

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, January 14, 2011
Saturday, January, 15, 2011
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director and Staff)

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

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

Chairperson Martin called the meeting to order at 8:00 a.m. This meeting followed an agenda dated January 3, 2011. The Commission went directly into Executive Session.

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1. Executive Session

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

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

Vote: Unanimous

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Public Meeting reconvened at 9:27 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. Chair Martin requested a moment of silence for those killed and injured in the incident in Tucson where Congresswoman Gifford and others were shot. All those present stood for a moment of silence.

Commissioner Woodhouse recognized Buck Appleby who recently passed away. Mr. Appleby was a Hunter Education Instructor for many years, a member of the Yuma Valley Rod and Gun Club, and a supporter of the Arizona Game and Fish Commission.

Chair Martin introduced Mr. Bob Mansell who was in the audience. Mr. Mansell is the new Commissioner-elect recently appointed by the Governor.

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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.

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3. Legislative Engagement and State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

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

- The 50th State Legislature convened on Monday this week
- The budget is the primary focus for the Legislature and for the Department
- The Governor's budget proposal is scheduled to be released today.

State Legislation

SB 1024: game and fish; fingerprint card:

- Sponsored by: Senator Linda Gray
- Requires certain Department employees and volunteers to obtain fingerprint clearance cards; Mandates the Department to pay related fees
- Hearing on January 12 (Ayes 6, Nays 0); Double assigned - assigned to Judiciary Committee as well; No scheduled hearing
- Some members noted concerns regarding provisions related to the "firearms" and "public monies" provisions requiring fingerprint clearance cards.

Wasted game meat bill:

- No sponsor at this time
- Same proposed bill as last two years
- Representative Weiers wants "wasted game meat" further defined.

HB 2125: Arizona wildlife conservation service

- Sponsored by: Representative Patterson
- Changes the name of Arizona Game and Fish to Arizona Wildlife Conservation Service.

Motion: Woodhouse moved and Husted seconded THAT THE COMMISSION VOTE TO OPPOSE HB 2125.

Vote: Unanimous

Public Comment

George Reiners, Legislative Co-Chair, Yuma Valley Rod and Gun Club (YVRGC): YVRGC has proposed legislation that would effect wildlife management. It would make changes to A.R.S 17-101, A.R.S. 17-309, and A.R.S. 17-340. The intent is to enhance the punishment available for poaching of a trophy or endangered wildlife in the most egregious cases. In addition, language is being developed to amend A.R.S. 17-340 that would deny a person a license if any prior civil assessments have not been paid in full.

Commissioner Husted requested that the Department thoroughly review and discuss this proposed legislation prior to the upcoming stakeholders meeting.

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4. Shooting Sports Activities Briefing

Presenter: Jay Cook, Shooting Range Branch Chief

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

Commissioner Woodhouse commented on the request for a timeline from BOR and Yuma County for the Adair Shooting Range transfer and asked the Department to get back with them about the timeline and to try and keep the process moving along.

Chair Martin noted that several members of the public were requesting to address the Commission regarding the Northern Arizona Shooting Range (NASR). In preface to the public comments, Chair Martin stated that multiple public meetings have been held prior to the decision to purchase Foster Ranch. Since that time the Commission has purchased Foster Ranch for the purpose of a shooting range and the Department and Commission are now in the stages of determining what that shooting range is going to look like.

Public Comment

The following members of the public addressed the Commission in opposition to the Foster Ranch location as the site for the NASR. Objections were primarily due to the location's proximity to the Walnut Canyon National Monument. Most of those commenting called in from the Flagstaff Regional Office:

- Karen Goodwin, Friends of Flagstaff's Future
- Betsy McKellar, Friends of Walnut Canyon
- Steve McKellar, Friends of Walnut Canyon
- George Duncan, Friends of Walnut Canyon
- Diane Chung, Superintendent for the Flagstaff Area National Monument representing the National Park Service
- Marilyn Weismann, Flagstaff resident

- Eric Sanders, President, Friends of Flagstaff's Future

The following addressed the Commission in support of the Foster Ranch location for the NASR:

- Bill Gow, Arizona Skeet Shooting Association
- Ron Talbott, Flagstaff Shooting Association
- Mike Golightly, Flagstaff resident (former Game and Fish Commissioner)
- Bill McLean, part-time Flagstaff resident (former Game and Fish Commissioner)
- Wiley Adams, President, Arizona Skeet Shooting Association

Chair Martin commented that the Commission appreciates the comments and looks forward to working with the groups and government entities to resolve any issues.

Commissioner Woodhouse commented that the Commission is committed to the Northern Arizona Shooting Range and to the Foster Ranch location.

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Meeting recessed for a break at 11:04 a.m.

Meeting reconvened at 11:19 a.m.

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9A. Petition by Steve Chappell for return of elk antlers

Presenter: Ron Sieg, Flagstaff Regional Supervisor

On the evening of September 22, 2010, Steve Chappell shot a bull elk during his archery hunt. The next day, which was the last day of the permitted hunt, Mr. Chappell was able to locate the elk and pursue it, but was not able to get another shot and subsequently was not able to reduce the animal to lawful possession. Mr. Chappell returned to Colorado at the end of the hunt. Mr. Chappell posted information on the lost elk on the web page MonsterMuleys.com in the hopes of someone finding the elk. A rifle hunter found a dead elk with an arrow protruding and posted the information on the web page CouesWhitetail.com. A friend of Mr. Chappell's, Anthony Matthews, met Game and Fish Officers on October 17, 2010, 24 days after the end of the hunt, and investigated the dead elk and retrieved the elk antlers. The officers took possession of the antlers. Subsequently, Mr. Chappell met with and was advised by the Department that he could not be given the antlers and how he could have public access to them through the wildlife assets program sale process.

The carcass and antlers in question come under the auspices of wildlife and can only be taken and possessed as per law, Commission Rule and Order. Commission Rule R12-4-302 states that "an individual shall use a tag only in the season and hunt area from which the tag is valid." Further, Law Enforcement Directive LEM 1011 in accordance with Commission direction under the allowances of ARS § 17-240, directs that "generally, the Department has not allowed possession of fresh wildlife parts, where the animal's cause of death is determined to be from other than a natural cause." Specifically, the directive goes on to state "unnatural events would be such things as wounding loss, vehicle collisions or illegal take." It then continues to state "If the officer determines that an unnatural event, other than illegal activity, has killed the animal, possession of the part will not be allowed."

Mr. Chappell references in his petition a case where a hunter was given the antlers of an elk shot and lost in Game Management Unit 8 under similar circumstances. In this case the antlers were returned by a new officer five days after the end of the season. This matter and related action were not discussed with the respective chain-of-command before the action occurred and the action was a violation of both regional and Department policy; appropriate personnel performance correction has occurred for the officer involved.

Mr. Chappell was present and addressed the Commission asking to have the antlers returned to him. Mr. Chappell understands and affirms the rule regarding animals recovered after a season, but the purpose of the directive is to stop or discourage people from committing illegal activity, which obviously does not apply in his case. Mr. Chappell would like to see a positive outcome to this case, not just for himself but for the Department's relationship with honest hunters and sportsmen.

Public Comment

Douglas Karraker addressed the Commission on behalf of Mr. Chappell and agreed with Mr. Chappell that the Commission should return the antlers to him. He does not understand the logic of the Commission for their position on this.

Commissioner Husted stated that although no law was broken here, there is no avenue for the Commission to give (or gift) the antlers to Mr. Chappell. The avenue was the tag and the tag expired. There have been serious problems over the years with unethical people leaving the animals lay, shooting them with lesser weapons and just finding the head reducing it to possession, so this policy has been put in place for a reason. Commissioner Husted sees the auction through the wildlife assets program sale process as a great opportunity for Mr. Chappell to possibly be able to obtain the antlers.

Commissioner Husted further commented on some of the emails he has received from sportsmen that claim or threaten that if they don't like the Commission's decision in this matter that they will no longer contact the Department and will just do what they need to do in the secrecy of the outdoors. He finds that disturbing and disappointing and would like to discourage that type of comment or attitude.

Commissioner Harris concurred with Commissioner Husted and further commended Mr. Chappell for the actions he took. There is a process for Mr. Chappell to obtain the antlers even though it is not the way he wanted this to go. Unfortunately these things happen, but it is important that sportsmen support the Department in the proper way even when no one is watching.

Commissioner Woodhouse concurred as well. Mr. Chappell did everything the moral and ethical way after wounding the animal, but the Commission does not have much latitude. The process is the way it is and unfortunately Mr. Chappell will have to try to retrieve the antlers through the auction process. Even though in this case it may not feel right, and he completely understands Mr. Chappell's viewpoint, the sportsmen that say they will no longer contact the Department and do the right thing need to remember that if they operate outside the law and get cited by an officer, they could face a civil assessment and a revocation of hunting and fishing privileges.

Commissioner Freeman concurred and added that if the Internet is going to become the brokering media for people to claim animals that they have wounded, he is not okay with that.

Chair Martin agreed and stated that while she appreciated Mr. Chappell's handling of the situation and his testimony here today, she agreed with Commissioner Husted in that the tag is the venue and the tag expired. If it became part of the dialogue that as long as you wound an animal before the season closes you can pursue it afterwards, that could encourage hunters to take a bad shot and just stick an animal anywhere on the closing date so that you can go find it later. This is an unfortunate situation for Mr. Chappell, but she concurs with the Commission on this matter.

Mr. Chappell addressed the Commission on the negative Internet comments that have been posted. In spite of the outraged sportsmen and their comments regarding his case, Mr. Chappell went into this very positive and stated for the record that he remains positive and supportive of the Department.

Motion: Husted moved and Freeman seconded THAT THE COMMISSION VOTE TO DENY MR. CHAPPELL'S PETITION AND RETAIN THE ANTLERS FOR PUBLIC SALE AT THE ASSETS AUCTION.

Vote: Unanimous

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5. Information, Education and Wildlife Recreation Activities Briefing

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

The Commission was provided with an Information, Education and Wildlife Recreation Programs Update prior to this meeting (also available to the public), which presented new information as well as progress on related activities. The update covered activities and events that occurred since the December 2010 Commission meeting and was provided in fulfillment of the Department's commitment to brief the Commission on a regular basis. There were no additional updates provided at this meeting.

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6. 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 December 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. There were no additional updates provided at this meeting.

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7. Consent Agenda

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

a. Renewal of a Road Closure on State Trust Land Approximately Eight Miles East of Gold Canyon, Arizona

Presenter: Mark Weise, Development Branch Chief

The Department asked the Commission to renew a road closure on State Trust Land located approximately eight miles east of Gold Canyon, Arizona. Region VI (the original petitioner), as well as, Charles Backus, the grazing lessee, have requested the renewal of a closure to vehicular access which was granted by the Arizona Game and Fish Commission, with concurrence from the Arizona State Land Department, in 2006. This closure affects a ½ mile long road that terminates at the USFS Boundary of the Superstition Wilderness. The Department and multiple volunteers have worked to establish a parking area, control erosion, build a trail, and revegetate the scar of the closed road. The public has accepted the closure to vehicles and many people continue to access the area by foot, horseback, and bicycle.

