

Minutes of the Meeting of the  
Arizona Game and Fish Commission  
Friday, April 15, 2011  
Saturday, April 16, 2011  
Arizona Game and Fish Department  
5000 West Carefree Highway  
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director and Staff)

Chairman Robert R. Woodhouse  
Vice Chair Norman W. Freeman  
Commissioner Jack F. Husted  
Commissioner John W. Harris  
Commissioner Robert E. Mansell

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

Chairman Woodhouse called the meeting to order and lead those present through the Pledge of Allegiance. The Commission introduced themselves and Chairman Woodhouse introduced the Director and the Director's staff. This meeting followed an agenda dated April 7, 2011.

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#### Awards and Recognition

Director Voyles presented Wildlife Manager Jake Fousek with the 2010 Shikar Safari Wildlife Officer of the Year Award. Each year this award is presented to conservation officers in all 50 states, and the Canadian Provinces and Territories. The award recognizes officers for their outstanding performance and dedication to protecting and preserving wildlife. Mr. Fousek's family was present for the award ceremony. In addition to the award the Safari Club provided Mr. Fousek with a \$20,000 life insurance policy to help protect his family.

Assistant Director Brett Cameron from the Department of Agriculture, presented several Department employees with an award for their assistance with the State Employee Charitable Campaign Clay Target Fun Shoot. The award was a Certificate of Appreciation from Governor Jan Brewer in recognition of their contribution of time and talents. The 2010 SECC Clay Target Fun Shoot netted \$10, 895.00 for the charitable campaign.

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Meeting recessed for a break at 8:25 a.m.

Meeting reconvened at 8:45 a.m.

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#### 1. 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 (also available to the public). The briefing included the following updates:

### State Legislation

HB 2358: Wildlife; Guides; Wasted Meat

- Needs final read in House; needs to pass Senate; Passed House (57-1).

SB 1334: Hunting within City Limits

- Needs final read in Senate; needs to pass House; Passed Senate (20-9).

HB2314: (NOW: Boating Safety; fees; fund)

- Needs final read in House; Needs to pass Senate; Passed House (56-0).

HB 2006: Firearms within Game Refuges; Shooting Ranges

- Needs final read in House; Passed Senate (21-7); Passed House (48-11).

HB 2623: Landowner Prohibition of Hunting; Posting

- Transmitted to Governor April 14; Passed House final read (57-0); Passed Senate (28-0).

Signed by the Governor on April 14, 2011:

- HB 2396: Game and Fish; Trophies; Enforcement (Omnibus)

Includes:

- Game and Fish; trophies; enforcement
- Fingerprinting division; duties
- Exemptions from Rulemaking (Emergency - Rose Canyon Lake; Lawful method of taking wildlife)
- SB 1012: Game and Fish; Rulemaking (rulemaking exemption for Rose Canyon Lake)
- SB 1229: Recreational users; Landowner liability.

### Congressional Update

The House and the Senate passed the budget that will fund the federal government through September. The Department has some concerns regarding State Wildlife Grants which was reduced from the appropriation levels of prior years. It is now funded at about \$63-68 million. The Department is trying to get clarification on how those monies will be allocated to the states, either directly or through competitive grants.

Commissioner Harris asked about the status of the pension bills for state employees.

Mr. Guiles stated that there will be an increase in cost for those in PSPRS for public safety employees. Employees will now pay 53% and the employer 47%. Mr. Guiles will look into this bill further and provide the Commission with an update.

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

Mr. Gray provided a Power Point presentation that highlighted the successful Outdoor Expo held at the Ben Avery Shooting Facility on March 25-27. Attendance this year was 42,000, which was about 10,000 more than last year. The following statistics were included in the presentation:

- Youth Day – 4,500 attendees; Weekend – 37,500 attendees
- 189 Exhibitors & Vendors
- 200 Staff, 50 Volunteers
- 61.9% first timers; 45% of last year returned; 37.2% Female; 53% with Children
- Motivations: Family – 65%; Learn – 53%; Novelty – 55%; Inexpensive – 45%

Kid's Fishing Tank - Sponsors: Dick's Sporting Goods & USFWS:

- Most in one day – 1,759 kids
- Most over two days – 3,172
- Most over three days – 4,280 (6,500)
- Highest % of kids catching one fish – 95%
- Highest % of kids catching two fish – 85%

The owner of the fishing tank, Jim Edwards, told the Department that “this was the biggest, best, smoothest and most successful fishing event I have ever been part of.....employees, volunteers and family members of the Department are the best in the nation.”

Shooting:

- Youth Shooting; 1,126 shooters, 5,615 rounds
- AGFD Archery Classes; 420 students
- Cabela's Archery Village; 2,250 archers
- Archery 3-D Course (ABA, DCA); 1,134 archers
- Manufacturer's – 47,200 rounds; Glock – 7,000 rounds; Smith & Wesson – 15,500 rounds; Ruger – 7,700 rounds; Beretta – 7,200 rounds; Non-lead – 6,100 rounds; B.A.S.H. Tripod – 5,500 rounds
- Shotgun (Beretta, Benelli, Remington) - 18,000 targets, 70 cases of ammo
- Pistol Silhouette (Honeywell Sportsman) - 1,420 shooters, 7,100 rounds
- Practical Pistol (Cactus Match League) - 1,269 shooters, 12,650 rounds
- Cowboy Action (ACSA) - 900 shooters, 975 rounds
- Cowboy Mounted (AMCSA) - 180 riders, 7 world champions; \$15,000 raised for arena construction
- Black Powder (Cactus Cappers) - 800 shooters, 725 rounds
- Rifle Silhouette (Hassayampa R &G) - 325 shooters, 2,300 rounds.

Economic Impact:

- \$44 average expenditures per group/family

- Over \$500,000 in participant expenditures
- Does not include expenses getting here
- Does not include expenditures in the local area (restaurants)
- ≈60% intend to make a purchase because of the Expo

Sponsors: Cabela's, Dick's Sporting Goods, USFWS, Weatherby Foundation, Diamond Ridge Development, White Flyer Targets, Winchester Ammunition, APS, Lincoln Property Company, Piper Jaffray & Co., Ruger, Sundt, Woodruff Constructions, and MCSO.

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### 3. 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 last regular Commission meeting. This update is in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding decisions and actions on all State and Federal lands in Arizona.

Mr. Avey provided one additional update. About three years ago discussions were held with BLM regarding the Lower Sonoran Desert Monument to implement some road closures in an area where OHV damage had been occurring. The Commission agreed to a temporary closure for rehabilitation in that area with the expectation that the roads would re-open after a three year period. Subsequently, BLM was litigated by the Western Watershed organization and based on that litigation there was a requirement that BLM develop a new RMP before any roads would be re-opened. The three year timeline for the Commission would have been June 2011 where the roads would have been expected to be opened again. Based on the draft RMP that is out right now, all of those roads are proposed for re-opening, but per the litigation, the timeline for re-opening is now December 15, 2011.

Chairman Woodhouse had asked for this update so that the Commission could be made aware. This is something that will need to be watched in the future.

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### 4. 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. Request for the Commission to Approve an Intergovernmental Agreement with the City of Tucson for the Purpose of Continued Development of a Habitat Conservation Plan.

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

The Arizona Game and Fish Department and the City of Tucson applied for and received approval of a Segment 4 Assistance Grant from the U.S. Fish and Wildlife Service Section 6 Cooperative Endangered Species Conservation Fund for Habitat Conservation Planning purposes. This Agreement is required to formalize a partnership to continue developing habitat conservation plans for the City of Tucson. The planning area includes over 129,000 acres.

The City of Tucson is committing to implement certain actions that will minimize and mitigate the impacts of any take of at least eight wildlife species that could occur as a result of planned urban development, and associated capital improvement projects in the City over the next 50 years. The habitat conservation plans will provide a framework for cooperation among participating organizations, agencies, and landowners to guide conservation measures for listed and sensitive species in the planning area. In accordance with the agreement, the City will develop conservation strategies for several Species of Greatest Conservation Need, continue developing a habitat conservation plan (HCP) Greater Southlands planning area, and provide the Department with invoices for expenses incurred during the development of these documents. The Department will provide advice and technical assistance during the planning process, and will reimburse the City of Tucson for eligible expenses identified in the agreement.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF TUCSON FOR THE PURPOSE OF CONTINUED DEVELOPMENT OF HABITAT CONSERVATION PLAN, AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

b. Request for the Commission to Approve a Memorandum of Understanding (MOU) between NatureServe and the Commission for Cooperating in Mutual Endeavors and Sharing Information about Special Status Sites and Species in Arizona

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

The Arizona Game and Fish Department (Department), through the Heritage Data Management System (HDMS), maintains a centralized, computerized and standardized database of current information on the location, biology, and status of special status species of plants and animals in Arizona. The HDMS is part of an international Network of Natural Heritage Programs and Conservation Data Centres successfully established throughout the United States, Canada, and Latin America. NatureServe now coordinates the databases within this Network. NatureServe is a non-profit organization that works in partnership with the Network of Natural Heritage Programs and Conservation Data Centres and is a leading source for biodiversity information that is essential for effective conservation actions. NatureServe and the Department, in the past, cooperated in the development of a computerized database for the purpose of recording "special element" occurrence information; this database is now the Department's HDMS.

The information contained in the HDMS has proven invaluable to the Department, NatureServe, and various State and Federal agencies as a source of information from which biological evaluations and land management decisions can be made with regard to the status and conservation needs of special sites and species in Arizona. Distinct mutual advantages and cost efficiency will occur for both parties involved through the updating and maintenance of data entered into the HDMS. The HDMS has received funds from NatureServe for data improvements and other mutually beneficial projects.

This MOU is a renewal of a previous agreement approved by the Commission on March 16, 2001, (KR00-2081-EQS) and which expired on March 16, 2011. This MOU will replace the expired MOU.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE MOU BETWEEN NATURESERVE AND THE COMMISSION FOR COOPERATING IN MUTUAL ENDEAVORS AND SHARING INFORMATION ABOUT SPECIAL STATUS SITES AND SPECIES IN ARIZONA, AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

c. Request for the Commission to Approve a Memorandum of Understanding with Arizona Elk Society for Cooperative Activities.

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

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

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

**Motion:** Husted moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEMS A, B AND C.

**Vote:** Unanimous

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Meeting recessed for a break at 9:30 a.m.

Meeting reconvened at 9:45 a.m.

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5. Request for the Commission to Approve a Cooperative Agreement with the Town of Eagar to Manage a Community Fishing Pond to be Constructed on a Portion of the Commission's Lee Valley Land.

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

Mr. Avey provided a Power Point presentation to the Commission that included the following information: The Lee Valley Lands property was acquired in 1960 for its associated water rights. Since that time, all water rights have been severed and transferred. Currently the property has been passively managed with little significant wildlife value and has been identified by the Region as a candidate for disposal. It is located within the city limits of the Town of Eagar (Town). Fisheries Branch, Region I and the Town are in support of constructing a community fishing pond on a portion of that property. The Department would construct the pond and manage the water quality and fish community, while the Town would manage public use and maintenance of the property improvements. The pond and related improvements would create recreational and fishing opportunities for area residents and local youth groups. The lake would be approximately 2 acres in size and be placed on less than 10 acres of the 71 acre site. Fisheries Branch has indicated they will lead the effort to identify funding for the initial construction and provide fish stocking activities. Obligations of each party and the terms and conditions of the arrangement will be specified in the Agreement to be executed by both parties prior to any expenditure of funds by the Department.

