilderness designation. The Department agrees that all of the identified potential wilderness expansion areas have wild, backcountry values and we would like to see those areas managed to maintain those values. We also understand that in some instances multiple use management on NFS lands can lead to overuse of an area leading to adverse impacts to wildlife and habitat. In some cases multiple-use becomes single-use, and wildlife habitat can be completely lost, severely degraded, significantly impacted, and/or severely fragmented. In instances where one use dominates all other uses, Wilderness designation may be preferred to that use despite the limitations it may impose on many other uses.

However, the Department finds that a level of protection which maintains wildlife values, but allows flexibility in management is often a better strategy for the management of public lands. The Department, therefore, has some concerns with designation of additional wilderness areas. The Department has had numerous difficult episodes attempting to achieve our mission in designated wilderness areas. No matter how specific or general the designation language is crafted, wilderness often seems to slow or stop us from doing our work, or at least creates substantial additional compliance hurdles in accomplishing that work.

Rather than Wilderness designation, the Department would be much more supportive of another kind of special designation for areas recognized as having important ecosystem values. A greater level of protection which allows for beneficial management of wildlife, while protecting wildlife habitat from extensive development and infrastructure projects, would be the type of designation the Department could support without reservation. For instance we have been very supportive of the designation of National Conservation Areas such as those on BLM land elsewhere in Arizona.

Some activities that the Department would want allowed in any special designation for areas identified as having Wilderness values include:

- Retention of existing public use roads that provide necessary public access to the area, including a reasonable road width to allow for parking and camping along the road.
- Hunting as regulated by the Department throughout the designated area, without special limitations
- Wildlife surveys, including motorized vehicle and equipment use when appropriate such as the use of planes and helicopters, helicopter landings in remote areas, and chainsaw use to clear deadfall from trails needed for management purposes.
- Wildlife management, including: introduction of native species; removal of undesirable species; use of planes and helicopters; helicopter landings in remote areas; use of motorized vehicles and equipment; capture, marking, collaring and radio-tracking of animals; development and maintenance of physical structures (e.g. bat gates or riparian exclosures)
- Wildlife water development and maintenance, including temporary motorized vehicle use, plane or helicopter use, and use of motorized equipment for specific projects.
- Stream renovation, including chemical removal of exotic fish and reintroduction of native fish, use of motorized vehicles and equipment, development and maintenance of physical structures to

manage fish populations.

- Habitat management, including removal of exotic plants, timber or fuelwood removal, brush removal, prescribed fire, etc.

We are actively working with local Wildlife Managers to provide you with more site-specific comments related to the proposed additions and new wilderness areas. As we receive that input from our staff, we will forward that information onto you for consideration in further development of your Working Draft.

#### **Buffalo Ranch Land Management Zone – p. 75**

- “Buffalo are a desired ~~non-native~~ species in the designated area in Houserock Valley.” The Department recommends deletion of ‘non-native’; this issue is still up for debate and is currently being evaluated by the Wildlife Conservation Society who believe they have evidence to suggest buffalo were in fact native to the area.
- “Buffalo herd sizes ranges up to 100 head post-hunt.” Per agreements made by KNF and AGFD.
- “Coordination and cooperation between the KNF, AGFD, Grand Canyon National Park, and researchers is ongoing to identify workable solutions for managing the bison”.

#### **Suitability – p. 76 – 84**

- The Department finds the discussions of timber and grazing suitability as written in the Working Draft to be too limited in detail to comment on at this time. Currently, there is little description as to how social, economic, and/or ecological factors were used in the determination of ‘suitable’ acres.
- We are seeking definitions and geographic location information for the following terms listed in Table 2 for Timber Suitability: ‘irreversible resource damage, adequate restocking not assured, lands where management requirements cannot be met, lands not cost efficient in meeting Forest objectives’.
- We would expect soil and watershed conditions to also play into determinations of grazing suitability or ‘capability’, however with current information it would appear as though Natural Areas, Recreation Sites, and two previous specific allotment decisions were the only factors analyzed. If more information was used to determine livestock suitability, the Department would like to see some expansion of this section in the Plan.

#### **Monitoring and Adaptive Management – p. 85 – 99**

- The Department appreciates the KNF’s treatment of monitoring and adaptive management as developed so far in the Working Draft, particularly the emphasis that is placed on “adjusting future actions based on what was learned”.
- We encourage the KNF to describe, in general terms appropriate for this level of planning, how the KNF will consider adjusting ongoing/future actions based on the feedback received from the Annual Monitoring Evaluation. That is, will the KNF work to establish benchmarks or thresholds above/below which an adjustment in management actions will be made in order to meet Desired Future Conditions?
- We have reviewed the example Monitoring Matrix. We support many of the ‘Potential Monitoring Questions’ identified in the matrix, and appreciate seeing questions that not only address project implementation but also address background trends to ensure the KNF is trending toward overarching Desired Future Conditions. However, the matrix currently includes a long list of potential monitoring questions that would be difficult for the KNF to accomplish given current constraints in capacity. We enthusiastically support increased capacity to accomplish monitoring on the KNF, but we recommend some form of prioritization of potential monitoring questions to ensure the critical information needs receive funding. We look forward to continuing cooperation with the

KNF in the development of this monitoring plan, particularly as it relates to critical wildlife information needs.

We look forward to continued collaboration with KNF as the LMP planning process continues. Please do not hesitate to contact Andi Rogers, Habitat Specialist at 928-214-1251 or [arogers@azgfd.gov](mailto:arogers@azgfd.gov) if you have any questions with regard to our comments or for future information needs.

Thank You,

  
Sarah Reif  
Habitat Program Manager

# Hunt Permit-tag Application Schedule – Spring 2011

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> |
| Spring Turkey   | (See note 1)                              | Sept. 23, 2010                                     | Oct. 12, 2010  | Dec. 3, 2010                           | Nov. 26, 2010                         |
| Spring Javelina | (See note 1)                              | Sept. 23, 2010                                     | Oct. 12, 2010  | Dec. 3, 2010                           | Nov. 26, 2010                         |
| Spring Buffalo  | (See note 1)                              | Sept. 23, 2010                                     | Oct. 12, 2010  | Dec. 3, 2010                           | Nov. 26, 2010                         |
| Spring Bear     | (See note 1)                              | Sept. 23, 2010                                     | Oct. 12, 2010  | Dec. 3, 2010                           | Nov. 26, 2010                         |

| <b>First Come<sup>4</sup></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>  |
| Spring Turkey                 | Nov. 29, 2010   | Dec. 6, 2010   |
| Spring Javelina               | Nov. 29, 2010   | Dec. 6, 2010   |
| Spring Buffalo                | Nov. 29, 2010   | Dec. 6, 2010   |
| Spring Bear                   | Nov. 29, 2010   | Dec. 6, 2010   |

## Notes:

- The Department will accept Hunt Permit-tag Applications for big game 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.
- If a paper Hunt Permit-tag Application that is submitted contains an error and is received by Sept. 23, 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.
- 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.