The primary purpose of this closure is to prevent disturbance and potential loss of bats that roost in the Dacite Mine. This mine is significant because it provides habitat for five species of bats, including Townsend's big-eared and California leaf-nosed bats, both considered species of concern by the Department and the Western Bat Working Group. Prior to the closure, the bat colonies had experienced a significant decline in numbers which was attributed to destructive and malicious human activity within the mine tunnel including; discharge of firearms, use of small explosives, fires, netting, chemicals, and littering, as well as the unlawful take of bats. Two years after the closure was put into affect, Region VI personnel reported seeing close to 1,800 bats during an exit count – that was by far the most ever recorded at the site. Although a grate was installed at the mine entrance in 2010, this road closure remains an important component of protecting the bats using Dacite Mine, as well as, maintaining the restoration of the soil and vegetation which has occurred over the past five years. The Arizona State Land Department and United States Forest Service support this closure for wildlife and natural resource protection.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE REQUEST TO RENEW A ROAD CLOSURE ON STATE TRUST LAND APPROXIMATELY EIGHT MILES EAST OF GOLD CANYON.

b. Renewal of a Road Closure on State Trust Land Southeast of Florence, Arizona

Presenter: Mark Weise, Development Branch Chief

The Department asked the Commission to approve a request by Mr. Gale J. Brimhall to renew a road closure on State Trust Land located in Pinal County, approximately ten miles southeast of Florence, Arizona. The Arizona Game and Fish Commission originally granted this closure, with concurrence from the Arizona State Land Department, in 2000. The road closure was granted contingent on the improvement of an alternate access route, which was recently inspected and found to still be in good condition. The one mile long alternate access route diverts traffic around a small piece of private property where a pumping station is located. This road closure supports wildlife management by protecting the water pump, which provides water to drinkers spread out along an 18 mile pipeline. The closure also supports wildlife management by maintaining hunter access to a large area of State Trust land. The closure has been successful over the past ten years and the Department is aware of no complaints regarding the closure. Regional personnel and the Arizona State Land Department support the renewal of this closure to vehicular access.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE REQUEST TO RENEW A ROAD CLOSURE ON STATE TRUST LAND LOCATED APPROXIMATELY TEN MILES SOUTHEAST OF FLORENCE.

c. Request for the Commission to Approve a Professional Services Agreement with Kiewit Infrastructure West.

Presenter: Larry Riley, Acting Assistant Director

The Commission was asked to approve a Professional Services Agreement with Kiewit Infrastructure West for the purpose of developing wildlife research and monitoring associated with the Tres Rios wetland restoration project on the Gila River, Arizona. Kiewit Infrastructure West has identified wildlife research and monitoring needs as an important component in restoring the native wetland habitats along the Gila River and has a need for wildlife expertise to work with engineers and planners to give input relative to wildlife concerns related to the habitat restorations projects. The Department has the expertise and experience to help Kiewit Infrastructure West make informed decisions about and minimize impacts to wildlife resources. Therefore, matching the Department's expertise with Kiewit Infrastructure West's need under this Professional Services Agreement will benefit wildlife by improving and expanding the information available for making wildlife resource decisions.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH KIEWIT INFRASTRUCTURE WEST 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: Woodhouse moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEMS A, B, AND C.

Vote: Unanimous

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8. Request to Approve the Notice of Exempt Rulemaking to Amend R12-4-801, R12-4-802, R12-4-803, and R12-4-804.

Presenter: Jennifer Stewart, Rules and Risk Branch Chief

The Commission was asked to approve a Notice of Exempt Rulemaking amending rules within Article 8. The Department proposed to amend Article 8 rules, addressing Wildlife Areas and Department Property, and implement recommendations resulting from data and research gathered during 2009-2010 for specific wildlife areas. The Department proposed the following substantive rule amendments:

- R12-4-801 General Provisions – Repeal outdated information within the rule.
- R12-4-802 Wildlife Area Restrictions - Provide restrictions in a consistent order and format and to establish the following new restrictions:
 - Cluff Ranch Wildlife Area - Close posted portions of Pond #3 in response to public safety concerns.
 - Lamar Haines Wildlife Area - Prohibit open fires. This restriction will reflect current restrictions in place, due to lack of seasonal rainfall, at the adjoining Coconino National Park.
 - Raymond Wildlife Area - Prohibit off-road travel except to pick up lawfully taken big game animals. This change also reflects current forest service direction for both the Coconino and Kaibab National Forests.
 - Sunflower Flat Wildlife Area - Prohibit motorized vehicles and open fires. This wildlife area is dedicated to preserving high elevation wetland habitat for waterfowl and is more susceptible to wildfires when the vegetation is dry. Currently there are no roads within the wildlife area and camping is not allowed.
- R12-4-803 Wildlife Area Boundary Descriptions – Amend boundary descriptions and include newly acquired properties within the Arlington Wildlife Area.
- R12-4-804 Public Solicitation or Event on Department Property – Amend to remove unnecessary language and make the rule easier to understand.

If approved by the Commission, the Department will publish the Draft Notice of Exempt Rulemaking to the Department's Internet site for public comment for a period of 30 days. Once this period closes the Department will present the Final Notice of Exempt Rulemaking for the Commission's review and approval. Upon final approval, the rulemaking package will be filed with the Secretary of State's office for publication in the *Register*.

Motion: Husted moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE THE NOTICE OF EXEMPT RULEMAKING TO AMEND ARTICLE 8 RULES ADDRESSING WILDLIFE AREAS AND DEPARTMENT PROPERTY.

Vote: Unanimous

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9. Request by Mr. Gary Keeton to Restore Loyalty and Bonus Points

Presenter: John Bullington, Assistant Director, Special Services Division

Mr. Keeton requested that the Commission authorize a bonus point for elk for the 2010 elk/antelope draw and restore his loyalty point. Mr. Keeton applied for the 2010 elk/antelope draw as a non-resident along with two other applicants on a combined Hunt-Permit-Tag/License Application Form. The total cost for the requested hunts and licenses was \$1,936.25. This amount consists of 3 non-resident elk tags at \$595 each and one Class G Hunting License for Gary Keeton \$151.25. The amount remitted to the Department by Mr. Keeton's party was \$1,936.00 which was \$.25 short. The application was subsequently rejected in accordance with R12-4-104 sections (F), and (O). The fees for the licenses and tags were clearly published on page 6 of the regulations. Page 8 of the regulations clearly states that all fees must be included with the application.

Mr. Keeton's application was received on February 4, 2010 which was 14 days after the end of the correction period deadline of January 21, 2010. In accordance with the published hunt Application Schedule – Winter 2010, because the application was received beyond the correction period deadline date the applicants were not notified of the shortage of funds remitted with the application. The Department refunded all funds minus application fees in accordance with R12-4-104(Q) to applicant A, James Worthan in the amount of \$1913.50. The refund check was issued April 8, 2010 and mailed within 5 work days. The deadline for mailing out refunds was set in the Hunt-Permit-Application Schedule – Winter 2010 as April 23, 2010. Page 9 of the 2010 Pronghorn and Elk Regulations also indicated that all refunds will be mailed to applicant A. No rules currently authorize the award of bonus points for rejected applicants. Rule only allows the Director to authorize bonus points if the Department is in error as per R12-4-104(R).

Mr. Bullington confirmed with the Commission that they each received and read an email request from Mr. Keeton regarding his request.

Commissioner Harris commented that he understood the situation and that he made a similar mistake on a javelina permit this past year. But you can't change the rules depending on who you are or the circumstances. There is a process in place and procedures that apply to everyone.

Commissioner Freeman commented that this seems simple but it isn't. In order to be fair the process must apply to everyone the same whether it's .25 cents or \$25.

Commissioner Martin concurred. This situation is unfortunate but we can't deviate from the rules every time there is an error.

Motion: Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO DENY MR. KEETON'S REQUEST TO RESTORE HIS LOYALTY POINT AND AWARD A BONUS POINT FOR ELK.

Vote: Unanimous

Commissioner Husted commented that this magnifies the need for the electronic application process and asked Mr. Bullington to expedite getting that program up and running.

Mr. Bullington assured the Commission that he is working toward that end expeditiously.

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Meeting recessed for lunch at 11:56 a.m.

Meeting reconvened at 1:30 p.m.

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16. Law Enforcement Program Briefing

Presenter: Gene Elms, Law Enforcement Branch Chief

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

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15. Call to the Public

There were no requests to speak at this time.

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18. Election of Commission Chair and Vice-Chair for 2011 and Election of Positions and Appointments to Standing Committees.

Presenter: Bob Broscheid, Deputy Director

Mr. Broscheid presented this item to the Commission for election of a Commission Chair and Vice-Chair for 2011 and for the incoming Commission Chair to appoint individual Commissioners to Chair the committees through January 2012. The current committees are: Heritage Public Advisory Committee, Habitat Partnership Committee, Landowner-Lessee/Sportsman's Relations Committee, Wildlife Assets Committee, and Conservationist Committee. The Commission may also choose to establish or dissolve committees.

Motion: Freeman moved and Husted seconded THAT THE COMMISSION VOTE TO ELECT COMMISSIONER WOODHOUSE AS COMMISSION CHAIR FOR 2011.

Vote: Unanimous

Motion: Husted moved and Harris seconded THAT THE COMMISSION VOTE TO ELECT COMMISSIONER FREEMAN AND COMMISSION VICE CHAIR FOR 2011.

Vote: Unanimous

Commissioner Woodhouse selected the following Commissioners as Committee Chairs for the following committees:

- Heritage Public Advisory Committee – Commissioner Martin until Commissioner-elect Robert Mansell takes his seat on the Commission
- Habitat Partnership Committee – Commissioner Harris
- Landowner-Lessee/Sportsman’s Relations Committee – Commissioner Woodhouse
- Wildlife Assets Committee – Commissioner Husted
- Conservationist Committee – Commissioner Freeman

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Meeting recessed for a break at 1:45 p.m.

Meeting reconvened at 2:00 p.m.

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

Presenter: Gene Elms, Law Enforcement Branch Chief

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

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

Meeting reconvened at 3:27 p.m.

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13. Rehearing Request by James D. Reed Regarding Previous License Revocation/Civil Assessment

Presenter: Gene F. Elms, Law Enforcement Branch Chief

On April 29, 2010, James D. Reed was convicted in the Green Valley Justice Court for knowingly allowing another to use his tag. On October 8, 2010, the Commission revoked James D. Reed’s hunting, fishing and trapping licenses for a period of five (5) years, invoked a shared \$1,500.00 Civil Assessment, and further required him to complete a Hunter Education Course before obtaining any license(s) to take wildlife in the State of Arizona. James D. Reed requested a rehearing of this matter and decision based on newly discovered material evidence. James D. Reed was notified of the hearing by certified mail. The Commission was provided with all pertinent materials related in this case.