Commissioner Husted spoke in support of this agreement and commended the Department, but he requested that the Department not be deterred or forget about the upgrades they committed to at Becker Lake.

**Motion:** Husted moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE A COOPERATIVE AGREEMENT WITH THE TOWN OF EAGAR TO MANAGE A COMMUNITY FISHING POND TO BE CONSTRUCTED ON A PORTION OF THE COMMISSION'S LEE VALLEY LAND, AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

**Vote:** Unanimous

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6. Request to Approve Proposed Translocation of Javelina to Sonora

**Presenters:** Brian Wakeling, Game Branch Chief and  
Francisco Abarca, International and Borderlands Program Manager

Mr. Wakeling began the presentation by sharing that the Arizona Game and Fish Department (Department) moves wildlife within the state and sometimes exports animals to other states and to Mexico as part of the wildlife management process. As a proposed action item under the Arizona-Mexico Commission, the Department, and the Commission of Ecology and Sustainable Development of Sonora (CEDES by its Spanish acronym) would like to initiate a transfer of up to 30 javelina (*Pecari tajacu*) per year to Sonora over the next five years. CEDES has been one

of the most important partners in Mexico and cooperated for several years in providing Sonoran pronghorn, Gould's turkey, and various species of native fishes to Arizona.

The goals of this movement are to remove animals that are considered a nuisance or that are in excess for a given region and to augment the population of the recipient region. In doing so, the Department examines the translocated animals for signs of disease and obtains samples for disease surveillance. An additional strategy to improve the success of translocations of javelina would be to vaccinate them for canine distemper virus. A population of 30 captive-held adult javelina at the Southwest Wildlife Conservation Center (SWCC) will be vaccinated with Purevax® Ferret Distemper (Merial Limited) and evaluated for vaccine safety and serum antibody response. If there are indications of a favorable response, the SWCC in consultation with the Arizona Game and Fish Department and CEDES will consider release and monitoring of these animals in distemper endemic areas under a Wildlife Management Unit (UMA by its Spanish acronym) management plan in Sonora.

Commissioner Husted stated that he would support this but he did not want to just feed the mountain lions. He wants to see some sound science come back out of this before the next year's transfer, and he wants to know how long they last or how many remain after a year.

Commissioner Freeman agreed and added that SWCC needed to know the plan for how these animals were going to be used.

Mr. Abarca stated that scientific protocols have already been established and two main universities will be involved in the studies. There is a strong commitment on scientific research and they will provide the Department with the information and data that they gather.

**Motion:** Husted moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE THE TRANSLOCATION OF UP TO 30 JAVELINAS EACH YEAR DURING THE SPRINGS OF 2011 THROUGH 2015 WITH THE CAVEAT THAT IN ONE YEAR, PRIOR TO THE SECOND TRANSLOCATION, THAT THE COMMISSION RECEIVE A DETAILED REPORT ON THIS FIRST TRANSLOCATION.

**Vote:** Unanimous

Mr. Wakeling stated that a letter will be sent to CEDES outlining the Commission's approval and the expectation about having the data come back, and the same letter will be sent to SWCC to make sure they are fully informed.

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

**Presenter:** Mark Weise, Development Branch Chief

The Department proposed to amend Article 8 rules, addressing Wildlife Areas and Department Property, implementing recommendations resulting from data and research gathered during

2009-2010 for specific wildlife areas. The following substantive rule amendments were proposed:

R12-4-801 General Provisions - Remove the effective date of the rule. The effective date provided under subsection (H) is in the past, making this language obsolete.

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 Pond #3 to the discharge of all firearms. The pond has an open shoreline and a fishing dock that extends 75 feet into the water. Shooting shotgun or rim fire weapons create a hazard to the public because individuals can fire across the Pond from most any location. The loss of sport hunting is minimal as the Pond is not a popular hunting location and the primary recreation activities, camping, fishing, swimming, etc., dominate its use.
- 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 - Incorporate recently acquired Richardson, Gable, and Rousseau properties into the Arlington Wildlife Area and correct boundary descriptions for the Allan Severson Memorial, Chevelon Creek, and Raymond Ranch Wildlife Areas.

R12-4-804 Public Solicitation or Event on Department Property - Group related information to make the rule easier to understand and more concise and to repeal language that binds the Department.

The Commission approved the draft Notice of Exempt Rulemaking at the January 14, 2011 Commission Meeting. The Rules and Risk Section published the draft Notice of Exempt Rulemaking to the Department's website for public comment from January 17 to February 16, 2011. The Department did not receive any comments.

If approved by the Commission, the Department will file the Notice of Exempt Rulemaking with the Secretary of State's office for publication in the *Arizona Administrative Register*.

**Motion:** Harris moved and Mansell 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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7A. Request to approve the Department's recommendation to submit a request to the Governor's Office for permission to initiate rulemaking for Article 8 regarding Wildlife Areas and Department Property.

**Presenter:** Mark Weise, Development Branch Chief

House Bill 2260 was signed by the Governor on May 10, 2010 and continues the statutory moratorium on agency rulemaking activities until June 30, 2011. Section 28(B) outlines reasons agencies may submit an exception request to the Governor's Office to continue rulemaking during the moratorium if rules meet this specified criteria. An agency requesting an exception to the moratorium under Section 28(B) must submit a written request to the Governor's Office, who will determine if an exception may be granted. The written request must clearly identify the exception criteria the rule meets and the date on which the agency's decision making body granted the Department permission to request the exception. The Department believes the rulemaking meets the criteria prescribed under Section 28(B)(6), which allows an agency to pursue rulemaking that are exempt from Title 41, Chapter 6, Article 3 under A.R.S. § 41-1005.

On October 19, 2009, the Department submitted a similar exception request asking permission to pursue rulemaking to implement recommendations resulting from data and research gathered during 2007-2008 for specific wildlife areas and to incorporate new wildlife areas. Additionally, the Department requests permission to pursue a subsequent rulemaking to effect recommendations from data and research gathered during 2008-2009. The Governor's Office approved the request November 30, 2009. At that time, the rulemaking moratorium was scheduled to expire June 30, 2010 and the Department did not anticipate the moratorium would be extended.

If the Commission votes to allow the Department to request an exception, the Rules and Risk Section will submit a letter to the Governor's Office, requesting permission to proceed with an annual rulemaking process to allow the Department to amend Article 8 rules addressing Wildlife Areas and Department Property until the rulemaking moratorium expires. The Department will present all associated rulemaking documents to the Commission for review and approval at some point in the future provided the Governor's Office grants the exception request. If the Governor's Office denies the Department's exception request, the Department will refrain from pursuing rulemaking activities relating to Article 8 until the moratorium lifts.

**Motion:** Husted moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THIS RECOMMENDATION FOR SUBMISSION TO THE GOVERNOR'S OFFICE, REQUESTING PERMISSION TO INITIATE RULEMAKING TO AMEND RULES WITHIN ARTICLE 8.

**Vote:** Unanimous

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8. Request to Approve the Notice of Final Rulemaking and Economic Impact Statement for R12-4-102 and R12-4-205.

**Presenter:** Larry Riley, WM Division Coordinator

Laws 2010, Second Regular Session, Chapter 216 amended A.R.S. § 17-336 to authorize the Department to issue a reduced-fee Youth Class F Combination Hunting and Fishing License, effective July 29, 2010. On August 19, 2010, the Governor's office approved the Department's request to pursue rulemaking to implement House Bill 2601, Eagle Scouts; Complimentary Fishing License. In order to allow the Department to issue the Honorary Scout Youth Class F Combination Hunting and Fishing License, the Department will need to pursue rulemaking to adopt a new rule, R12-4-205, to establish application and documentation requirements. The Department will also need to amend R12-4-102 to modify the fee table and establish the five dollar fee for the license.

The Notices of Docket Opening and Proposed Rulemaking and the draft Economic Impact Statement were approved by the Commission at the December 2010 Commission Meeting. The notices were published in the Arizona Administrative Register on December 31, 2010. The rulemaking record was open for public comment from December 31 to January 30; the Department did not receive any comments. If the Commission approves, the Department will submit the Notice of Final Rulemaking and Economic Impact Statement for R12-4-102 and R12-4-205 to G.R.R.C. for review and placement on the G.R.R.C. July agenda.

Commissioner Freeman stated that he will vote against this. He supports youth education, but he is opposed to bending rules for special groups.

**Motion:** Mansell moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE THE NOTICE OF DOCKET FINAL RULEMAKING AND ECONOMIC IMPACT STATEMENT TO PROMULGATE R12-4-102 AND R12-4-205 TO IMPLEMENT HOUSE BILL 2601.

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

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9. Cost Considerations for On-the-Road Commission events for 2011

**Presenter:** Marty Fabritz, Executive Staff Assistant

At the March 2011 Commission Meeting, the Commission voted to hold a future meeting for 2011 in Yuma and to hold a Commission Workshop in 2011 at a venue in the eastern portion of the State. Mr. Fabritz provided the Commission with some options for discussion including holding the Conservation Workshop in October 2011 at the Horseshoe Ranch.

The Commission discussed and agreed to make the following changes to their meeting schedule:

- October 14, 2011 will be a one day meeting at the Phoenix Headquarters

- October 15-16, 2011 will be the Conservation Weekend event at Horseshoe Ranch
- August 6, 2011 will be a one day meeting (changed from August 5-6)
- The September meeting will be moved to August 26-27, 2011 (no meeting in September)
- The Yuma meeting will be a Workshop held on November 4-5
- The eastern venue Workshop will be decided at the June meeting for 2012.

**Motion:** Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE THE MEETING SCHEDULE CHANGES AS DISCUSSED.

**Vote:** Unanimous

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9A. Nongame Subprogram Activities Briefing; December 1, 2010 through March 31, 2010

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

Mr. Gardner briefed the Commission on the Nongame Subprogram activities from December 1, 2010 – March 31, 2011. Using a Power Point presentation, Mr. Gardner presented highlights on several items in the written report (provided to the Commission and available to the public) and noted any significant updates that occurred since the briefing was written. The following are some of the highlights noted:

Chiricahua leopard frog Critical Habitat:

- USFWS proposed rule for critical habitat published in Federal Register on March 15
- Department will provide comments by May 16
- Final rule is due by December 2011
- Proposed rule was written narrowly to include only those areas currently (or recently) occupied
- Overall effects for the Department should be relatively minimal.

10(j) Experimental Population for Sonoran Pronghorn:

- The 10(j) rule will be published in the federal register in early May; should see this move forward in the near future.

Budget:

- Department, Arizona Wildlife Federation, and Audubon attended the SWG Fly-in Days in D.C. on March 1-2
- Director sent letters to all Congressman
- Teaming with Wildlife Coalition and Constituency Engagement processes were engaged
- NGOs sent letters to Congressman
- 12 AZ NGOs part of national Sign-on Letter (March 30, 633 total).

<b>FUND</b>	<b>FY11</b>	<b>FY10</b>	<b>% Reduction</b>
SWG	62 million	90 million	31
Section 6	60	85	29
NAWCA	37.5	47.6	21
USFWS Land Acquisition	55	86.6	36
USFWS MGMT	1.247 billion	1.273 billion	2

- Still don't know final budgets
  - Competitive vs. State Wildlife Grants
  - Traditional vs. Non-traditional Section 6 Grants (HCPS)
- These decisions will effect final operating budgets.