Mr. Elms provided the Commission with a document recently received by the Department. The document was a letter from David T. Hardy, Attorney at Law, with an attached USFWS Incident

Report. In the letter Mr. Hardy states that the USFWS Incident Report shows that the lion kill was in self-defense and that the Commission's questions about self-defense suggested it was a pivotal issue, so Mr. Hardy requested in the letter that the Commission either reconsider its ruling and lift its five year revocation and civil assessment or grant a rehearing.

Commissioner Freeman stated that the bigger issue was the tag and the self-defense issue was not pivotal.

Commissioner Martin stated that she would have voted to revoke Mr. Reeds license for the tag issue, but the self-defense issue probably would have been significant to her regarding the length of the revocation.

Commissioner Harris stated that he is still comfortable with his decision because Mr. Reed was not truthful about who shot the lion up until witnesses came forward and said who shot it.

Mr. Hardy was present and addressed the Commission on behalf of Mr. Reed.

Mr. Reed addressed the Commission and asked them to rehear his case.

Motion: Woodhouse moved and Harris seconded THAT THE COMMISSION VOTE TO DENY MR. JAMES D. REED'S REQUEST FOR A REHEARING.

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

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14. Rehearing Request by Mark D. Reed Regarding Previous License Revocation/Civil Assessment

Presenter: Gene F. Elms, Law Enforcement Branch Chief

On April 29, 2010, Mark D. Reed was convicted in the Green Valley Justice Court for possession of unlawfully taken wildlife and using the tag of another. On October 8, 2010, the Commission revoked Mark D. Reed's hunting, fishing, and trapping licenses for a period of five (5) years, invoked a shared \$1,500.00 Civil Assessment, and further required him to complete a Hunter Education Course before obtaining any license(s) to take wildlife in the State of Arizona. Mark D. Reed requested a rehearing of this matter and decision based on newly discovered material evidence; irregularity in the proceedings; and, accident or surprise which could not have been prevented by ordinary prudence. Mr. Mark D. Reed was notified of the hearing by certified mail. The Commission was provided with all pertinent materials related in this case.

Mr. Hardy addressed the Commission on behalf of Mr. Mark Reed and asked them to reconsider based on the USFWS Incident Report, which was not available for consideration at the initial hearing, and based on the Reed's trying to get the animal to Tucson to be tested for rabies.

Motion: Husted moved and Harris seconded THAT THE COMMISSION VOTE TO DENY MR. MARK D. REED'S REQUEST FOR A REHEARING.

Commissioner Freeman stated that he will support this motion because the Reed's gutted the lion while claiming to be concerned about rabies.

Chair Martin stated that she will vote nay because new information has been brought forward which is the USFWS Incident Report.

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

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10. Rehearing Request by Germane Lorta Regarding Previous License Revocation/Civil Assessment.

Presenter: Gene F. Elms, Law Enforcement Branch Chief

On September 1, 2010, Germane Lorta was convicted in the East Santa Cruz Justice Court for allowing another to use his tag; attaching a tag to an animal he did not kill and possession of unlawfully taken wildlife. On October 8, 2010, the Commission revoked Germane Lorta's hunting, fishing and trapping licenses for a period of five (5) years, invoked a shared \$8,000.00 Civil Assessment, and further required him to complete a Hunter Education Course before obtaining any license(s) to take wildlife in the State of Arizona. Germane Lorta's attorney has requested a rehearing of this matter and decision on the grounds of the Commission's abuse of discretion in refusing to stay the hearing while Mr. Lorta awaits an appeal of charges. Germane Lorta was notified of the hearing by certified mail. The Commission was provided with all pertinent materials related in this case.

Mr. Elms informed the Commission that as of last week there has been no appeal filed in this case.

Chair Martin confirmed with Mr. Elms that if Mr. Lorta files an appeal and is successful then the Commission's actions will become null and void.

Mr. Lorta was not present for this rehearing request.

Motion: Husted moved and Harris seconded THAT THE COMMISSION VOTE TO DENY THIS REQUEST FOR REHEARING.

Vote: Unanimous

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11. Rehearing Request by Roman Lorta Regarding Previous License Revocation/Civil Assessment.

Presenter: Gene F. Elms, Law Enforcement Branch Chief

On September 1, 2010, Roman Lorta was convicted in the East Santa Cruz Justice Court for using the tag of another, taking wildlife without a tag, and possessing unlawfully taken wildlife. On October 8, 2010, the Commission revoked Roman Lorta's hunting, fishing and trapping licenses for a period of five (5) years, invoked a shared \$8,000.00 Civil Assessment, and further required him to complete a Hunter Education Course before obtaining any license(s) to take wildlife in the State of Arizona. Roman Lorta's attorney requested a rehearing of this matter and decision on the grounds of the Commission's abuse of discretion in refusing to stay the hearing while Mr. Lorta awaits an appeal of charges. Roman Lorta has been notified of the hearing by certified mail. The Commission was provided with all pertinent materials related in this case.

Mr. Lorta was not present for this rehearing request.

Motion: Harris moved and Husted seconded THAT THE COMMISSION VOTE TO DENY THIS REQUEST FOR REHEARING.

Vote: Unanimous

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12. Rehearing Request by Gary E. Sanders Regarding Previous License Revocation/Civil Assessment.

Presenter: Gene F. Elms, Law Enforcement Branch Chief

On March 22, 2010, Gary E. Sanders was convicted in the Maricopa Superior Court for two counts of license fraud (2010-0064). On August 27, 2010, Gary E. Sanders was convicted in the Fredonia Justice Court for possession of unlawfully taken wildlife (2010-0084). On October 8, 2010, the Commission revoked Gary E. Sanders' hunting, fishing and trapping licenses for a period of five (5) years for each case, to run concurrently. Gary E. Sanders requested a rehearing of this matter and decision on the basis that the five year revocation is excessive, taking into consideration the community service and volunteering he has completed, and would continue to perform, at the discretion of the Commission. Gary E. Sanders was notified of the hearing by certified mail. The Commission was provided with all pertinent materials related in this case.

Mr. Sanders was not present for this rehearing request.

Motion: Husted moved and Woodhouse seconded THAT THE COMMISSION VOTE TO DENY THIS REQUEST FOR REHEARING.

Vote: Unanimous

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19. 2011 Director's Goals and Objectives

Presenter: Bob Broscheid, Deputy Director

The Commission discussed the 2010 Director's Goals and Objectives and decided which ones were completed and which ones would continue and/or be changed for 2011, and what new goals they wanted to see for 2011. The Commission came to a consensus on the following:

2010 Goals:

- Goal 1, Department planning process: Keep with more defined deliverables for 2011
- Goal 2, Wildlife-related recreation lands access: Update to implement as outlined
- Goal 3, GIS Capability: Update to implement as outlined
- Goal 4, Shooting sports line of business: Update/define deliverables for shooting sports
- Goal 5, Wildlife Recreation Branch: Close out
- Goal 6, Department staff development: Keep with more defined deliverables for 2011
- Goal 7, Increased Income Tax check-off revenue: Close out
- Goal 8, Lead and wildlife mortality: Keep with more defined deliverables for 2011
- Goal 9, Mountain Lion Management: Close out and create new - Improve information available on mountain lion predation impacts on big game species, birth impulse, statewide population trends, and techniques available for lion population management
- Goal 10, Department Enterprise Architecture: Keep with more defined 2011 deliverables
- Goal 11, Department land and properties management: Keep with more defined deliverables for 2011
- Goal 12, Department budget and financial management: close out and create new – Seek new money, both traditional and non-traditional with emphasis on non-traditional
- Goal 13, On-line hunt draw: Keep with defined deliverables for 2011
- Goal 14, Law Enforcement Capability: Keep with defined 2011 deliverables and update to include expansion of reservists and boots on the ground.

New Goals:

- Revisit moving the Adobe Mountain Rehabilitation Center to the Department Headquarters, identify funding sources and expand through partnerships
- Recruitment and Retention of people in all Department programs
- Create recommendations by the end of 2011 on how to simplify the regulations, and find a way to make the printed regulations more available and timely to coincide with draw and correction period deadlines
- Establish a second black-footed ferret population in the State of Arizona (depending on resources, funding and feasibility)
- Improve employee moral above the score levels of the first annual survey from 2010

The Department will review the list of goals and identify timelines, plans, and resources and bring that back to the Commission at the February Commission meeting. At that time the Commission will discuss and vote to adopt or change any of the goals. Department staff will contact the Commissioners individually for clarification or additional information as needed in preparation of the Goals and Objectives to be presented at the February meeting.

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20. Call to the Public

There were no requests to speak to the Commission.

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21. Approval of Minutes and Signing of Minutes

Motion: Husted moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM OCTOBER 8-9, 2010, NOVEMBER 16, 2010, AND DECEMBER 3-4, 2010, AS AMENDED TO INCLUDE CORRECTION OF TIMESTAMP TYPO ON PAGE 37 OF DECEMBER 3-4, 2010.

Vote: Unanimous

The Commission signed the minutes following approval.

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22. Director and Chairman's Report

Director Voyles:

- Attended the Natural Resources Executives meeting with David McKay, Coordinator for the National Forest system in Arizona and the Directors of BLM, Water Resources, State Land Department, State Forester, Regional Forester, Joy Nichopoulos on behalf of Dr. Tuggle and others
- Met with the Speaker of the House, Kirk Adams, along with Simone Hall and Tony Guiles
- Met with the AZNET group along with the Department of Administration to discuss Department equities and issues
- Had a follow-up meeting with Trout Unlimited along with Department staff
- Participated in the Full Water Resources Development Commission meeting
- Traveled to Washington DC for the AFWA Executive Committee Meeting, CAHSS Board Meeting, ESA JTF Meeting, and Sikes Act Meeting
- Met with Kevin Kinsall and Bill Greeney along with Barbara Jewett on Department fleet issues
- Meeting with Sandy Froman and Elizabeth Woodin regarding issues and opportunities related to alternate funding and approaches to that effort
- Attended the Mid-winter WAFWA meeting in Tucson: CRFWC Meeting, Western Quail Working Group, Conference call with Dean Smith regarding NAWCA Contributions to Canadian projects, Met with Tom Allen and Henri Bisson of Public Lands Foundation regarding Wild horse and burros issues
- Attended the Governor's Open House as a cabinet member
- Met with Dr. Ben Tuggle, Corbin Newman, Lorri Lee-Gray and others regarding LCC's Assessments
- Attended negotiation discussions regarding Planet Ranch

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

- Crafted a white paper with Department staff in preparation of the Mid-winter WAFWA and attended the WAFWA conference
- Attended a meeting in Northern Arizona regarding the Northern Arizona Shooting Range
- Prepared for the Conservationists Committee
- Attended a Black-footed Ferret Recovery Team meeting

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23. Commissioner's Reports

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

Commissioner Woodhouse:

- Attended a Cibola Valley Irrigation meeting
- Attended the WAFWA Mid-winter conference in Tucson
- Testified at the Legislature on SB 1024
- Attended the Rural Legislators Caucus

Commissioner Harris:

- Attended a meeting with Pima County and constituents on hunting in the Tucson Mountain Park
- Worked with the Director's Office on a constituent's complaint on the Department's aerial survey process
- Attended the Governor's Inauguration
- Attended the WAFWA Mid-winter meeting in Tucson

Commissioner Freeman:

- Attended the Northern Arizona Shooting Range meeting
- Responded to an email with a constituent regarding his hunt that was ruined by trail cameras and guides that were prospecting
- Met with the Chino Valley Police Department about the Chino Valley Shooting Range; attended the presentation provided by Department staff

Commissioner Husted:

- Attended the WAFWA Mid-winter meeting

* * * * *

24. Future Agenda Items and Action Items

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

- Evaluate the impacts (pros and cons) of the Yuma Valley Rod and Gun Club proposed legislative amendment and inform the Commission's Legislative Representatives
- Step up the contact with the Adair Shooting Range and the transfer that property and what the timeline is going to be
- Put the Director's Goals and Objectives on the February Commission meeting agenda

* * * * *

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

Vote: Unanimous

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Meeting recessed for the day at 5:36 p.m.