#### State Wildlife Action Plan Revision:

- Submitted to USFWS March 28, 2011
- A funding document - will inform Strategic Planning but does not dictate it
- Undergoing USFWS review
- Habitat Branch working with Contractors on Outreach for Geospatial Planning Tool
- Will be back to Commission to discuss role and function of the Species of Greatest Conservation Need list.

Director Voyles thanked Mr. Gardner and the nongame staff for their work on the budget letters and collaborative efforts to try and turn around what was potentially going to be a complete elimination of federal monies that support the Department's nongame programs. The 30% reduction was not nearly as bad as a complete elimination would have been.

#### Public Comment

Beth Woodin, President of the Board for the Arizona Heritage Alliance (and former Game and Fish Commissioner): Appreciates the nongame program and noted that the Heritage Grants program has helped make a lot of things possible; has concerns about the management of the Mexican wolf program being taken over by the states; would like to see the Commission address the Mexican wolf issue and call for public input.

Chairman Woodhouse expressed appreciation for the Heritage Schoolyard Grant program and also commented on the Mexican wolf issue. Chairman Woodhouse stated that the states taking over the management of the Mexican wolf program would not be to make the wolves go away, but rather would be because they believed that the states could do a better job of it.

Commissioner Freeman asked the Department to keep it on the radar that at some point in the future he would like to see an action plan for how Arizona plans to manage the Mexican wolf.

Director Voyles stated that even though the wolf has not been delisted the Department has started looking into how they might manage wolves if that happens.

Chairman Woodhouse requested an update on the delisting of the Mexican wolf as a future agenda item.

Public Comment

Thomas Hulen, Arizona Heritage Alliance: Appreciates all the nongame species and in regards to the Mexican wolf, he believes everyone must share in the responsibility for their mismanagement.

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11. Law Enforcement Program Briefing

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

Mr. Elms briefed the Commission on activities and developments that occurred since the last regular meeting 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 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 items in the report including law enforcement training activity, wildlife enforcement activity, watercraft and OHV enforcement activities, and partnerships that were developed and fostered in this reporting period. The presentation also included a preview of the 1912-2012 Centennial Arizona Game and Fish Department Law Enforcement badge and an overview of the radio tower upgrades and changes as part of the DPS statewide structure.

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10. Call to the Public

There were no requests from the public to speak.

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Meeting recessed for a break at 12:15 p.m.

Meeting reconvened at 2:00 p.m.

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

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

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

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Meeting recessed for a break at 3:45 p.m.

Meeting reconvened at 3:55 p.m.

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13. Rehearing Request by Jerry L. Brimhall Regarding Previous License Revocation/Civil Assessment

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

On October 5, 2010, Jerry L. Brimhall, was convicted in the Cochise County Justice Court for taking javelinas during closed season, taking javelina without a license, and taking javelina by unlawful means. On January 14, 2011, the Commission revoked Jerry L. Brimhall's hunting, fishing and trapping licenses for a period of five (5) years, invoked a \$1,000.00 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. Mr. Brimhall has requested a rehearing of this matter and decision as it is his belief that there are inaccuracies in the original information presented to the Commission. The Commission was provided with a letter from Mr. Brimhall and all related pertinent documentation. Mr. Brimhall was notified of this hearing by certified mail.

Mr. Brimhall was not present.

**Motion:** Mansell moved and Freeman seconded THAT THE COMMISSION VOTE TO DENY JERRY L. BRIMHALL'S REQUEST FOR A REHEARING.

**Vote:** Unanimous

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14. Rehearing Request by Gilbert N. Watson Regarding Previous License Revocation/Civil Assessment.

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

On September 13, 2010, Gilbert N. Watson, was convicted in the Show Low Justice Court for taking a turkey during a closed season and by illegal methods. On December 3, 2010, the Commission revoked Gilbert N. Watson's hunting, fishing, and trapping licenses for a period of five (5) years, invoked a \$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. Mr. Watson has requested a rehearing of this matter and decision as, although he was properly noticed, he did not receive his Notices of Hearing or Final Findings until January 15, 2011, due to a change in address. The Commission was provided with all related and pertinent documents regarding this case.

Mr. Watson was not present.

**Motion:** Husted moved and Harris seconded THAT THE COMMISSION VOTE TO DENY GILBERT N. WATSON REQUEST FOR A REHEARING.

**Vote:** Unanimous

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15. Call to the Public

There were no requests to speak at this time.

\* \* \* \* \*

16. 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 3:50 a.m.

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17. 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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**Motion:** Mansell moved and Husted seconded THAT THE COMMISSION VOTE TO ADJOURN FOR THE DAY.

**Vote:** Unanimous

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Meeting recessed for the day at 3:46 p.m.

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Meeting reconvened Saturday at 8:00 a.m.

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

\* \* \* \* \*

Awards and Recognition

Director Voyles presented Service Pin Awards to the following Department employees:

30 Year Service Pin

Rick Miller  
Dana McGehee  
Richard Dreyer

25 Year Service Pin

Cindy David

20 Year Service Pin

Bill David  
Larry Duhamell  
Tony Robinson  
Brian Anthony  
Tom Finley  
Eric Gardner  
Bill Van Pelt

\* \* \* \* \*

2. 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 last regular Commission meeting. This briefing is part of the Department's ongoing commitment to provide the Commission with updates on a regular basis.

Commissioner Mansell asked Mr. Cook about the Tri-State Shooting Range and concerns raised by Tri-State Shooting Park Inc. in a letter sent to the Commission stating that the Department is not moving fast enough to accomplish the goals for this range.

Mr. Cook stated that the Department continues to monitor the movement of legislation (S 3565) that would convey the property to the Commission for use as a shooting range, and concurrently, the Department is working with BLM to move forward with plans to acquire the property through a Recreational Purposes Permit. The Attorney General's Office has recently completed their review of the cooperative agreement and has forwarded that agreement to BLM. The Department's Plan of Development has also been sent to BLM, however, there are some additional requirements for the Plan of Development. The Department is diligently working on those additional requirements. Regarding the mineral rights, the Department has been working with Tri-State Shooting Park Inc. to contact the owners of those rights to negotiate how that will be conveyed to the Commission.

Chairman Woodhouse suggested that he and Commissioner Mansell meet with Mr. Cook and discuss how they might keep the leadership of Tri-State Shooting Park Inc. informed as the process moves forward and possibly alleviate some of their concerns.

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Meeting recessed for a break at 9:00 a.m.

Meeting reconvened at 9:15 a.m.

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#### 4. Request by James M. Schoppmann for Commission Consideration of a Proposed Rule Change to Commission Rule 12-4-302; Use of Tags

**Presenter:** Dana McGehee, Wildlife Manager III, Region VI

The Department received a petition from Mr. James M. Schoppmann dated December 2, 2010, proposing changes to Commission Rule R12-4-302; Use of Tags, specifically R12-4-302.F requesting modifications to allow for self-reporting of a violation involving the unlawful take of wildlife within a certain timeframe, and provided no other violations occurred, the reissue of a duplicate tag to the hunter. Given that the Article 3 Rules regarding the taking and handling of wildlife are currently undergoing their Five-Year Rule Review, the Article 3 team was asked to consider and evaluate Mr. Schoppmann's request. The Article 3 Rule team has evaluated Mr. Schoppmann's request as a part of the draft Article 3 Five-Year Rule Review package (that will be presented to the Commission at their April 2011 meeting in Phoenix) and does not recommend a change to R12-4-302.F based on the following reasons:

- The Department does not believe that such mistakes or accidents should, in essence, be rewarded by providing an additional permit/tag to an individual. The Department already has procedures or law enforcement directives in place to lessen the severity regarding penalties for self-reported violations that occur as a result of such mistakes or accidents
- Proposed amendment allows individuals to exceed the bag limit established by Commission Order (based on biological parameters) for big game or other permitted species
- One of the Commission approved hunt guidelines for establishing permit numbers is the predicted harvest and the subsequent buck:doe ratio following the harvest. Issuing an additional permit to a hunter that has already taken a deer has the potential effect of reducing five permits for a future hunt. While one extra buck taken would probably not have a significant effect in most units, issuing extra permits after permit numbers have been set is not consistent with the Department's game management practices
- Proposed amendment may be perceived as allowing or even encouraging careless hunter behavior, rather than discouraging or prohibiting such behavior
- Proposed amendment is too restrictive in its scope and language. Officer or agency discretion is potentially diminished. The current Rule and Department direction allow for such discretion
- Proposed amendment refers to culpable mental states. Wildlife laws or regulations are generally based upon strict liability. The Department does not believe that tagging violations should be predicated on a particular culpable mental state; they should remain within the realm of strict liability
- Proposed amendment may allow for a potential repeat of mistake/accident
- Proposed amendment allows those individuals with the intent to take wildlife illegally an avenue to avoid citations or penalties.

#### Public Comment

Mr. Schoppmann addressed the Commission (from the Kingman Office, Region III) in support of his petition for a rule change. His petition stems from an incident that happened to him last fall in which he mistakenly shot a doe when his tag was for an antlered deer. He self reported right

away but was still cited. The consensus of the people he knows is that there is no incentive for doing the right thing. Perhaps his petition goes too far in requesting a duplicate tag, but the person should at least not be cited and have to go to court in a case like his.

Chairman Woodhouse commented that the reward for doing the right thing in Mr. Schoppmann's case was that he did not have to come before the Commission for a possible license revocation hearing. As for being cited, Mr. Schoppmann needed to remember that he shot a doe when his tag was for an antlered deer, which was illegal take. So he was rewarded for doing the right thing – self reporting – after he did the wrong thing – shoot a doe with an antlered tag.

Commissioner Husted likened this to a hit and run. It's worse if you run but either way you are still responsible.

Commissioner Mansell commented that a shooter is responsible to know its target and what is behind the target before pulling the trigger, just like it is taught in hunter education.

Commissioner Woodhouse stated that in the near future the Commission will be looking at the license revocation process in a work session, which will be a public meeting, and that these types of issues will be discussed in further detail.

**Motion:** Mansell moved and Freeman seconded THAT THE COMMISSION VOTE TO DENY THE PETITION SUBMITTED BY JAMES M. SCHOPPMANN REQUESTING THAT CHANGES BE MADE TO COMMISSION RULE R12-4-302.

**Vote:** Unanimous

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### 3. Consideration of Proposed Commission Orders 2, 5–10, and 26 for 2011–2012 Hunting Seasons.

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

Mr. Wakeling presented the Commission with a Power Point presentation of the Department's recommended seasons, season dates, bag and possession limits, permit numbers, and open areas for Commission Orders 2 (deer), 5–10 (fall turkey, fall javelina, bighorn sheep, fall buffalo, fall bear, and mountain lion), and 26 (population management seasons) for 2011–2012 according to hunt guidelines approved by the Commission during September 2009 for a 2-year period. The hunt guidelines were approved by the Commission for a 2-year period that extends through spring 2012. Consequently, no public meetings discussing the guidelines were held prior to the April 2011 Commission meeting. A presentation outlining the status of each Region's recommendations for harvest was placed on the Department's web site, and two Regions hosted a public meeting prior to meeting with the Game Branch to discuss their harvest prescriptions with the public. Each Region also hosted an open house prior to the April Commission meeting where final recommendations were available for public review and discussion. These meetings continue to be lightly attended.

The Commission has provided the Department with direction through the hunt guidelines to offer specific hunting opportunities. Specifically, the Department was to allocate at least 5% of the general deer permits to juniors-only seasons. According to hunt guidelines, units with multiple deer hunts will have stratified 7-day seasons.

Statewide, white-tailed deer hunting opportunity in December is limited to 5% of the total white-tailed deer permits, although alternative white-tailed deer units (Units 6A, 23, 30B, 31, and 36C) will be structured to harvest up to 30% of the expected take for that unit during December. Units 12A, 12B, 13A, 13B, 45A, 45B, and 45C are managed according to the alternative deer guidelines for mule deer. Archery deer seasons are recommended for season length adjustments or permitting to attain 10–20% of the total deer harvest by archers, although no unit south of the Colorado River will be permitted for archery.

Fall turkey hunts are recommended as limited-weapon-shotgun-shooting-shot seasons. Juniors-only turkey permits will be recommended as over-the-counter nonpermit tags in specific units. Archery turkey seasons have been adjusted to overlap with corresponding archery deer seasons.

Fall javelina hunts are to be offered during juniors-only seasons to strive for 10% of total tags (both fall and spring) for juniors hunters. Juniors-only seasons should coincide with a juniors-only deer season, and companion population management seasons are recommended to capitalize on juniors deer hunters in the field.

All bear seasons have specific female harvest limits that close a season on the following Wednesday when that number of female bears have been harvested. Each unit that provides a bear hunt will also have an annual female harvest limit. If the annual female harvest limit is met, this will close any open season on the following Wednesday or any subsequent season in that unit during the current calendar year, even if the subsequent season has not yet opened. The annual female harvest limit comprises female bears lethally removed through Department action (e.g., nuisance) and female bears harvested by hunters.

Hopi tribal members will be allocated a small portion of deer tags in Units 4A, 4B (7 permits), 5A, and 5B (24 permits) according to the Hopi Trust Land allocation authorized through the hunt guidelines.

#### Commission Order 2 – Deer

The Department recommended 43,935 general deer permits in 2011, an increase of 5 permits statewide from 2010. Archery deer seasons in Units 12A and 12B, 13A, and 13B for 2011 are recommended at 755 permits, a decrease of 165 from 2010. Permit reductions in Unit 12A are designed to achieve 5–7% population growth. Archers that draw a permit tag are not required to report their harvest through the phone line, and the 10% cap on nonresident participation applies to these draw hunts.

Several changes are recommended for deer seasons. White-tailed deer permits are recommended for an increase of 220 permits. Because of changes to access in Unit 19B, mule deer permits are recommended to be reduced to 175 permits (175-permit decrease from 2010). Antlered mule deer and any antlered deer permits are recommended for a decrease of 215 statewide. Juniors permits are recommended at 2,170 (5% of general), no change from 2010. This recommendation

includes a 75-permit (decrease of 175 from 2010) antlerless deer hunt for juniors-only in Unit 12AW, which is consistent with allowing population growth on the Kaibab described in the hunt guidelines. The December archery deer and general deer seasons are recommended to begin on December 9, 2011. Muzzleloader permits are recommended at 1,005 permits, a decrease of 20 from 2010.

The archery deer over-the-counter nonpermit tag seasons in Units 4A and 4B are recommended for removal from the January 1–15 season, the January season in Units 8, 9, and 19A is recommended to increase to the entire month, and Unit 6A South is recommended to be added to the January 1–15 season.

A 10-permit CHAMP hunt is again recommended for Unit 12AW for 2011 (November 4-10, 2011).

Total permits for general, muzzleloader, and juniors-only seasons are 47,120, which is a decrease of 15 permits from 2010 levels.

#### Public Comment

Pete Cimellaro, Arizona Deer Association: Generally very supportive of the Department's recommendation; has tremendous confidence in the data for 12AW and 12AE and appreciates the recommendation based on that data; supports archery reductions in 13A and 13B; opposes increase in rifle permits in 13B; would like to look at 13A and 13B like what was done in 12A and see if some more deer can be raised.

Steve Chevront, sportsman: Currently conducting a study on 13B using cameras; 13B deer numbers are stagnant right now and the number of tags should be reduced to 50 until we know what is going on in that unit.

**Motion:** Husted moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 2 – DEER AS PROPOSED.

**Vote:** Unanimous

#### Commission Order 5 – Turkey

The fall limited weapon shotgun-shooting-shot turkey season is recommended to run September 30 – October 6, 2011 with 6,395 permits, which is a decrease of 425 permits from 2010. There are 7 units (Units 1, 4A, 4B, 6A, 12A, 23, and 27) recommended for juniors-only seasons where over-the-counter nonpermit tags will be offered; Units 8 and 10 were removed from the juniors-only season. These seasons will run concurrently with the permitted turkey season in the unit.

**Motion:** Harris moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 5 – TURKEY AS PROPOSED.

**Vote:** Unanimous

#### Commission Order 6 – Javelina

For fall 2011, the Department again recommends fall juniors-only javelina seasons, with 800 permits, during season dates that coincide with a juniors-only deer season. Units within Region 5 allocate 15% of the annual permits to either an October 7–13 or a November 18–24, 2011 season. Additional units (Units 16A, 17B, 18B, 20A, 39, and 41) also offer juniors-only opportunity, although season dates would be October 7–16 or November 18–27, 2011.

In accordance with the 2009 hunt guidelines, the Department is also recommending the juniors-only deer hunters in Units 16A, 28, 29, 30A, 30B, 31, 32, 33, 36A, and 36B be provided with the opportunity to purchase over-the-counter "companion" tags for javelina, which must be authorized within Commission Order 26.

**Motion:** Freeman moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 6 – JAVELINA AS PROPOSED.

**Vote:** Unanimous

(The Commission amended this motion following Commission Order 7 – Bighorn Sheep)

#### Commission Order 7 – Bighorn Sheep

Bighorn sheep permits are recommended for a total of 96, a decrease of 1 from last year. Permit increases are recommended in Units 15C North (2 permits), 43B (1 permit), and 6A (1 permit). A new hunt for Rocky Mountain bighorn sheep is also recommended in the San Francisco River Hunt Area of Unit 27 with 1 permit. Permit decreases are recommended in Units 12A and 12B West (1 permit), 15B West (2 permits), 15D (2 permits), and Black River Hunt Area in Units 1 and 27 (1 permit; closes hunt). Units where recent declines have been detected or suspected, specifically 15A, 15B, 15C, 15D, 45A, 45B, and 45C, are surveyed annually and hunt recommendations are based on these data.

#### Public Comment

Chad Jones, AZ Desert Bighorn Sheep Society: Supports the Department's recommendations.

Commissioner Harris questioned the reduction in Unit 15D. He will get with Mr. Wakeling at another time to further discuss how the Department arrived at this recommendation.

**Motion:** Mansell moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 7 – BIGHORN SHEEP AS PROPOSED.

**Vote:** Unanimous

#### Commission Order 6 – Javelina (re-addressed)

Mr. Wakeling along with Big Game Supervisor Amber Munig explained an oversight in the Department's recommendation for Commission Order 6. The Department had intended to recommend a 17A and 17B 100-permit junior javelina season, not a 50-permit 17B season.

**Motion:** Husted moved and Harris seconded THAT THE COMMISSION VOTE TO AMEND THEIR VOTE FOR COMMISSION ORDER 6 – JAVELINA TO CHANGE THE FALL JUNIOR JAVELINA SEASON OPEN AREA FROM 17B TO 17A AND 17B AND TO INCREASE THE PERMITS FROM 50 TO 100.

**Vote:** Unanimous

#### Commission Order 8 – Buffalo

Two yearling buffalo hunts for 2 permits each and two adult-cow-only buffalo hunts for 2 permits each are recommended for the Raymond Wildlife Area herd in Units 5A and 5B. These hunts are recommended to run September 23–25, October 7–9, October 21–23, and October 28–30, 2011.

No general fall hunts are recommended on the House Rock Wildlife Area herd because structured hunts have been ineffective in harvesting buffalo during the fall. In accordance with the 2009 hunt guidelines, the Department is again recommending the general deer hunters in Units 12A West and 12A East and the archery deer hunters in Units 12A and 12B be provided with the opportunity to purchase over-the-counter "companion" tags for buffalo, which must be authorized within Commission Order 26.

**Motion:** Harris moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 8 – BUFFALO AS PROPOSED.

**Vote:** Unanimous

#### Commission Order 9 - Bear

Mr. Wakeling noted an error in the Commission's certified copy regarding the annual female harvest limit for Unit 28. The recommendation is listed as 1 female and it was intended to be listed as 2 female. That is a decrease from 3 from last year and not a decrease of 4.

During 2011, fall bear seasons are recommended to occur during August 5–18, from August 19 for up to 38 days, or September 30 through the end of the 2011 calendar year. The season in Units 4A and 5A is recommended to begin on November 4 and run through the end of the calendar year. General seasons may occur during any of these season dates and archery seasons may occur during the 38 day season beginning on August 19, 2011. This structure maintains open seasons while allowing Regions to manage female harvest and maintain sites to relocate nuisance bears if necessary. The 2011 recommendation is for a cumulative female harvest limit of 91 for general and 20 for archery season, which is an overall increase of 4 female bears from 2010. The recommendation also includes a new season for Units 17A, 17B and 18B from August 19 – September 8, 2011, an increase to individual hunt female harvest limits in Unit 8 and Units 7 and 9, and a decrease to the individual hunt female harvest limits in Unit 19A.

The annual female harvest limit will again apply to fall seasons this year. Annual female harvest limits were established in August 2010 for the units with 2011 spring hunts. Those units that have both spring and fall hunts were considered in the spring 2011 hunt formulation. Harvest that applies to annual female harvest limits includes any take by a hunter or Department action

that occurs within a calendar year. Implementation of the annual female harvest limit may result in the closure of a hunt before it opens if the annual female harvest limit is reached before the start of a season. Annual female harvest limits are recommended to increase in the following open areas Unit 4B, Units 10, 18A, 19B, 20A and 20B, and Units 17A, 17B and 18B. The annual female harvest limit is recommended to decrease in Unit 28.

Hunters will need to contact the Department before they go hunting to determine if a specific hunt unit is open, and notification of this need will be plainly identified within the regulations. Compliance with the mandatory physical check for bear remains high.

**Motion:** Husted moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 9 – BEAR AS PROPOSED.

**Vote:** Unanimous

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Meeting recessed for a break at 10:45 a.m.

Meeting reconvened at 10:55 a.m.

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#### Commission Order 10 – Mountain Lion

The Department recommends an open mountain lion season from August 19, 2011 to May 24, 2012 in all units except those units with a multiple bag limit. Units with a multiple bag limit are recommended to remain open yearlong in accordance with the approved hunt guidelines. Compliance with the mandatory physical check for mountain lion remains high. No changes to the units open to mountain lion hunting under the multiple bag limit approach are recommended at this time.

#### Public Comment

Chad Jones, AZ Desert Bighorn Sheep Society: Requested a multiple bag limit for Unit 37B to help support a recent transplant of sheep; also requested multiple bag limits for Units 31 and 32 in order to continue plans to use those sheep for additional re-introductions throughout the state. It is suspected that mountain lion predation is limiting that herd's potential growth.

Stephanie Nichols Young, Animal Defense League of Arizona: Supports the Department's recommendation and asked the Commission to not add any more units to the multiple bag limits.

The Commission discussed Unit 37B and past Department recommendations for that unit. At one time there was a multiple bag limit in that unit, but as lion depredation did not influence the reintroduced bighorn sheep population and no harvest occurred, the multiple bag limit was removed. However, there is translocation of sheep in there and it would be reasonable to place a multiple bag limit back in that unit.

Commissioner Husted suggested reinstating the former multiple bag limit with triggers for Unit 37B and a low multiple bag year round season in Units 31 and 32.