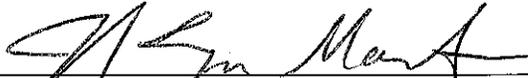
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Meeting reconvened Saturday at 2:00 pm.

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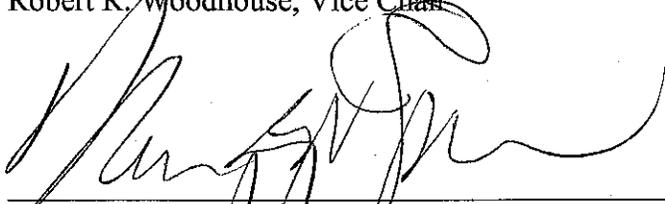
The Commission participated in an informal meeting and open discussion with its constituents. No official action was taken. Those present also viewed the Department's 2010 Year in Review Video Presentation. This meeting was held at the Crown Plaza Hotel, 2532 W. Peoria Avenue, Phoenix, Arizona and was followed by the Commission Awards Banquet. The banquet adjourned at approximately 10:00 p.m.



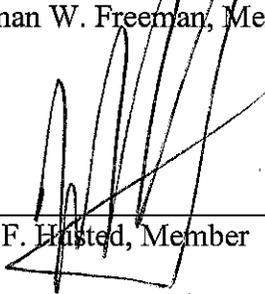
Jennifer L. Martin, Chair



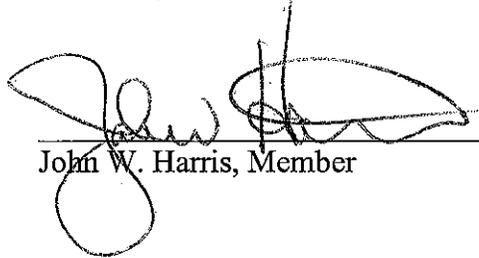
Robert R. Woodhouse, Vice Chair



Norman W. Freeman, Member

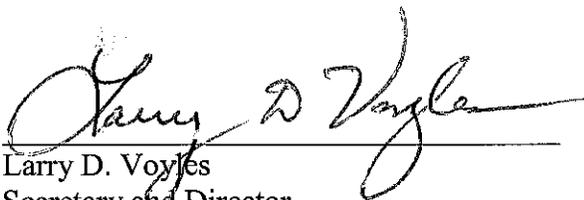


Jack F. Husted, Member



John W. Harris, Member

ATTEST:



Larry D. Voyles
Secretary and Director

**Game and Fish Litigation Report
Presented at the Commission Meeting
January 15, 2011**

The Assistant Attorneys General for the Arizona Game and Fish Commission and the Arizona Game and Fish Department are representing these agencies in the following matters in litigation. This report does not include claims and lawsuits for damages against these agencies in which the agencies are represented by Assistant Attorneys General in the Liability Defense Section of the Attorney General's Office.

1. *Wilderness Watch, Inc. et al. v. United States Fish and Wildlife Service et al., CV01185-MHM.* Plaintiffs filed suit on June 15, 2007, challenging the decision of the U.S. Fish and Wildlife Service ("FWS") to redevelop two water structures on the Kofa National Wildlife Refuge. The water structures provide supplemental water to wildlife populations that have suffered due to persistent drought. Plaintiffs allege that these water developments violate the National Environmental Policy Act because the FWS did not first determine the environmental impact of these projects. Plaintiffs also allege that such permanent structures are prohibited by the Wilderness Act. Plaintiffs seek declaratory and injunctive relief. They are asking the court to find that the FWS violated the law and to order the FWS to remove the structures.

The Commission has voted to file an application with the court to intervene on behalf of the FWS. Any court order finding that the FWS violated federal law will impair the Commission's ability to restore the wildlife populations in the refuge and in other wilderness areas in Arizona. The Attorney General's Office anticipates that a motion to intervene will be filed by August 15th.

On August 7, 2007, the State filed its Motion to Intervene. Plaintiffs, in response to the State's motion, did not object to the State's permissive intervention, so long as the court imposes restrictions on the State's participation, such as page limits, requiring the State to file joint briefs with the other intervenors, and prohibiting the State from duplicating arguments made by the federal defendants. On August 29, 2007, the State filed a reply in support of its Motion to Intervene and opposed any restrictions on the State's intervention.

On August 20, 2007, the State also filed a response to plaintiffs' Motion for Temporary Restraining Order.

On August 30, 2007, the federal defendants filed an answer to plaintiffs First Amended Complaint.

The court has issued a scheduling order for the parties to file motions for summary judgment. The plaintiffs' motion is due December 14, 2007; the defendants' cross-motion and response is due February 1, 2008; plaintiffs' response/reply is due February 29, 2008 and defendants' reply is due March 14, 2008.

Plaintiffs have withdrawn their motion for a temporary restraining order so the status quo will remain until the court rules on the motions for summary judgment.

As for the motions to intervene filed by the State of Arizona and various conservation organizations, the court has indicated it will not likely rule on these motions prior to the time the

parties file their motions for summary judgment. The court, however, granted permission to the applicants for intervention to file motions for summary judgment. Also, the plaintiffs stated on the record that they have no objection to the State of Arizona intervening in the case.

On February 1, 2008, the State of Arizona, the federal defendants and conservation groups filed separate cross motions for summary judgment and responses to the plaintiffs' summary judgment motion.

On February 29, 2008, the plaintiffs filed a response to the cross motions for summary judgment. Defendants have until March 14, 2008, to file replies.

On March 4, 2008, the court granted the motions to intervene by the State of Arizona and the conservation groups.

On March 14, 2008, the State of Arizona and the other defendants filed replies to the plaintiffs' cross motion for summary judgment.

On April 2, 2008, the organization Public Employees for Environmental Responsibility ("PEER") filed a motion for leave to file an amicus curie brief in support of the plaintiffs' cross motion for summary judgment. At the same time, PEER lodged its amicus brief with the court clerk. Each defendant has filed a response opposing PEER's motion for leave. Not only is the motion untimely, the brief that PEER has lodged contains many additional factual assertions not included in the administrative record. This attempt to supplement the administrative record with new information violates the established law in this area.

The parties filed supplemental briefs on June 3, 2008, addressing the issue whether the Wilderness Act or the National Wildlife Refuge Improvement Act controls in this case. Oral argument on the cross motions for summary judgment took place on June 12, 2008. The court has taken the motions under advisement.

The court issued an order on September 5, 2008, denying the plaintiffs' cross motion for summary judgment and granting the defendants' and interveners' cross motions for summary judgment. Judgment in favor of the defendants was entered on September 11, 2008.

The plaintiffs filed a notice of appeal on October 29, 2008. The court entered a time schedule order on November 4, 2008. The plaintiffs (now appellants) filed an opening brief on February 13, 2009. The defendants and intervenors filed motions for thirty day extensions to file responsive briefs. The court granted the motions and extended the date to file the briefs to April 15, 2009.

The court issued an order on April 27, 2009, granting the plaintiffs an additional 21 days from the date of the order to file a reply brief. The reply is now due on May 18, 2009.

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

The Court of Appeals issued an opinion on December 21, 2010. The Court held that wildlife conservation, and the conservation of bighorn sheep in particular, is a purpose of the Kofa Wilderness Area. The Court, however, found that the Service did not sufficiently

explain that redeveloping two water structures in the wilderness area was necessary to restore the bighorn sheep population. The Court expected the Service to evaluate alternative actions to determine whether these alternatives would increase the sheep population without the additional water. The court remanded the case back to the district court for a decision on whether to allow the Service to supplement its decision.

2. *Anderson v. Arizona Game and Fish Department, et al.*, 2 CA-CV 2010-0098 Plaintiff Ralph Anderson seeks judicial review of the Commission's June 27, 2008 action revoking his licenses to take wildlife for ten years for taking big game in excess of bag limit (bull elk). Anderson had previously had his hunting privileges revoked for five years for taking a Gould's turkey during closed season. On March 8, 2010 the Pinal County Superior Court affirmed the Commission's decision. Anderson appealed to the Arizona Court of Appeals. The Court of Appeals, in a decision filed November 8, 2010, reversed in part and affirmed in part. The Court held that A.R.S. §17-340(B) does not grant the Commission authority to impose consecutive sanctions on offenders for repeat offenses. The Court affirmed the Commission's power to impose additional sanctions under A.R.S. §17-340(B)(2) while a person is serving a current term of revocation and to revoke or suspend the license of a person whose license has already been revoked based on a conviction of another covered Title 17 offense. **Anderson has filed a petition for review to the Arizona Supreme Court seeking review of the Court of Appeal's ruling that the Commission can further sanction a person whose hunting licenses have already been revoked. The Department filed a response to the petition on January 7, 2011.**

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

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

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

The IBLA issued an opinion on December 7, 2010, affirming the BLM's decision to transfer land to the Department for use as a shooting range. The IBLA found that the BLM did not violate NEPA or the National Historic Preservation Act.

4. *Center for Biological Diversity v. U.S. Bureau of Land Management et al.* CV-09-8011-PCT-PGR; *The Wilderness Society et al. v. U.S. Bureau of Land Management et al.* CV-09-8010-PCT-PGR. On May 9, 2008, Records of Decision and Approved Resource Management Plans for the Arizona Strip, Vermillion Cliffs National Monument and portions of the Grand Canyon-Parashant National Monument were released to provide guidance for BLM-administered lands in northern Arizona. In *Center for Biological Diversity (CBD) v. U.S.*

Bureau of Land Management, No. CV 09-8011-PCT-PGR (US Dist. Ct. AZ), plaintiff CBD challenges the Plans, alleging that BLM and FWS have failed to comply with the NEPA, FLPMA, and the Endangered Species Act (ESA) by refusing to incorporate actions necessary to protect public land and endangered and threatened species from adverse impacts of excessive off-road vehicle use, livestock grazing, and the use of lead ammunition. *The Wilderness Society et al. v. BLM, et al.* No. CV 09-8010-PCT-PGR (US Dist. Ct. AZ) also challenges the Plans by alleging violations of the NEPA, FLPMA, NHPA and presidential proclamations for the Vermillion Cliffs and Grand Canyon-Parashant Plans.