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Meeting recessed for a break at 11:30 a.m.

Meeting reconvened at 11:40 a.m.

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(continued) Commission Order 10 – Mountain Lion

Mr. Wakeling provided the Commission with the following amended recommendation: Unit 37B is recommended for a multiple bag limit of 4 North of the Gila River (this is the recommendation that was established in the past), and for Units 31 and 32, based on last year's harvest and livestock depredation take, the Department recommends a multiple bag limit of 20.

**Motion:** Harris moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 10 – MOUNTAIN LION AS PROPOSED EXCEPT FOR THE AMENDMENT AS DISCUSSED; UNIT 37B HAS A MULTIPLE BAG LIMIT OF 4 NORTH OF THE GILA RIVER AND UNITS 31 AND 32 HAVE A MULTIPLE BAG LIMIT OF 20.

**Vote:** Unanimous

Commission Order 26 – Population Management Seasons

Population management seasons are recommended for buffalo (cow or yearling buffalo only) to be available to permitted general and archery deer hunters in Unit 12A. These seasons are also recommended for javelina to be available to juniors-only muzzleloader deer hunters in Unit 16A and juniors-only general season deer hunters in Units 28, 29, 30A, 30B, 31, 32, 33, 36A, and 36B. These permits are popularly known as "companion" tags. Buffalo population management restricted nonpermit tags are recommended at 890 for general seasons and 700 for archery seasons. Juniors-only javelina population management restricted nonpermit tags are recommended at 500 for general and 25 for muzzleloader juniors-only seasons. These permits will be available only to hunters that successfully draw a deer tag in the coincidental deer hunt.

Population management seasons are recommended for deer in units labeled as high risk under the Department's Chronic Wasting Disease (CWD) surveillance (Units 1, 2A, 2B, 2C, 12A, 12B, 13A, 13B, 27, 28, 29, 30A, 30B, 34A, 34B, 35A, 35B, 36A, 36B, and 36C). Units 19A, 20A, 20B, and 21 are also recommended for a deer population management season due to proximity to a private cervid farm and potential risk of CWD. The intent of these seasons is to allow the Department to increase harvest to determine prevalence of CWD following an initial detection should one occur. Although the Department is recommending that the Commission authorize 1,475 "designated deer" permits, no permit would be issued without following the population management hunt authorization process. The Department is also recommending a 50-permit archery-only population management season in Unit 43B, that would not be authorized unless deer remained on produce fields following all other depredation deterrents were exhausted; authorization would follow the population management hunt authorization process.

The Commission discussed the Department's plan in the case that CWD is discovered in Arizona. The Commission wanted to ensure that the Director has the authority needed to deal with the situation.

Leonard Ordway, Assistant Director, Field Operations, stated that the Department will be bringing forward recommendations in the Article 3 rulemaking process and there may be some opportunities in that to get into the emergency rulemaking aspects regarding CWD.

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

**Vote:** Unanimous

#### Public Comment

Randy Phillips, Arizona Bowhunters Association: The ABA supports the Department's recommendations 100%.

Commissioner Mansell commented that Units 13A and 13B on the Strip are the crown jewel of deer hunting in the Southwest and he has received comments that the Commission should be more conservative in that area in order to preserve it.

**Motion:** Mansell moved and Husted seconded THAT THE COMMISSION VOTE TO CHANGE THE RIFLE HUNT IN 13A AND 13B TO 50 TAGS BY REDUCING 10 TAGS IN 13A AND 15 TAGS IN 13B AND BY REDUCING THE ARCHERY HUNT BY 15 TAGS IN 13A AND 10 TAGS IN 13B (FOR A TOTAL REDUCTION OF 50 PERMITS).

Commissioner Husted stated that he seconded the motion for the sake of Commission discussion but he will vote no because he is not inclined to change it at this point. Discussion of this change would be more appropriate when they discuss next year's guidelines.

**Vote:** Aye - Harris, Mansell  
Nay - Woodhouse, Freeman, Husted  
Failed 3 to 2

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#### 5. Hunt Permit-Tag Application Schedule for Fall 2011 Hunts

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

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

The Commission thanked the Department for adding a week to the timeline. The printed regulations on the last application period barely got out by the end of the correction period. Hopefully, now the printed regulations will be out at least a week or more prior to the end of the correction period.

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

**Vote:** Unanimous

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6. Call to the Public

There were no requests to speak to the Commission.

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7. Approval of Minutes and Signing of Minutes.

**Motion:** Husted moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM MARCH 9, 2011, MARCH 11, 2011, MARCH 23, 2011 and MARCH 30, 2011.

**Vote:** Unanimous

The Commission signed the minutes following approval.

\* \* \* \* \*

8. Director's and Chairman's Reports

**Motion:** Freeman moved and Husted seconded THAT THE COMMISSION VOTE TO DISPENSE WITH THE DIRECTOR'S AND COMMISSIONERS' REPORTS DUE TO THE WORKSHOP THAT IS FOLLOWING THIS MEETING.

**Vote:** Unanimous

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9. Commissioners Reports

No reports provided per Commission vote in agenda item #8.

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10. Future Agenda Items and Action Items

Future agenda items and action items from this meeting were not reviewed.

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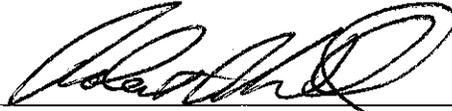
**Motion:** Harris moved and Freeman seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

**Vote:** Unanimous

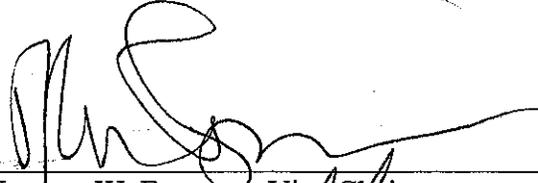
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Meeting adjourned at 12:10 p.m.

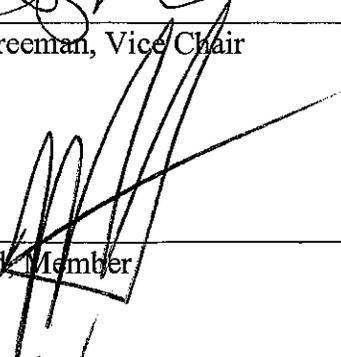
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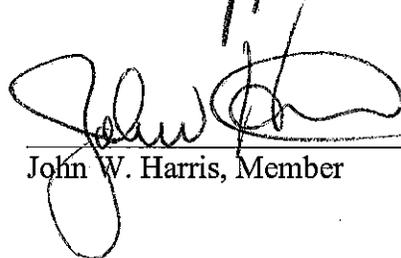
Robert R. Woodhouse, Chair



Norman W. Freeman, Vice Chair



Jack F. Husted, Member

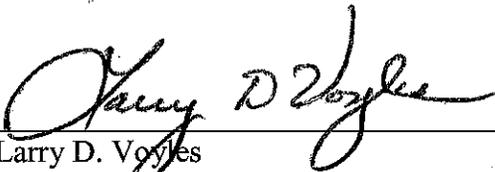


John W. Harris, Member



Robert E. Mansell, Member

ATTEST:



Larry D. Voyles  
Secretary and Director

**Game and Fish Litigation Report  
Presented at the Commission Meeting  
April 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 15<sup>th</sup>.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

The Safari Club International (intervener) filed a petition for rehearing en banc. On March 1, 2011, the Ninth Circuit issued an order denying the petition. **The Ninth Circuit has been returned the case to the District Court for further action and Judge Bolton has been assigned the case.**

**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 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 Supreme Court has denied review and the case will be remanded to the Commission for a new hearing for the purpose of imposing a non-consecutive term of revocation (or other sanction as the Commission determines) for the bull elk violation.**

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

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

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

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. 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 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. **All briefs have now been filed. To date, the matter has not been calendared for oral argument.**

5. ***Lorta v. Arizona Game and Fish Commission et al., CV-11-134.*** Plaintiffs filed an action on February 15, 2011, seeking judicial review of the Commission's license revocation and civil assessment decisions. The case was filed in Santa Cruz County Superior Court. The Commission has until March 16, 2011 to file a responsive pleading. **On March 15, 2011, we filed a motion to dismiss on the basis the court lacks subject matter jurisdiction over the civil assessment order and the license revocation decision is moot because the underlying conviction was set aside. The plaintiffs have not filed a response.**

6. ***Reed v. Arizona Game and Fish Department and Commission, C20111354.*** The plaintiffs filed an action on March 3, 2011, seeking judicial review of the Commission's license revocation and civil assessment decisions. The case was filed in Pima County Superior Court. We agreed to waive service of process, and in so doing, we have sixty days to respond to the complaint.

**Lands Update**  
For the Arizona Game and Fish Commission  
April 8, 2011  
Phoenix, Arizona

**FOREST SERVICE LAND AND TRAVEL MANAGEMENT PLANNING**

**Proposed Planning Rule**

The Department is currently reviewing and will be providing comment on the proposed planning rule and Environmental Impact Statement. The Department is concerned that new rule potentially weakens the wildlife viability requirements, does not give clear direction for standards and guidelines, leaves out requirements to protect watersheds and reduces the role of science in certain sections. Comments are due May 16<sup>th</sup>.

**Coconino National Forest**

The Department submitted comments to the Forest Service on the second working draft of the Coconino National Forest Land and Resource Management Plan (Forest Plan). Department staff met with Forest planners and USFWS staff to discuss issues with the desired future conditions in the revised Forest Plan. For Forest Plan Revision, the Forest Service Regional Office provided all USFS Region 3 forests “template” desired future conditions (DFCs) for all forest vegetation cover types that are to be incorporated into the revised forest plans. These DFCs place significant emphasis on creating habitat conditions that are intended to favor the northern goshawk (NOGO). In addition, there is very little specific information regarding “old growth” (i.e., what it is, where it will occur and in what proportion across the landscape) or how we link it and Mexican spotted owl (MSO) recovery plan management recommendations with NOGO DFCs. The Management Recommendations for the Northern Goshawk in the Southwestern United States (Reynolds et al. 1992; hereafter NOGO Guidelines) provides guidelines for forest management based on the habitat needs of the 14 prey species most common in NOGO diets. This direction was adopted by all Region 3 forests as part of the 1996 Forest Plan Amendment. At the time the NOGO Guidelines were adopted by the Forest Service, there were questions regarding the validity of managing forests for a habitat and prey generalist such as the NOGO. Since that time, several studies have tested the assumptions of the NOGO Guidelines, finding that the more forests resembled the NOGO guidelines the lower the reproductive success of the NOGO itself (Beier et al. 2008; see also Beier and Drennan 2003, Greenwald et al. 2005). In addition, the NOGO Guidelines are not always conducive to conducting forest restoration (e.g., issues with creating openings, etc.). Due to differing interpretations of the NOGO Guidelines across USFS Region 3, it can also be difficult to ensure that multiple species habitat objectives are met across the landscape, as management under the NOGO Guidelines can result in homogenous habitat. The Department, in collaboration with the USFWS, has requested engagement with Forest leadership in a more in-depth discussion regarding these forest management issues and how we can jointly ensure that all of our trust resource habitat needs, as well as comprehensive, landscape-level restoration, are fully-supported through the revised forest plan and implementation of the Four Forest Restoration Initiative.

The Forest continues to work on refining alternative for the Travel Management Rule EIS. The Travel Management Rule will prohibit cross country travel, limit camping to designated

corridors, and the Department continues to work with the Forest to address motorized big game retrieval. The Department recently learned that Coconino TMR may allow motorized, cross-country travel for retrieval of firewood cut with a permit.

### **Coronado National Forest**

The Draft Environmental Impact Statement (DEIS) for the Coronado's Land Management Plan is expected to be released in April or May of 2011. The plan will be open for public comment for 45 days. The Department met with the Coronado Forest on April 5<sup>th</sup> and 6<sup>th</sup> for the annual coordination meeting. The Forest updated the Department on the Forest Plan Revision and coordinated on many other topics for the year to come.

### **Tonto National Forest**

The Department participated in the annual coordination meeting with the TNF March 24th. The TNF is not participating in the revision of their land management plan until the proposed ruling is implemented (2-5 years). Preliminary work that has been done for that process will be reviewed and determined if usable at the time the process is then initiated. The Department continues to work with the TNF through their travel management planning process and is currently reviewing the latest revision of the route map. The biological assessment for the travel management plan is still under development. The Department anticipates the draft environmental assessment to be out this summer. Scoping was in 2009. The Department remains concerned with loss of access, closures of OHV areas, loss of designated camping sites and an increase in overall routes.

## **U.S. FOREST SERVICE**

### **Four Forests Restoration Initiative (4FRI)**

The Department commented on the USFS Proposed Action for the first 4FRI Environmental Impact Statement (EIS). 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 proposed action includes plans for forest restoration, reintroduction of fire, decommissioning of roads (likely those identified in Travel Management Rule), as well as restoration of dry ephemeral channels, springs, and grasslands. The letter highlighted some key issues such as Comprehensive Ecological Restoration, Landscape Scale to Site Specific Scale, Wildlife Recommendations, and the Importance of Monitoring, Research, and Adaptive Management. The letter is attached to this briefing.

### **Heber-Reno and Morgan Mountain Sheep Driveways Decision Notice and FONSI**

On February 18, 2011 the Tonto National Forest and A-S National Forest announced their joint decision on the Heber-Reno and Morgan Mountain Sheep Driveways Final Environmental Assessment and Finding of No Significant Impact. The Department has been coordinating with the Tonto National Forest on this project for the last two decades and in 2007 helped lead a collaborative risk assessment regarding disease transmission from domestic sheep to wild bighorn sheep. The Forest selected Alternative #2 in the Final EA which was to continue using the Driveway essentially the same as in the past 100 years. The decision included some mitigation measures to reduce the risk of disease transmission to wild bighorn sheep but almost all mitigation measures were "post-contact" which recent literature suggest is too late to stop the spread of disease in a wild bighorn sheep population. The Department met with the Tonto National Forest and has sent a letter to the Forest indicating that the Department does not support

the decision. The Department has requested participation at the ground level when annual operating instructions are formed for the permittees to help initiate some mitigation measures.

### **Apache-Sitgreaves National Forests**

Department personnel held a coordination meeting on the Apache trout recovery program with the Apache-Sitgreaves National Forests on March 31. This annual coordination meeting covered necessary NEPA compliance for individual projects, project scheduling, reporting, and personnel needs.

### **Coconino National Forest**

The Department continues to participate and provide comment on the proposed management planning effort for Fossil Creek. The Department anticipates the public scoping period to begin within the next few months.

The Department is working with Arizona Elk Society and Coconino National Forest to plan a wildlife work day at Slate Mountain. Work will include removal of small conifers from historic meadows to improve grassland habitats. The work day is scheduled for May 14-15.

The Department held its annual coordination meeting with Coconino National Forest and USFWS on March 30-31 as part of an overnight campout. We discussed annual work plans, projects and issues of mutual interest, and held brainstorming discussion sessions on Forest Plan Revision.

### **Kaibab National Forest**

The Department is reviewing the Russell Vegetation Project which is an 8000 acre project southwest of the Coconino Rim in Unit 9 (Tusayan Ranger District). This project aims to reduce fuels with prescribed fire and hand thinning, meanwhile giving the community the opportunity to harvest fuel wood. This area is quality wildlife habitat for elk, mule deer, turkey, and pronghorn in some of the ponderosa meadows. The Forest Service plans to thin ponderosa, restore meadows by removing encroachment and increase the Gambel oak components within the project area. The Department supports the Russell Vegetation Project.

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

### Wild Horse & Burro

Department staff presented the Department's position on the new Wild Horse and Burro strategy at the Wild Horse and Burro Advisory Board meeting held on March 11 in Phoenix. The proceedings of the meeting were recorded and videos of the sessions were uploaded to the BLM's YouTube channel. The Department's comments can be heard in hour seven. [http://www.blm.gov/wo/st/en/prog/wild\\_horse\\_and\\_burro/whb\\_get\\_involved/\\_advisory\\_board/advisory\\_board\\_03\\_2011.html](http://www.blm.gov/wo/st/en/prog/wild_horse_and_burro/whb_get_involved/_advisory_board/advisory_board_03_2011.html)

### **AZ Strip Field Office**

#### DRAFT Uranium Withdrawal Environmental Impact Statement (DEIS)

The DEIS became available for public review and comment on February 18. BLM is the lead on the DEIS with cooperation from U.S. Forest Service, the U.S. Geological Survey, U.S. Fish and Wildlife Service, the National Park Service, AZ Native American tribes, and other state and local agencies. The public comment period has been extended to May 4<sup>th</sup>, 2011. On March 30, the

Commission re-affirmed their support for the original 2008 recommendation which was to support the Full Withdrawal, Alternative B. The full withdrawal would allow a 20 year moratorium on new mining claims only, meanwhile allowing existing mining claims to pursue uranium mining. The Department will be submitting comments to the BLM to reflect the Commission's decision as well as focusing on how the BLM and FS can incorporate effecting best management practices to avoid impact to wildlife.

The Department met with the BLM on March 17 and researched previous NEPA compliance on several wildlife water catchments in the Mt Logan/Mt Trumbull area of 13A. As a result of this meeting, the BLM is working on a categorical exclusion for fence modification at 4 of these waters which will include replacing existing dilapidated barbed wire with pipe rail to eliminate cattle intrusion and improve reliability of the waters for wildlife. Ten water catchments have already been redeveloped through previous NEPA compliance, which included larger storage tanks, bigger drinking troughs, and surrounding them with pipe rail fences. There are 6 more catchments being contracted out to complete the NEPA compliance process. The Department is also working cooperatively with the BLM to redevelop a water catchment at Mt Logan.

The Department did receive funding through the Habitat Partnership Committee (HPC) Program for 2 wildlife catchment redevelopments in Game Management Unit 13B. These include the Pick Point/Pick Spring catchment (to be completed spring 2012) and the Wolf Hole #3 catchment (to be completed this summer).

#### **Gila District**

The Department met with the Gila District of the BLM on April 5<sup>th</sup> in 6<sup>th</sup> at the annual coordination meeting. The BLM updated the Department on the status of pending RMP's, range program for this year, planned fires and habitat treatments.

#### **Yuma Field Office**

Department personnel assisted the Yuma Field Office of the BLM with ongoing route evaluation efforts of the La Posa area as part of their Travel Management Planning efforts. The Yuma Field Office estimates that one more week of route evaluations are needed before moving on to the Cibola-Ehrenburg area.

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

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

The proposed final Resource Management Plan and Environmental Impact Statement for the Ironwood Forest National Monument has cleared the Washington review and is expected to be released to the public any day. The Department anticipates recreational shooting to be restricted in the new plan and has initiated discussions with BLM regarding the possibility of developing a new shooting range that will serve the same shooting constituency that utilized public lands that are part of the IFNM.

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

The Department recently commented on the Pakoon Springs Removal of Non-natives and Management of Public Use Environmental Assessment. The Department has been supportive of this effort to restore Pakoon Springs as it provides excellent waterfowl habitat and is a potential reintroduction site for the Relict Leopard Frog (only if bullfrog eradication is possible). The Department does have some initial concerns with some of the management that the BLM is

proposing at this time, such as the discouraging of fishing, and general language suggesting that visitor use has increased in terms of upland game bird hunting and associated littering. The Department discussed the issues associated with public management at our annual coordination meeting Feb 23<sup>rd</sup> and 24<sup>th</sup> and will continue working toward solutions.

#### **NATURAL RESOURCES CONSERVATION SERVICE (NRCS)**

The Department assisted NRCS on a field trip to identify locations for development of riparian ecological sites along the Verde River and its tributaries. These ecological sites could be used in development of ecological site descriptions, which get used as reference conditions for range health assessments.

The Department assisted NRCS with a cultural resources inventory for a grassland restoration project on the Clear Creek Ranch, to be funded through NRCS Wildlife Habitat Improvement Program (WHIP).

The Department worked with the Arizona NRCS State Biologist to explore alternative wildlife water developments for use by NRCS field offices, which included a field trip to sites near Wickenburg.

#### **U. S. BUREAU of RECLAMATION**

##### **Glen Canyon Dam High Flow Experimental Protocol Environmental Assessment**

The Department was invited by the Bureau of Reclamation to serve as a cooperating agency in the preparation of this environmental assessment (EA). The proposed action is to develop a protocol that will evaluate short-duration, high-volume dam releases during sediment enriched conditions for a 10 year period to determine how multiple events can be used to build and maintain sandbars and beaches downstream. The Department has participated in weekly conference calls and provided comments on a cooperators draft of the EA on December 7, 2010. The comments provided expressed the Department's concerns on the unknown impacts that multiple high flows will have on humpback chub and rainbow trout at Lees Ferry. The EA was open for a 60-day public comment period which closed March 18, 2011. The Department provided additional comments on the public draft. A second public draft will be released in April.

##### **Nonnative Fish Control Environmental Assessment**

The Department was invited by the Bureau of Reclamation to serve as a cooperating agency in the preparation of this environmental assessment (EA). The proposed action is to reduce the number of non-native fish in the Colorado River below Glen Canyon Dam that prey on and compete with endangered fish. The Department has participated on weekly conference calls, attended a structured decision making workshop, and provided comments on a cooperators draft of the EA on January 7, 2011. A public review draft was released on January 28, 2011 and closed on March 18, 2011. The Department provided additional comments on the public draft. A second public draft will be released in April.

## **GENERAL UPDATES**

### **Central Arizona Grasslands Strategy**

#### Anvil Rock Ranch

Work on Anvil Rock Ranch in GMU 18B is complete. A total of 1160 acres will have been treated upon completion, 780 of which is deeded land.

#### Yolo Ranch

In cooperation with Department Staff and NRCS Archaeologist Miles Gilbert, cultural surveys were completed on roughly 1200 acres of the Yolo Ranch in anticipation of juniper eradication grassland restoration efforts that will commence on the Ranch in the next few weeks. The next phase of juniper treatments will begin on the state trust land component of the treatment area.

#### K4 Ranch (Mud Tank Wash Grassland Enhancement Project)

Despite receiving funding in the most recent HPC cycle for juniper eradication efforts, the Mud Tank Wash Grassland Enhancement Project that was intended to treat approximately 1000 acres of prime grassland habitat on deeded and state lands will not be moving forward. Due in part to the closure of the GMU 19B antelope hunt, the Rancher has opted to forego initiation of this project at the present time. The Department continues to maintain a good communication with the Ranch, and Grassland restoration efforts on the Ranch may be realized in the future.

#### Spider Ranch (Smith Mesa Habitat Improvement Project)

The Department is moving forward with the development of a Yavapai County Resource Advisory Committee Grant application to fund the Smith Mesa Habitat Improvement project, located on the Spider Ranch. The deadline for grant submission is early June.