The National Rifle Association is an intervener. The Arizona Game and Fish Department has been granted *amicus* status, as has Safari Club. **The parties are now engaged in summary judgment motions and responses. AGFD filed an amicus brief in the CBD case, which argued that BLM was not legally obligated to analyze the effects of lead ammunition on California condors in the BLM strip district, as the manner and methods of hunting are vested exclusively with the Arizona Game and Fish Commission. CBD and Wilderness Society filed their oppositions to BLM's motions for summary judgment on Jan 7, 2011. BLM will file its reply in support of its MSJ on Feb. 11. Amici AGFD and Safari Club may file short amici reply briefs on Feb. 25. At that point, the case will likely be scheduled for oral argument.**

CBD seeks a court order setting aside all Plans as arbitrary and capricious. The Wilderness Society seeks the same result, but only for the Vermillion Cliffs and Grand Canyon-Parashant Plans. Both plaintiffs request a remand to BLM for further proceedings. If the Court finds BLM's actions arbitrary or capricious, the Court will then conduct the "remedy" phase of the case, where the plaintiffs may seek injunctions against motorized use of roads or the use of lead ammunition during the period of time that BLM is revising its RMPs in accordance with the Court's ruling.

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

FOREST SERVICE LAND AND TRAVEL MANAGEMENT PLANNING

Apache-Sitgreaves National Forests

The Department commented on the Draft Environmental Impact Statement for Public Motorized Travel Management Plan for the Forests. The Department expressed its general support for the Proposed Action (Alternative B), and provided site-specific comments regarding: the need to open additional roads to public motorized travel to facilitate access, close roads to public motorized travel to reduce negative impacts to wildlife, provide additional dispersed motorized camping opportunities, and better manage dispersed motorized camping in high use areas. Alternative B would prohibit general cross-country motorized travel with some exceptions pertaining mainly to motorized big game retrieval (MBGR), and permitted uses such as fuelwood cutting and livestock permittee operations. With regard to MBGR, Alternative B would allow for the retrieval of legally killed elk, mule deer, and black bear during late summer and fall hunts within one mile of most open roads. Alternative B includes 658 miles of designated dispersed motorized camping corridors (300 foot wide corridors from either side of the road), as well as 869 dispersed campsites accessible via roads and motorized trails. Roadside parking within a vehicle length from the shoulder of an open road would also be permissible along much of the 2,673 miles of designated open roads thus allowing the public to access additional dispersed camping opportunities. In addition, approximately 1,380 campsites are available within developed campgrounds.

Coconino National Forest

The Forest recently released an early working draft of its revised forest plan for public review and comment. The Department submitted comments to the Forest (attached). The overall theme of the revised forest plan is a move away from specific, tactical Standards and Guidelines toward a broader, strategic plan guided by Desired Future Conditions that allow for greater flexibility in management. While moving from tactical to strategic is in line with more current planning science, we are concerned that some of the Standards and Guidelines from the old plan that have been helpful safeguards for wildlife and diversity are being eliminated in the new plan. At earlier stages of plan development we were told that many of those wildlife Standards and Guidelines would carry forward. However, we are not seeing many of those guidelines in the current working draft. To address this issue, and others raised in the Department's comments, the Forest has scheduled a meeting for January 21 to be held at the Region II office.

Travel Management Rule

The Forest is expected to release their Decision on their Travel Management EIS in January.

Coronado National Forest

The Department began review of the final version of the Draft Environmental Impact Statement for the Coronado's new Land Management Plan. The Forest will not allow the Department to possess the document due to State Public Records Law concerns until it is available to the public

sometime in January. The Department is therefore viewing the document at the Tucson Forest headquarters by appointment. No new changes are anticipated to the document before release to the public.

Kaibab National Forest

The Williams Ranger District has released their Decision on their Travel Management EA, and the appeal period has now closed. It is unknown if any groups have appealed. The EA called for elimination of cross-country travel with restricted allowance of motorized big game retrieval (MBGR) for elk, designation of OHV routes, and designation of dispersed camping corridors. The Tusayan Ranger District decision on their EA should be out soon. Their first EA Decision was appealed because the Forest did not analyze a no-MBGR alternative with fewer open roads.

U.S. FOREST SERVICE

Four Forests Restoration Initiative

The US Forest Service (USFS) continues to work on an accelerated, landscape-scale forest restoration project on four forests (Coconino, Kaibab, Apache-Sitgreaves, and Tonto), aka Four Forests Restoration Initiative (4FRI). The 4FRI calls for mechanical tree thinning and fire to restore at least one million acres of northern Arizona forests over 20 years. The Department is an active stakeholder. The USFS is planning to release their Proposed Action for the first 4FRI Environmental Impact Statement at the end of January. This first EIS covers 750,000 acres of both the Coconino and Kaibab National Forests primarily in the landscape south and west of Flagstaff and Williams. The USFS intends to offer a 30-day scoping period on the Proposed Action. A Draft EIS is expected in fall 2011, and a Record of Decision in spring 2012. Meanwhile, the USFS is developing a Request for Proposals to attract small-diameter wood industries to handle restoration by-products and reduce costs. To date, the USFS has demonstrated significant commitment to collaboration with the 4FRI Stakeholder Group; however the Department is somewhat concerned that the accelerated timeframe and limited scoping period for the Proposed Action is limiting opportunity for stakeholder and public input into a project of such large scale.

Coconino National Forest

The Department is currently reviewing a draft Proposed Action for the Comprehensive River Management Plan for Fossil Creek. We will be submitting comments now and likely during the public review as well. Early indications of the proposed management of Fossil Creek include limited overnight camping, day-use for hiking, shuttles getting visitors to the creek during summer months (via Camp Verde and Strawberry), flexibility for driving to the creek during non-summer months (i.e. fishermen will be able to get themselves to Fossil Creek not have to take a shuttle). In addition, after comments from our agency and others, wildlife are now considered an “Outstandingly Remarkable Value”.

The Department is participating on the Interdisciplinary Team for the upcoming Wing Mountain Forest Health and Fuels Reduction Project which includes portions of GMU 7 and 11. This project is adjacent to the recently-signed Hart Prairie Project and its main goals are to restore ponderosa pine forest health while protecting the San Francisco Peaks and nearby private lands from uncharacteristic wildfire. The Department is working closely with the Forest’s wildlife

biologist to provide wildlife information and recommendations for consideration in the Proposed Action (PA). It is unknown when the Forest plans to release the PA.

The Forest has invited the Department to participate on the Interdisciplinary Team (IDT) for the Apache Maid Range Allotment Management Plan which includes portions of GMU 6A and 6B. This area is of particular significance to the Department as it constitutes important habitat for Chiricahua leopard frogs. The Department is attending the IDT kick-off meeting on January 5.

Coronado National Forest

The Department provided scoping comments on a mining exploration proposal for the Greaterville area in the Santa Rita Mountains. The project, undertaken by “5 Amigos” company will investigate old mine wastes from the Morning Star Mine in Ophir Gulch. The Department has questions about the toxicity and stability of the old mine waste and any potential impacts to sensitive species such as Chiricahua leopard frogs, which occur nearby.

The Department is currently reviewing another scoping letter for a mining exploration proposal in the Greaterville area called the “Quartz Dreams” project. This project will involve rock fracture techniques using explosives in existing mine shafts that will first be pumped dry.

Kaibab National Forest

The Department commented on the McCracken Fuels Reduction and Forest restoration Project on the Williams District. The Department is encouraged that the Forest Service has proposed multiple treatments on the Forest which will likely result in a heterogeneous structure for wildlife. In addition, the McCracken project is going to open up a well documented pronghorn corridor. Some concerns within the project relate to treatment of Gambel oak and mistletoe. The Department has agreed to support a very limited oak treatment in order to try to increase large oaks on the landscape, however, we are asking for intensive follow up monitoring. With respect to mistletoe, we are asking that the Forest Service recognize that mistletoe has a benefit to wildlife and we are generally not supportive of aggressive treatments aimed at eliminating dwarf mistletoe.

BUREAU OF LAND MANAGEMENT (BLM)

AZ Strip Field Office

Uranium Withdrawal EIS

The Department continues to engage as a cooperating agency on the Uranium Withdrawal EIS for areas on the AZ Strip and portions of the Kaibab National Forest. A recent phone conference gave an updated schedule on the document. BLM has received comments from Department of Interior (DOI), which are in essence: 1. there is a perception that future mineral development will mimic historic development, therefore, DOI would like a better discussion of historic mining and why we think the future will be different. 2. DOI would like a better description of the permitting process faced by a mining company, beyond the BLM or Forest Service authorization process. 3. DOI would like the uncertainty of the uranium market, the affect it might have on mine development, and therefore resource and economic impacts, to be more clearly described.

BLM is trying to resolve all the comments from DOI as soon as possible. We can expect the EIS edits to be completed very soon after the first of the year. Publication of the EIS is expected in

early February. The overall NEPA compliance decision must be made by July 2011 in order to meet the temporary 2-year withdrawal period approved by Secretary Salazar.

Kingman Field Office

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

Lower Sonoran Field Office

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

Safford Field Office

The Department attended four public meetings as a Cooperating Agency with the BLM and TNC regarding the Aravaipa Ecosystem Management Plan (AEMP). The BLM held the meetings in Tucson, Mammoth, Safford and Klondyke. The purpose of the meetings was to solicit public comments on the draft EIS for the AEMP. The AEMP is an activity level plan (one step below the District Resource Management Plan) that covers most multiple use actions within the planning area. The majority of the public comments received at the meetings centered on the travel management plan and devising strategies for bypassing private land closures. Other comments involved future livestock grazing plans not really covered in the EIS and prescribed fire opportunities. The BLM will accept public comments on the plan until January 15th; after which, they will analyze the comments and produce a final EIS.

Yuma Field Office

The Record of Decision (ROD) for the Yuma Field Office Resource Management Plan was signed by the BLM Arizona State Director on July 28, 2009 and the Notice of Availability for the ROD was published in the Federal Register on January 29, 2010, making it effective immediately. The Department is currently working with the BLM on the La Posa Travel Management Plan. Department personnel participated in BLM's route evaluations for the La Posa area on November 15 through 19, and will also participate in the continued evaluations on January 31 through February 4. Route evaluations are considering the status of open, closed, and limited use trails on BLM lands.

Hidden Shores Village

The Department is working with the Yuma Field Office personnel to identify appropriate avoidance, minimization, or mitigation measures regarding the expansion of Hidden Shores Village. The expansion would be approximately 60 acres located in the Imperial Hills which currently supports a dense and stable population of bighorn sheep. The Imperial Hills has also been identified by the Department and in the Yuma RMP as wildlife movement corridor for

bighorn sheep between the Trigo/Chocolate Mountains to the north and the Imperial and Muggins Mountains to the south.

BLM NATIONAL MONUMENTS & CONSERVATION AREAS

Agua Fria National Monument

The Record of Decision (ROD) for the Agua Fria National Monument and Bradshaw Harquahala Resource Management Plan was released on April 22, 2010. The Hassayampa Field Office is currently executing portions of this Land Use Plan while concurrently developing an Implementation Strategy that sets priorities and timelines for overall implementation. The instream flow contract was awarded for the Agua Fria River and Sycamore Creek within the monument and the Department will be coordinating and reviewing the plans in the near future.

Ironwood Forest National Monument (IFNM)

The proposed final Resource Management Plan and Environmental Impact Statement for the Ironwood Forest National Monument have been delayed and no projected date has been provided.

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 and Safari Clubs are amici.

Plaintiffs have filed their motions for summary judgment; the federal government has filed responses and cross-motions for summary judgment. CBD's motion attracted all the attention from intervenor NRA and amicus Safari Club, both of whom focused on the lead ammunition issue. The AGFD amicus brief argued that BLM was not required to analyze the effect of lead ammunition on California condors in the BLM strip district, as the manner and methods of hunting are vested exclusively with the Arizona Game and Fish Commission.

Neither NRA nor amicus Safari Club filed anything in the Wilderness Society case. The Department filed a Notice of Non-Filing in the Wilderness Society case on the grounds that AGFD comments in the Administrative Record did not reflect on the issues raised by Wilderness Society, namely the alleged lack of protection of Monument objects (historical, archeological)

and the claim that the BLM route decision tree, as designed by its contractor, overdesignated routes for vehicular use.

Next events: CBD and Wilderness Society file their oppositions to BLM's motions for summary judgment (MSJ) on Jan 7. BLM files its reply in support of its MSJ on Feb. 11. Amici AGFD and Safari Club may file short amicus reply briefs on Feb. 25. At that point, the case will likely be scheduled for oral argument.

Las Cienegas National Conservation Area (LCNCA)

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

DEPARTMENT OF DEFENSE

Barry M. Goldwater Range (BMGR)

The U.S. Air Force released the Final Environmental Impact Statement (EIS) for the BMGR Range Enhancements on November 26, 2010. The Final EIS, which was prepared by the Air Force with cooperation from the Department of Interior, Cabeza Prieta National Wildlife Refuge, addresses environmental effects of 10 separate proposals to enhance military training operations and management of the BMGR East. The Draft EIS was released for public review and comment on July 10, 2009. The Department provided comments to the Air Force on August 13, 2009 regarding potential impacts to wildlife and wildlife-oriented recreation that could result from implementation of the preferred alternatives for several of the proposed enhancements. The Air Force addressed the Department's comments as part of the Final EIS; however, they did not modify any of the preferred alternatives to better avoid, minimize, or mitigate impacts to the wildlife resources. As a result, Department personnel responded to the Air Force on December 22, 2010 reiterating our originally-identified concerns.

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. There are currently three lions collared and being monitored in the Management Area by Department personnel. On Saturday, December 4, 2010 Department personnel captured, collared, and released a female lion in Unit 39 in healthy condition. Lion kitten, RF02, was found dead on December 19, 2010 of suspected natural causes. In November 2010, Department and FWS personnel completed the Kofa NWR annual bighorn sheep survey. Survey estimates indicate a

current population of 402 individual sheep. The bighorn sheep population estimates for the Kofa NWR from 2006 through 2009 were 390, 460, 436, and 410 individuals, respectively. Additionally, in November 2010, 15 satellite GPS collars were re-placed and placed on bighorn sheep on the Kofa NWR. Department personnel are currently monitoring 26 ewes, each fitted with a satellite collar.

NATIONAL PARK SERVICE

Petrified Forest National Park

The Park expansion was approved by Congress in 2004 but no funding has come through for any land purchases. They have acquired the BLM lands in the expansion area (just required some paperwork and no money) and are doing resource inventory on the land. According to the Park Rangers one of the local ranchers that has the BLM grazing lease does not want them on his private property and has not been interested in talking to them about selling his ranch and the land owner with the potash mine refuses to speak to them to even start negotiations.

U. S. BUREAU of RECLAMATION

San Carlos Irrigation Project Facilities

The Department provided comments on the scoping for the Environmental Impact Statement on the San Carlos Irrigation Project Facilities. The proposed action includes the potential drying of an important stretch of the Gila River for up to 6 months, lining of canals and disturbance to habitat. The Department is participating on the biological working group to assist in the identification and development of measures to reduce impacts to fish and wildlife resources. The December 2nd meeting included mitigation considerations: the potential to provide wildlife habitat at the reservoirs, including the concept of retaining a minimal pool at each reservoir to allow the establishment of marsh vegetation; anticipated water fluctuations for the reservoirs will need to be identified to determine if the water will be low enough for an extended period of time to allow for establishment of vegetation suitable for wildlife. In addition, the concept of using Picacho reservoir as a regulating reservoir, increasing the overflow storage to minimize the need for new regulatory reservoirs, and the means to minimize the drowning of wildlife in lined canals were also discussed including the potential for constructing wildlife crossings and/or escape routes. One suggestion was to pipe short sections of the North Side Canal in areas of high wildlife use. The group is scheduled for a field visit on Jan. 13th.

Lower Colorado River Multi-Species Conservation Program

In November 2010, the Bureau of Reclamation (Reclamation) and the Lower Colorado River Multi-Species Conservation Program (LCR MSCP) released the Draft Environmental Assessment (EA) for the Laguna Division Conservation Area. Reclamation, under the LCR MSCP, is proposing a large scale riparian and marsh restoration/enhancement project at the Laguna Division Conservation Area, much of it on the Department-managed Mittry Lake Wildlife Area. The proposed project site would be located along the Laguna Reach (Reach 6) of the lower Colorado River floodplain, 13 miles North of Yuma, Arizona (between river miles (RM) 43 and 49) and includes acreage in Arizona and California. The proposed project includes 1,800 acres, in which approximately 1,200 acres will be created and restored/enhanced into riparian and marsh/open water habitat.

GENERAL UPDATES

City of Flagstaff

Department staff are assisting with the development of maps for the Open Space Element of the City's revised Flagstaff Area Regional Land Use Plan by providing information on wildlife corridors, and existing and potential watchable wildlife locations, throughout the planning area. The Department will co-facilitate a Citizen's Advisory Council (CAC) meeting in January to finalize goals and policies of the "Environmental Planning and Conservation" element of the plan. The Department continues to provide wildlife expertise to the Expert Forum of local scientists who are developing an inventory, maps and interactive website of Flagstaff's biological and cultural resources for the Regional Plan revision, and to play a key role in the development of a potential Conservation Lands System for open space planning pending approval by the CAC.

McDowell Mountain Preserve and the City of Scottsdale

The Department is forming a partnership with the McDowell Mountain Preserve and the City of Scottsdale regarding wildlife linkages planning and research. The City has requested a workshop to be held in February with City and McDowell Sonoran Land Trust officials. They are interested in science based decision making and want to develop a strategy to research/design/monitor wildlife trends related to the preserve. Currently, the Department is working closely with the Preserve to refurbish wildlife waters in the area to keep wildlife and wildlife watching opportunities retained near the urban center.

Vulture Mountain Cooperative Recreation Management Area (VMCRMA)

The Department is working with the Hassayampa Field Office, Maricopa County Parks, and community stakeholder groups to develop a Master Plan for a Park jointly managed by BLM and Maricopa County Parks. The goal of the VMCRMA is to provide a variety of recreational opportunities for local residents while preserving and enhancing wildlife habitat. The Department is assisting with its development through modeling of potential wildlife linkages and will continue to participate by attending a series of meetings.

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.

On December 16th, the Department met with the project proponent, the BLM project manager, and biological consultants. The project consultants provided an update on the project status and requested Department comments on the route alternative analysis.

Proposed Rosemont Copper Project

The Department continues to closely monitor the progress of the Draft Environmental Impact Statement (DEIS) for the proposed Rosemont Copper Mine. On November 18 the Department attended the Cooperators meeting for the Rosemont Copper Project and learned from the Coronado National Forest (Forest) that: (1) the entire 700-page DEIS will be internally released to Cooperators mid-December; and (2) Cooperators will have only 30 days to review and comment before the DEIS is publicly released (the Forest had promised Cooperators they would receive a 90-day internal review period in July). The Department objected and stated that we would file an immediate request for an extension of time.

The Forest announced on December 22 that the federal review of the draft EIS as among the Forest, BLM, and the Army Corps of Engineers is taking longer than anticipated, and that the draft EIS will not be released to the public by the end of 2010. Currently, the Department is scheduled to meet with the Forest to discuss how much time the Department will have to review the draft EIS, as well as the status of the many missing reports.

Renewable Energy Development

Wind

Interagency Coordination

The Department continues to work with regional biologists from the U.S. Fish and Wildlife Service Ecological Services sub office in Flagstaff and the U.S. Forest Service, Kaibab National Forest (Williams Ranger District) to develop a mutually reinforcing approach to review of wind projects in northern Arizona. The Department participated in an interagency coordination meeting in late November to learn more about USFWS' approach to golden eagle conservation and wind development, USFWS guidance concerning avian and bat protection plans, and other key issues. (See also "NextEra Energy Resources" below).

Boquillas Wind Resource Area

The Department continues to be involved with the development of pre-construction study plan for the proposed wind facility at the Big Boquillas Ranch. WEST Inc. incorporated improvements to their monitoring approach recommended by Department and U.S. Fish and Wildlife Service biologists and which they presented to our agencies in a follow-up meeting in late November. WEST and the Department are continuing discussions about a possible collaborative research project using telemetry to identify golden eagle movement patterns in the project area. The Department has compiled comments regarding WEST Inc. Avian and Bat Study Plan for the Project. Edison Mission Energy has acquired Foresight Renewables' interests in the Boquillas Wind Project; therefore Edison will now lead all development, coordination, and communication efforts for the project.

NextEra Energy Resources

Department staff submitted a comment letter to Coconino County Community Development concerning NextEra Energy Resources' conditional use permit application for a wind project on Perrin Ranch north of Williams. The Department also provided testimony at a special Planning and Zoning Commission public hearing in late December at which this application received approval for its use permit. Department staff participated in a tour of Babbitt Ranch lands (Long Point/Espee Ranch in Region 3, and CO Bar Ranch in Region 2) where NextEra is exploring development of two additional wind farm projects. The Department will participate in a meeting with NextEra, its environmental consultant SWCA, and US Fish and Wildlife Service biologists in early January to review NextEra's draft Avian and Bat Protection Plan for the Perrin Ranch wind facility. We are also continuing conversations with NextEra to explore funding of a research study of the impacts of wind development on bats in northern Arizona.