#### Mule Deer Habitat Improvement

Department personnel, in conjunction with BLM Fire, Biologists and Range Staff accompanied a representative of the Mule Deer Foundation on a field trip to Iron Basin to inspect the results of 2007 and 2009 prescription burns that were carried out in chaparral woodlands for the benefit of local mule deer populations. Decadent chaparral communities were replaced by an earlier seral stage, showing improved vigor and significant deer sign. Discussions followed that focused on the development of an interagency, landscape level habitat improvement plan that would make use of both mechanized treatments and broadcast burning to improve habitat for deer. At this meeting, commitments were received from BLM Fire Crew and Biologists to assist in seeking funding for the effort and in carrying out the environmental compliance necessary for a proposed action on public lands. Additionally, the Mule Deer Foundation was supportive of the plan and committed to financial support of this effort.

### **City of Flagstaff**

A policy to promote the development of watchable wildlife recreation opportunities through interagency collaboration was adopted in March by the Citizens' Advisory Committee (CAC) which oversees the ongoing revision of the Greater Flagstaff Area Regional Land Use Plan. This policy, along with supporting background text, was developed with considerable input from Department staff and will be included in the Environmental Planning and Conservation element of the revised plan. The Department also provided maps and data on the location of wildlife linkages in the greater Flagstaff area to City planners to assist with the development of new open space maps for the Plan and with the scoping of a potential conservation lands system being considered by the CAC in April.

### **City of San Luis 2010 General Plan Update**

The City of San Luis 10-year update of the General Plan is being reviewed by the Department. The General Plan is a policy document and guide to provide comprehensive direction for the growth and development of the City of San Luis. Comments are due in June 2011.

### **Maricopa County Parks**

The Department has reviewed and is in the process of developing a revised Memorandum of Understanding with the County for lands within or adjacent to the managed County Parks. This document will allow for the development and implementation of a collaborative partnership for programs and projects, along with meeting the desire of both parties to accommodate for management of outdoor recreation commensurate with protecting fish and wildlife resources while also allowing for traditional uses.

### **Maricopa County Flood Control**

The Department continues to participate in the alternatives selection for the Powerline/Vineyard/Rittenhouse dam rehabilitation or replacement project. The Department has been recommending soft structural modifications and identification of quality habitat along this area of connectivity for a diversity of species. The Department will be participating in the April meeting for further refinement of the alternative selection process. The Department has been involved in this project for several years and remains concerned for this entire east valley area that includes a multitude of development planning, highway additions/modifications and other threats identified for the future.

### **Muleshoe Ranch Cooperative Management Area**

The Department met with representatives from the Coronado National Forest, The Nature Conservancy and Arizona Desert Bighorn Sheep Society to tour the Muleshoe Ranch and discuss a proposed burn plan for the southern end of the Galiuro Mountains in Game Management Unit 32. The plan will involve Forest Service, Bureau of Land Management, the Arizona State Land Department and TNC properties. The group discussed bighorn sheep management for that area and the possibility for Habitat Partnership Committee funds to help fund the project.

### **Pinnacle Peak Transmission Line Vegetation Management Project**

The Department submitted comments on this transmission line project to the consultant working for Western Area Power Administration, and has met with the consultant and USFWS to discuss wildlife concerns. This project proposes to clear vegetation out of the existing transmission line corridor to reduce hazards to the line. Primary wildlife concerns include impacts of vegetation removal and mechanical equipment disturbance on Mexican spotted owls, turkey, and mule deer. We are encouraging optimizing potential benefit for pronghorn habitat while avoiding disturbance during the fawning season, retaining snags and large trees, and minimizing the spread of invasive species. We have asked the consultant to clarify mechanical treatment proposals. This project is in the open house phase of public scoping.

### **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. The Forest cancelled the March Cooperating Agencies Meeting, citing no new information on the project or the DEIS. The Forest further stated that no more cooperating agency meetings would be held until the DEIS was completed. No time was given for completion of the DEIS. The February meeting to

present the groundwater modeling was cancelled previously with the reason for the cancellation as “Logistics around the groundwater modeling topic just aren't coming together” and “Several key people, including other cooperating agency representatives, either are not available or are requesting additional time to prepare their presentations. We will look to discussing this topic next time”. The Forest has apparently abandoned the idea of presenting the groundwater modeling prior to release of the DEIS even though the latest groundwater modeling reports (which presumably will be used in the DEIS) have never been presented to the cooperating agencies.

The Department wishes to see a thorough examination and open process in modeling the groundwater effects due to the potential for the open pit to act as a hydraulic sink that may have a significant drying effect on the basin's springs, seeps, and potentially Cienega Creek itself. The Department found the previous groundwater modeling did not incorporate the known fractured geology of the area but rather modeled the geology with homogeneous porosity similar to wet sand, which drains equally in all directions. Fractured geology may drain quickly, or not at all dependant on where the fractures lie in relation to groundwater sources and sinks. Moreover, drainage may occur over substantial distance in relatively short time periods compared to the homogeneous porosity model. Techniques exist to model fractured geology with some accuracy. The Department, therefore, is interested in additional modeling efforts which may more accurately model the situation.

The Forest announced in January that they hired a new website manager to maintain their website and solve the former problems with posting documents to the site. The Forest stated that communication with cooperators, discussion forums, RSS feeds and other issues will now progress and therefore communication will be better. As of April 4<sup>th</sup>, the Department has not received any updates on this progress.

The documents that the Forest advised in January were yet “too preliminary” to be made available to the Cooperators have still not been made available to the Cooperators.

The Forest has provided no new information on the DEIS or the timeline for its completion.

### **Renewable Energy Development**

Department personnel met with personnel from Apache County, Bureau of Land Management (Safford Office) to discuss alternative energy projects occurring in Region I. This group, which also includes Navajo County and USFWS, will meet on a quarterly basis to discuss projects occurring in Region 1 in order to facilitate collaboration. This will especially aid the BLM in assessing cumulative effects as they were only aware of three projects in Region I when, in fact the Department is aware of approximately 20 existing or potential wind generation projects.

#### ***Wind***

##### **Centennial West Lean Line**

The Department received notice from Centennial West Line LLC (Centennial West) regarding the development of a high voltage transmission line. The Centennial West Clean Line is intended to connect wind resources, located in eastern New Mexico, to Southern California. The line will be capable of transmitting 3,500 megawatts of new wind generation. Centennial West is currently working to secure necessary federal and state permits for the project. Further details regarding this project are not yet available. The Department will be attending a community leader workshop conducted by Centennial West on April 11<sup>th</sup>.

### NextEra Energy Resources

The Department continues to work with NextEra Energy, its environmental consultants SWCA and Pandion Systems, and US Fish and Wildlife Service biologists to develop an Avian and Bat Protection Plan (ABPP) for the 100 megawatt Perrin Ranch wind facility north of Williams. The ABPP that has been drafted by NextEra offers options for avoidance, minimization, and mitigation for wildlife including curtailment and shutdown of turbines, as well as the development of a wildlife fund to be used for future wind energy research among other wildlife protection ideas. Development of this ABPP, in close coordination with AGFD and USFWS, was one of the conditions attached to the approval of NextEra's conditional use permit for the wind facility by the Board of Supervisors. Due to a federal nexus associated with the Perrin Ranch Wind Project, Western Area Power is in the process of drafting an Environmental Assessment (EA) for the proposed project. This EA should be out for public comment in Early May. The Department will comment on the EA, however, close coordination thus far in the process will likely result in non-significant issues. It has come to the Department's attention that the ABPP will be attached as an Appendix to the EA, therefore making it a public and accessible document to other wind energy companies. Because of the content in terms of wildlife protection, it is the Department's hope that this document can be used as a template for other wind companies to follow.

### Torch Renewable Energy

The Department commented on an application by Torch Renewable Energy of Houston, Texas to Coconino County Planning and Zoning for installation of two meteorological testing towers on the McNelly Ranch northwest of Valle. The project area is located approximately 15 miles north of the recently approved Perrin Ranch wind farm west of highway 64. The Department has initiated preliminary discussion with the developer concerning development of a preconstruction biological monitoring effort that will be consistent with our wind Guidelines.

### **Transportation**

#### US 60 Superior to Globe

The proposed improvements and/or realignment of US 60 between Superior to Globe is currently 1.5 years behind the original schedule as contractual issues, tribal concerns and budgets have delayed the process in the development of the EIS. The Department participated in a recent meeting of the US 60 team and the discussion included questions and concerns for both archaeological and biological levels appropriate for the environmental evaluation at this particular stage of the project. The proposed alternatives are still undetermined as to what may stay with some strong focus now placed on the Queen Creek alternative. Impacts to Queen Creek by widening the existing alignment are still not determined at this time; but it has been determined that the Canyon could be improved according to Federal construction standards. Other issues in question are cumulative impacts to water flow through the canyon, placement of an east-bound tunnel, and possible cultural impacts with this alternative. Contracts are being amended and the push to move forward continues for the environmental/cultural studies. The Department will be participating in the next meeting scheduled for May.

### **White Mountain Flyfishing Club**

Department personnel met with the White Mountain Flyfishing Club on March 16 to discuss lake conditions and upcoming fisheries projects. The group was also informed about the draft sportfish stocking environmental assessment and how the different alternatives could affect them and fisheries management in the White Mountains.

## **Wildlife Areas**

### Horseshoe Ranch

The Department is developing the management plan for the wildlife area, is initiating the process of hiring a manager, coordinating internally and planning for the initiation of the coordinated resource planning process for the associated allotments. The Arizona Wildlife Conservationist Committee meeting and workday is scheduled for the ranch on April 29 – May 1 and includes modifications to the Copper Creek/Horseshoe allotment fence for pronghorn specifications.

### Wenima Wildlife Area

Stream bank restoration work, part of a \$74,145 ADEQ water quality improvement reimbursement grant will commence at the Wenima Wildlife Area near Springerville in early April. This project is being undertaken to increase water quality in the Little Colorado River and to improve aquatic and riparian habitats. The consulting firm Natural Channel Design developed a site plan, acquired the necessary ADEQ 401 and ACOE 404 permits, and will supervise the construction phases. Department personnel will implement the construction phases by re-sloping vertical dirt banks with heavy equipment, plant native vegetation, and monitor the success of the project.

## **Wildlife Linkages/Corridors**

Statewide coordination is continuing for the county workshops. Following internal review the Department released a final report in early March detailing the results of the Coconino County wildlife linkage stakeholder workshops. This document will serve as the template for other county-specific linkage reports. Specific updates are below:

### City of Surprise General Plan amendment

The Department continues to participate in land use planning and linkage planning with the City. The city has issued notification (2-18-11) of the 60-day review period for a major amendment to incorporate information on Wildlife linkages. The Department will be participating in the public meetings associated with this effort.

### Coconino County

Following internal review the Department released a final report in early March detailing the results of the Coconino County wildlife linkage stakeholder workshops. This document will serve as the template for other county-specific linkage reports. Department staff is in the process of finalizing a list of priority areas for fine-scale GIS wildlife linkage modeling with input from Coconino County planners. We are also finalizing habitat suitability information for new species and assembling new data layers in collaboration with regional species experts which will be incorporated into our linkage modeling efforts.

### City of Scottsdale/McDowell Mountain Preserve

The Department continues to work with the McDowell Mountain Preserve and the City of Scottsdale regarding wildlife linkages planning and research. The Department and the City have developed a Memorandum of Understanding to allow for the development and implementation of a collaborative partnership for programs and projects, along with meeting the desire of both parties to accommodate for management of outdoor recreation commensurate with protecting fish and wildlife resources while also allowing for traditional uses.