Transportation

US 93 Hoover Bypass/Bighorn Sheep Crossings

Several problem spots have been identified between milepost 2-17 that may pose opportunity for bighorn sheep to enter the right-of-way. Currently ADOT and the Department are working on resolutions to these issues to assure sheep remain out of the right-of-way and to maintain the integrity of the fencing and wildlife crossing system.

I-10, Tucson to Benson Transportation Planning

The Department was recently invited to participate on an ADOT transportation planning team (pre-design) to evaluate the widening of I-10, from I-19 (in Tucson) to SR 90 (near Benson). Widening the interstate could have a substantive negative impact on some local wildlife populations unless specific mitigation impacts are implemented. This particular section of I-10 (between Tucson and Benson) bisects, or is in close proximity to, a series of crucial wildlife corridors linking habitat blocks on federal, county, and state managed lands (e.g., Rincon, Santa Rita, and Whetstone Mountains; Las Cienegas National Conservation Area; Davidson Canyon).

A review of the Department's Human-Wildlife Interaction database revealed several areas in the project area with high numbers of vehicle/wildlife collisions. Due to a variety of factors we strongly suspect our collision data only represents a fraction (5-25%) of the actual mortalities for large terrestrial mammals (e.g., deer, javelina, mountain lion, bear). Based on research data from other transportation studies in the vicinity, exponentially higher numbers of small animals are likely killed by vehicles traveling along I-10 in the project area. Roadway mortalities for small animals (e.g., rodents, birds, bats, reptiles, and amphibians) are rarely recorded due to their size and the difficulty of detection at high speeds. Fortunately, there are a variety of proven mitigation techniques available to prevent or minimize the impacts to wildlife. Early and proactive planning with the Department is paramount to addressing these impacts, maximizing motorist safety, and minimizing construction costs.

To minimize potential negative impacts to wildlife and habitat from future modifications of I-10, the Department has identified the following concerns to be evaluated in ADOT's feasibility study and NEPA compliance documents. Specifically, the Department is concerned any modifications to the section of I-10 between SR 80 and SR 90 could:

- Fragment, degrade, or otherwise contribute to the loss of wildlife habitat;

- Accelerate the loss of wildlife from direct (e.g., roadkill) and indirect (e.g., habitat loss) causes;
- Increase the frequency of vehicle/wildlife collisions with large animals that result in property damage, human injuries, and loss of life (human and wildlife);
- Impede, divert, or prevent wildlife from accessing important and historical wildlife crossings at arroyos, existing wide medians, culverts, bridges, or elsewhere;
- Impede our constituent's current access to public or State Trust Lands for hunting or recreational activities;
- Loss of keystone plant species for wildlife (e.g., yucca, agave, ocotillo, saguaro, ironwood, riparian vegetation);
- Introduce and/or contribute to the spread of invasive or noxious plant species;
- Facilitate unauthorized off-road access to previously undisturbed areas;
- Cumulatively contribute to the population decline or distribution of special status and common native species; and
- Temporarily displace or result in the permanent loss of bat roosts and migratory bird nesting sites at bridges and overpasses.

North-South Corridor Study

The Arizona Department of Transportation (ADOT) and the Federal Highway Administration have initiated a study to identify and evaluate possible transportation routes for a proposed North-South Corridor between US 60 and Interstate 10. The proposed North-South Corridor study area begins in the vicinity of Apache Junction and extends south approximately 40 miles to the area near Eloy and Picacho. Potential routes will be evaluated in an Environmental Impact Statement.

The Department first provided verbal comments on the study in a meeting with an ADOT consultant August 16th, 2010, and at two public scoping meetings held October 26, 2010, and October 28, 2010. The Department is considered a cooperating agency.

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

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

The Department recognizes that in the development and implementation of the North-South Corridor, some loss of wildlife and habitat is inevitable. The first step in addressing the potential loss of wildlife and wildlife habitat is to avoid the impact(s). If avoidance is not feasible, then minimizing and mitigating potential negative impacts will be evaluated.

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

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

Hidden Waters Parkway

The Department participated in the Hidden Waters Parkway study initiation meeting. Our intent was to bring forward concerns for wildlife linkages and barriers, along with drainage concerns in the study area. The Department will be participating on the Technical Advisory Committee review team and will provide comments and attend meetings accordingly.

US 60 Superstition to Florence

The Department submitted comments on the Draft Environmental Assessment for the alignment study of US 60 to Florence. The Department has participated and coordinated with this project since 2003 and will continue efforts to ensure wildlife connectivity. We continue to express concern with hunting access, higher mortality rates of wildlife due to increase roadway capacity, connectivity/linkages and habitat loss.

Hwy 95 Aberdeen Road to Avenue 9E

The Department is working with ADOT, the Yuma Proving Ground, and BLM for final review of the Hwy 95 Aberdeen Road to Avenue 9E project. The Department has been providing assistance to ADOT with regard wildlife crossing and fencing issues to help maintain bighorn sheep connectivity between the Laguna Mountains and the Muggins Mountains. The expansion of Hwy 95 from a two-lane to a four-lane divided highway could significantly fragment these bighorn sheep populations. The Department, ADOT, and others are currently evaluating the implementation of an appropriate sheep crossing structure (for example, a large culvert or bridge) at approximately mile post 41.8.

Wildlife Linkages/Corridors

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

Coconino County

The Department is drafting a template for county-specific interim linkage reports including text, paper maps, and GIS shapefile which will present input collected during county stakeholder linkage workshops. The interim report will be drafted by the end of this month and serve as the model for other county reports. Staff will meet in January with Coconino County planners to discuss selection of a subset of stakeholder-defined linkage areas for which we will develop GIS corridor designs based on focal species habitat suitability models, and have begun working with ArcGIS modeling tools developed for this purpose by scientists at Northern Arizona University. We will also participate in a meeting in January to discuss various modeling approaches with part of the Department's Linkages Team. The Department has received and responded to several data requests for wildlife linkage information from the Coconino National Forest and the City of Flagstaff, and have shared our county stakeholder linkage GIS shapefile and explanatory information about how these data were collected and how they should be used.

Pima County

The Department and Arizona Department of Transportation collaborated on submitting a funding proposal to the Pima County Regional Transportation Authority (RTA) for a wildlife linkage planning workshop. The funding proposal was reviewed and passed by several committees, with final approval given on December 9th by the RTA Board.

RTA funds will be used by the Department to administer two stakeholder workshops, create GIS data sets and maps of wildlife linkage corridors, and write a summary report. Upon completion of the Pima County workshop and analysis of information collected, the Department will have accumulated data on potential wildlife linkages from Utah to Mexico, from all the heavily populated counties in Arizona (Yavapai, Maricopa, Coconino, Pinal, and Pima). Information obtained from the workshop will be put to immediate use by transportation planners (e.g., County, State, private) working in Pima County, to minimize or mitigate the negative impacts of roadways on wildlife populations and habitat.

First and foremost, the Arizona Game and Fish Department (Department) thanks the Coconino National Forest (Forest) for early involvement in the Forest Plan Revision process. We enjoy working with Forest staff and are proud of our interagency relationship. We are committed to helping craft a Forest Plan that meets our mutual management goals for wildlife, their habitats, and our public trust obligations. Below you will find our initial review of the working draft.

Your working draft seems to be in a very early stage of development and our expectation is that you are actively working to fill in much of the content. While we always appreciate the opportunity to pro-actively provide input early and often, we do find it is somewhat difficult to comment on the current working draft content without knowing what is yet to be released. We are responding to the documents put before us, but we believe more is needed to address the spectrum of issues we believe should be covered in a Forest Plan. In addition to more thorough guidance within the vegetation types, we would expect to see more explicit plan direction with regard to wildlife and fish, watershed, soils, hydrology, timber, fire, lands (real estate), special areas, wilderness, suitability (timber), monitoring and adaptive management, etc. We do not find that these issues are adequately addressed through the vegetation type DFCs. We look forward to the Jan/Feb version of the working draft, at which time we will be able to comment more fully.

As for the current working draft content, we find most of the DFCs create a reasonable vision for the Forest overall. We find these DFCs are in large part inarguable because they are broad and strategic and could encompass a very wide range of management actions. In many ways this is a good thing because it provides for flexibility and adaptability in management. However, the current working draft generally stops at the DFC level and lacks the more specific management direction that we believe is necessary to provide for plant and animal diversity on the Forest (see NFMA 1976 section 6(g)(3)(B); *see below*). Earlier in the plan revision process, the Department raised its concern that many of the Standards and Guidelines from the current forest plan were potentially going to go away in the new plan. Of particular concern were those wildlife and old growth guidelines in the 1996 amendment that we have found to be very useful in guiding management on the Forest. At that earlier stage, we were told that many of those S&Gs would carry forward. However, we are not seeing many those guidelines in the current working draft.

NFMA states that forest plans need to specify guidelines that:

"(B) provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives, and within the multiple-use objectives of a land management plan adopted pursuant to this section, provide, where appropriate, to the degree practicable, for steps to be taken to preserve the diversity of tree species similar to that existing in the region controlled by the plan; (NFMA Sec 6 (g) (3) (B))"

We request an agency-focused meeting between the Forest, AGFD, and USFWS to discuss the wildlife-specific direction we believe still needs to be addressed in the working draft.

Since we are at such an early stage, we hope you will accept an informal, unelaborated, bulleted list of our early comments and reactions. These will read more like a laundry list, but we look forward to in-person discussions with planning staff to help clarify any questions you may have. You can also expect a more thorough elaboration of our comments after the Jan/Feb working draft is released for review.

General Comments/Recommendations:

- We hope that you might find our comments to the KNF on their working draft helpful; most of the themes, issues, and recommendations we made to KNF also apply to CNF. Rather than repeat those recommendations herein, we refer you to our letter (attached).
- Which management areas are being carried forward? Are current MAs being consolidated? Will there be a forum for adding new MAs? Will there be guidelines for each MA?
- We expected to see more direct reference to the goals and objectives of the MSO recovery plan throughout the forest plan.
- We recommend shifting all forestwide direction specific to the NOGO 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.
- Please define WUI so that we can comment on vegetation type DFCs and guidelines that pertain to WUI
- Please tier to the “*Final Environmental Impact Statement for Integrated Treatment of Noxious or Invasive Weeds – Coconino, Kaibab, and Prescott National Forests*” wherever possible
- Issues deserving consideration that are not addressed in the elements open for public review:
 - o Cross-integration of forest programs to achieve broader restoration goals
 - o Integration with local government open space plans
 - o Wildlife habitat connectivity
 - o Old growth guidelines
 - o MSO recovery plan adherence

Below you will find some more specific comments on *current* working draft content:

Ponderosa pine

- Lacking standards or guidelines for MSO and old growth
- How will other wildlife (MIS, State SGCN, big game, migratory bird, etc.) needs be addressed in the guidelines?

DC landscape scale:

- o What does ‘well-distributed’ old growth mean?
- o Old growth definition simplified compared to Amendment 11 definition. Current definition reads as ‘groups of old trees mixed with groups of younger trees or

occasionally as a patch comprised of mostly old trees'. Amendment 11 requires consideration of more structural attributes than just tree age such as standing and down dead trees, number of tree canopies, BA, canopy cover, etc.. We recommend you consider more specific management direction with regard to old growth.

DC mid scale:

- BA could be higher than 80 BA in some sites, which if comprised of larger trees provides important habitat for many wildlife. Consider a wider range.
- Remove NOGO guidelines from DFC
- Understory diversity is important

DC fine scale:

- Please refer to and draw from our AGFD-USFWS DRAFT document "*Desired Ponderosa Pine Forest Conditions for Wildlife in the Southwest*". This is still a draft document, and be advised that we have initiated a revision of this document in collaboration with Ecological Restoration Institute. We will keep you posted on our progress toward a final document.

Objectives:

- What does "treat" mean?

Guidelines:

- Refer to MSO Recovery Plan and/or outline some MSO-specific guidelines within this section as it pertains to the oak sub-type
- Define what a NOGO nest area is here
- Leaving 3-5 reserve trees per 1 acre opening often reduces effectiveness in creating real openings. We consider openings a rare forest resource important to many wildlife species.
- We recommend including guidelines for pine-oak, and pine stringers.

Mixed Conifer – Frequent Fire

Would like to hear more about how the decision came to be to create categories for dry mixed conifer into frequent/infrequent fire. The ecological sustainability report describes 'dry mixed conifer' as having fire interval of >35 years. Do you have scientific literature citations that justify breaking dry mixed conifer out into frequent/infrequent fire? We are somewhat concerned about the similarity we see between PIPO DFCs and mixed conifer-frequent fire DFCs. With such similar management direction for the two vegetation types our concern is that we will convert dry mixed con – frequent fire into PIPO when actually it's an important and distinct PNVT.

DC landscape scale:

- See old growth comments for pine
- "forest appearance generally uneven-aged and open". Would like to see citation for 'open' condition in mixed conifer

- Would like to see citation for fire frequency interval for this vegetation type

DC mid scale:

- Consider a wider BA range
- Remove NOGO from DFC and move to guideline
- Understory diversity is important

DC fine scale:

- Size of tree groups could be larger than 1 acre

Guidelines:

- Same wildlife comments as for pine

Mixed Conifer – Infrequent Fire

- Same exact acreage as mixed conifer-frequent fire. Are these the same acres? If so, when will you manage for frequent fire and when will you manage for infrequent fire?

DC landscape scale:

- You provide a fire return interval for frequent fire but not for infrequent fire?
- See old growth comments for pine
- Question if groups and patches should be ‘primarily even aged’. DFC should strive for a layered canopy in this vegetation type, which is typically created by an uneven age structure.

DC mid scale:

- Consider wider range of tree density to accommodate natural range of variability
- Remove NOGO from DFC and move to guideline
- Question if groups and patches should be ‘primarily even aged’. DC should strive for a layered canopy in this vegetation type, which is typically created by an uneven age structure.

Guidelines

- Refer to MSO Recovery Plan

Spruce-fir

DC mid scale:

- Question if groups and patches should be ‘primarily even aged’. DC should strive for a layered canopy in this vegetation type, which is typically created by an uneven age structure.
- How is WUI being defined in this context? How far out does it extend from structures? This has implications when your DC says these areas should be devoid of trees.
- Remove NOGO from DFC
- Understory diversity is important.

Guideline:

- No grazing seems like it should be a standard not a guideline

Alpine Tundra

No comments at this time

Interior Chaparral

- General description should discuss species composition.
- ESR says there are 50,000 acres of chaparral on the forest. Your guideline says you will treat 50-100,000 acres in the first 10 years following plan approval. These numbers are inconsistent.
- Will 'prescribed fire' in chaparral involve management of unplanned ignitions or will there also be planned ignitions? Seems unnecessary to have planned ignitions when unplanned are so common.

DC landscape:

- Historic fire return interval in ESR is listed as 20-200 years. This is different from your numbers of 35-100 years. Your higher range may pertain only to high severity fires, but what about mixed- and low severity fires in chaparral?

DC mid scale:

- Define WUI
- Species diversity is particularly important in chaparral.

Management Approach:

- 'emphasize coordination with local partners and stakeholders'; why have this just be in chaparral? This could be written for all vegetation types and forestwide guidance.

Pinyon Juniper

DC PJ Communities:

- "there is connectivity of openings between trees that provide for *grassland wildlife habitats and movement corridors*"

DC PJ Grassland/Juniper Grassland

- Add DC from above here "there is connectivity of openings between trees that provide for *grassland wildlife habitats and movement corridors*"

DC PJ Evergreen Shrub

- Include cliffrose in your list of shrubs
- Define WUI

DC PJ Woodland

- Define old growth
- Fire frequency?

Guidelines:

- Include similar guideline to one listed in Interior Chaparral for avoiding disturbance activities were fire is carried by invasive plants
- Tier to Weed EIS

- The Department appreciates the comprehensive and thorough nature of the PJ guidelines. We encourage the Forest to use these as the model for guideline development for the other vegetation types as well as forestwide guidance.

Montane subalpine and Colorado Plateau/Great Basin Grasslands

DC for all grasslands

- Define “sufficient”

Semi-desert Grasslands

- Historic fire frequency?

Desert Communities

DC landscape scale:

- Table 1 is helpful. Will this be done for other vegetation types?

Will there be DC’s for mid- and fine scale?

Guidelines for grazing seem particularly appropriate in this vegetation type where soils are particularly erodible.

You reference AZ wildlife linkages here but not in any of the other veg types. We appreciate your willingness to include this here, but we recommend consistency and inclusion of this management approach across vegetation types.

Wetland Cienega

Does this include high elevation wet meadows? If not, where are those covered?

Aquatic and Riparian Ecosystems

Does this include high elevation wet meadows? If not, where are those covered?

Guidelines:

- The Forest does not regulate hunting and fishing. Therefore, please consider removing the first two bullets listed in this section: “recreation fishing for nonnative fishes...” and “sport fishing for native species...”

Springs

No comments at this time

Range

Guidelines

- The Department appreciates the management guidance with regard to grazing post-fire.
 - o See also 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’.

- Fences – please consider direction for wildlife-friendly fence design wherever possible. The Department’s Draft Wildlife Fencing Guidelines are available upon request. We are working to finalize this document.

Grazing Management and Rangeland Suitability

- Table 1: what other vegetation types might be considered here (riparian, springs, wetlands) and how are they evaluated? Will highly erodible soils be considered here as well? What about areas currently closed to grazing, will those be carried forward? Will needs of T&E species be considered in rangeland suitability?

Air Quality

Consider a guideline that addresses smoke impacts on nesting MSO and nesting bald eagles.

Fire

General description:

- The second bullet needs more specificity with regard to which vegetation types on the forest are adapted to the recurrent, low-intensity wildland fires. This statement would not apply to mixed conifer, chaparral, desert communities, some riparian, etc.. Seems like too broad of a statement.

DCs

- Define WUI

Motorized Recreation

- Please review AGFD comments submitted during Travel Management Rule review for issues that may be relevant at the Forest Plan level. See attached.
- We will have more detailed comments for you to consider after the Jan/Feb version of your plan is released for review.
- One of the central recreational issues on CNF is OHV use and the lack of management. There is a need for more designated ATV and single track motorized trails throughout the forest, however it is our understanding that this has been dropped from the TMR process for the time being. Meanwhile OHV recreation continues to increase. Recognizing that OHV impacts need to be managed to prevent resource damage, one of the key tools for managing those impacts is to provide adequate and enjoyable opportunity. Directing OHV users to a good variety of designated loop trails throughout the Forest will help steer users away from other more sensitive areas. We recommend consideration of both longer and shorter loop trails, including destination points. For instance, consider trails that go from Clint’s Well to Munds Park to Flagstaff. This could be done using existing 2-tracks, and well-established, user-created trails that could be adopted. There are also several single track trails on the west side of the Peaks and Hart Prairie; we recommend careful evaluation of the benefits of closing those well-established trails versus the risk of

riders creating new trails. This is similar to what happened in the Pivot Rock area along Highway 87. The area was covered in user-created OHV trails, but the riders were staying in that area. After the Forest closed the Pivot Rock area, all the riders moved to the Hutch Mountain area and created a new set of OHV trails. An alternative approach could have been active management of OHV use of the Pivot Rock area.

Objectives:

- In addition to the areas south and east of Walnut Canyon, we refer you to the information we provided to the TMR planning team which identifies other areas for OHV recreation.

Guidelines:

- We appreciate the coordination with regard to quiet areas.

Management Approach:

- Include Arizona Game and Fish and Arizona State Parks as partners in providing information and education to OHV riders

Management Area-Specific Direction

- This is the only place in your working draft where we find MA-specific direction. Is this something we can expect in the other plan components?
- This section lacks specific guidance for existing quiet areas.
- Will there be no guidance for areas on the Mogollon RD?

Dispersed Recreation

- See our TMR comment letter for recommendations regarding dispersed camping corridor designation.
- Not sure if this recommendation belongs in ‘dispersed recreation’ or ‘recreational special uses’, but we would like to engage the Forest in our emerging initiative to designate a network of wildlife viewing sites in the Flagstaff region. This is a concept we introduced to the Forest in 2007 (see our Special Area Proposal, attached). Since that time we have gained new partners and new potential viewing locations on the Forest. We would appreciate the opportunity to visit with you directly to better describe our concept and explore a potential partnership with the Forest. We also believe there is a role for including some Forest Plan direction that is specific to wildlife viewing, and we’d like to work with you to craft that language.

Desired Conditions:

- Please define “capacity of the land” more specifically
- Recreation impacts are “minimized” to what standard?
- Where you list “bird watching” please change to “wildlife viewing” to be more inclusive
- What does it mean for dispersed recreation sites to be “small”? What about large camping corridors?

Management Approach:

- Please list Arizona Game and Fish Department among your list of major recreation providers

Management Area-Specific Direction

- Again, recreation seems to be the only topic where we find MA-specific direction. Is this something we can expect in other plan components?

Developed Recreation

- It is possible that our wildlife viewing network concept would fit in this section as well (see our recommendation under 'dispersed recreation', above).

Recreation Special Uses

- We recommend including language such that permitting of commercial tours will be coordinated with the Arizona Game and Fish Department to ensure impacts to wildlife and their habitats are avoided.

Guidelines:

- Include sensitive wildlife areas in your list of exclusions

Wildlife

- As you develop this section of the plan, consider the guiding principles contained within the Department's Vision for Arizona's Wildlife. Attached.
- Please consider including management direction for working collaboratively with AGFD and ADOT on providing safe wildlife passage and conservation of Arizona's wildlife linkages.
- We look forward to learning how the Forest intends to move forward with MIS
- We also look forward to learning what the Forest is considering for wildlife in the monitoring and adaptive management section of the plan
- Again, we request an agency-specific meeting with the Forest and USFWS to discuss wildlife aspects of forest plan revision