### Maricopa County

Department staff are currently finalizing the spatial information from the stakeholder's workshop and are drafting the county report. The Department has initiated efforts to share this information with the cities in the county for incorporation into their land use and open space planning efforts.

### Pima County Wildlife Linkages Assessment

The Pima County Wildlife Linkages Assessment workshop is scheduled for May 17th at the Ellie Town Center in Tucson. This effort is different from other county efforts in that funding was received from the Pima County Regional Transportation Authority to create detailed fine-scale corridor reports for the County over the next eighteen months.

### **Winterkills**

Department personnel documented conditions at several high elevation trout lakes that showed these lakes did not winterkill this year. Carnero Lake, Crescent Lake, and Lee Valley Lake in Apache County were surveyed on March 17 and 18 as part of a long-term study on fish winterkills. Crescent Lake contained high levels of dissolved oxygen under the ice and Lee Valley Lake contained moderate levels of oxygen. Carnero Lake had approximately 20% open water, which means oxygen depletion is no longer a concern. This is good news for anglers, who can expect to catch larger trout in these 3 lakes this year, as well as good news for the Department because the lakes will not have to be totally restocked as they were last year following total fish winterkills. The milder winter with less snowpack on the ice, plus the shorter ice cover, contributed to these lakes not winterkilling.



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

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March 14, 2011

Earl Stewart, Coconino National Forest Supervisor  
Michael Williams, Kaibab National Forest Supervisor  
Attn: 4FRI  
1824 South Thompson Street  
Flagstaff, Arizona 86001

RE: Four Forest Restoration Initiative – Coconino and Kaibab National Forest Proposed Action

Dear Supervisors Stewart and Williams,

The Arizona Game and Fish Department (Department) appreciates the opportunity to comment on the Four Forest Restoration Initiative (4FRI) – Coconino Kaibab National Forest Proposed Action (PA). The Department is an active member of the 4FRI Stakeholders Group and supports landscape-scale restoration of ponderosa pine ecosystems to protect communities, restore wildlife habitats, and enhance rural economies in northern Arizona.

The PA proposes to conduct restoration activities within a 750,000-acre ponderosa pine ecosystem over approximately 10 years. Restoration activities proposed include mechanical tree thinning, prescribed fire, riparian protection/rehabilitation, and decommission/obliteration of closed or user-created roads. Activities are proposed on the Williams and Tusayan districts of the Kaibab National Forest and the on the Flagstaff, Mogollon Rim, and Red Rock districts of the Coconino National Forest (hereafter, Forests). The US Forest Service 4FRI Team held 5 workshops during February 2011 to share the draft PA and collect comments from the public. We thank you for this high level of collaboration with the Department and the 4FRI Stakeholders Group. The Department attended all of these workshops and submitted many comments, questions, and recommendations in that forum. It is our understanding that a refined PA may be forthcoming, and we look forward to seeing how our input has been incorporated in this refinement.

The purpose of this letter is to highlight some key issues; however we ask that you consider not only comments contained herein, but also those in which we provided during the workshops.

*Comprehensive Ecological Restoration*

As stated in the PA, “this project is expected to put the analysis area on a trajectory towards comprehensive, landscape-scale restoration with benefits that include improved vegetation biodiversity, wildlife habitat, soil productivity, watershed function, and an opportunity for the safe use of managed fire.” The Department strongly supports this purpose; 4FRI is intended to be comprehensive restoration. This PA moves us a lot closer to that ultimate goal, however it does not (and feasibly could not) tackle all of the causes of ecological decline in our ponderosa pine ecosystems. The Department would like to work collaboratively with all four national

forests in 4FRI (Coconino, Kaibab, Apache-Sitgreaves, Tonto) and the 4FRI Stakeholders Group on a comprehensive restoration assessment. This assessment could identify possible management actions that focus on a wider range of forest resources than just timber and fire; such as hydrology, range, recreation, and wildlife. We envision an outcome of this assessment being a menu, or list, of comprehensive restoration activities that could be tackled over time, not only by the Forests, but also by stakeholders and other partners. This assessment would set forth a collaborative program of work with benefits for wildlife and forest users. We would like to begin working with you on this assessment as soon as possible.

And since this project is intended to achieve ecological restoration, we would also like the Forests to elaborate on how conventional silvicultural treatments described in the PA will be applied and/or adapted to achieve ecologically-based restoration objectives.

#### *Landscape Scale to Site Specific Scale*

Planning a restoration project at the 750,000-acre scale is unprecedented in Arizona. And while we can all envision achieving restoration at the landscape scale, we must analyze the effects to wildlife and other resources at the site-specific scale. Transitioning from landscape-scale goals to site-specific plans is difficult at best, and the Department recognizes the challenges faced by the Forests in doing so. As such, desired conditions for this project are extremely important. The Department agrees with all of the desired conditions stated in the PA, and we also recommend consideration of the desired conditions from the *Landscape Restoration Strategy for the First Analysis Area - Report from the Four Forest Restoration Initiative Stakeholder Group to the USFS 4FRI Planning Team (October 2010)*. We also encourage the Forest to consider the desired conditions as described in the *DRAFT Desired Ponderosa Pine Forest Conditions for Wildlife in Arizona* paper currently undergoing revision by the Department, the US Fish and Wildlife Service, and the Ecological Restoration Institute. Your 4FRI Team already has a copy of this document.

Desired conditions are a good starting point for understanding what forests will look like after proposed restoration treatments are implemented. However, we are seeking greater specificity in your approaches to mechanical treatment. During the workshops, we learned that the Forests are proposing 5 treatment types (grassland, savannah, uneven aged, stand improvement, and intermediate thin). We also learned that these treatments will vary in terms of the percent in an open (non-forested) condition (10-25%, 25-40%, 40-55%, 55%+, 70-90%, and 90%+). While the desired conditions do state that the forested portions should be comprised of uneven aged trees in a clumpy-groupy structure, the PA lacks detail at finer scales. We are not asking for site-specific prescriptions, rather, we are seeking greater detail in the descriptions of what the forests will look like after treatment. For example, we would like a better understanding of targeted ranges for tree group size, basal area, trees per acre, and stand density index. The proposed action would also benefit from an expanded discussion of how to achieve vertical and horizontal heterogeneity in forest structure; an important component of wildlife habitat as well as an important characteristic of developing old growth forest.

The Department strongly supports the inclusion of riparian and ephemeral channel restoration in the PA. However, the PA currently lacks specificity on where and how this will be achieved.

#### *Wildlife Recommendations*

It is our understanding that the maps displaying proposed silvicultural treatment approaches have yet to be filtered for wildlife factors such as Mexican spotted owl (MSO) protected activity centers (PACs), MSO restricted habitat and target/threshold habitat, northern goshawk nest cores and post-fledgling family areas, as well as the AGFD – Coconino County Wildlife Corridor Project information. We predict that the inclusion of these wildlife features will alter the layout and design of the proposed silvicultural treatments and we are hoping to have the opportunity to review these new maps in the refined PA.

Without having those refined wildlife-silviculture maps to review, our initial reaction to the proposed treatments is that overall they seem reasonable based on the methodology described by your silviculturalist during the workshops. However, the majority of the treatments appear to be in the uneven-aged, 40-55% open category and this particular treatment occurs in large, contiguous swaths across some of the Firescapes where heterogeneity in forest condition is particularly important for wildlife. We fully support uneven aged treatments, but would recommend the Forests consider additional heterogeneity in the percent open condition. Greater spatial variability in forest density will provide a broader range of habitat conditions for the diverse wildlife species that occur across the two Forests. For treatments that occur on mollic intergrade soils, consider using topography and aspect to increase heterogeneity, allowing for more treatments in the 10-25% and 25-40% open category. Inter-mingling these different treatment intensities across the landscape will better help to provide habitat heterogeneity for wildlife at the landscape scale.

As evidenced by the length of discussions during the workshops, interpretation of the northern goshawk guidelines (as per the 1996 Amendment to the Forest Plans) remains an issue. The Department recommends further exploration of how the shift from measuring forest canopy cover at the group level versus the stand level will impact wildlife. Perhaps more important than any percent canopy cover measurement is a clear description for how canopy interconnectedness, vertical heterogeneity, and group size variability will be achieved at various scales. The Department would like to continue to work with the Forests and stakeholders on this issue.

#### *Importance of Monitoring, Research, and Adaptive Management*

We cannot overemphasize the critical importance of monitoring and adaptive management in 4FRI. The 4FRI Stakeholders Group developed an initial monitoring framework that is a good starting point for discussion. We encourage the Forests to build upon this effort and work collaboratively with the Department and other stakeholders to develop a robust, science-based, realistic monitoring plan with clear thresholds that trigger changes in management. Scaling up our restoration effort means scaling up our impact on wildlife and other resources; as such, we need a complementary scaling up of our monitoring efforts.

The Department also recognizes the 4FRI effort as a key opportunity to increase our understanding of forest restoration's impacts to wildlife. We would like to begin working collaboratively with the Forest and 4FRI Stakeholders to capitalize on wildlife-based research opportunities.

Again, the Department thanks you for working closely with us and other stakeholders in the 4FRI planning efforts to date. This is an ambitious project with clear ecological and social benefits. We are committed to working with you through the planning, implementation, monitoring, and adaptive management phases of this project to ensure positive outcomes for wildlife and the public. Thank you for the opportunity to comment on the PA. If you have any questions or need further clarification, please do not hesitate to contact Sarah Reif, Habitat Program Manager in Region II, at 928-214-1253 or [sreif@azgfd.gov](mailto:sreif@azgfd.gov).

Sincerely,



Ron Sieg  
Regional Supervisor

# Hunt Permit-tag Application Schedule – Fall 2011

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

## Drawing

	ACCEPTANCE DATES <sup>1</sup>	CORRECTION PERIOD <sup>2</sup>	DEADLINE DATES <sup>3</sup>		
HUNT	Applications accepted on or after:	Deadline 5 p.m. (MST) in Department offices	Deadline 7 p.m. (MST) in Department offices on:	Hunt permit-tags mailed out by	Refund warrants mailed out by:
Deer	(See notes 1, 2, 3)	May 27, 2011	June 14, 2011	Aug. 12, 2011	Aug. 23, 2011
Turkey	(See notes 1, 2, 3)	May 27, 2011	June 14, 2011	Aug. 12, 2011	Aug. 23, 2011
Javelina	(See notes 1, 2, 3)	May 27, 2011	June 14, 2011	Aug. 12, 2011	Aug. 23, 2011
Bighorn Sheep	(See notes 1, 2, 3)	May 27, 2011	June 14, 2011	Aug. 12, 2011	Aug. 23, 2011
Buffalo	(See notes 1, 2, 3)	May 27, 2011	June 14, 2011	Aug. 12, 2011	Aug. 23, 2011
Pheasant	(See notes 1, 2, 3)	May 27, 2011	June 14, 2011	Aug. 12, 2011	Aug. 23, 2011
Sandhill Crane	Aug. 1, 2011 <sup>4</sup>	N/A	Aug. 30, 2011 <sup>4</sup>	Sept. 19, 2011	N/A
Raptor	Feb. 21, 2012 <sup>4</sup>	N/A	March 13, 2012 <sup>4</sup>	March 20, 2012	N/A

## First Come

	Applications accepted by mail on or after 8:00 a.m. (MST):	Permits available for purchase with a completed application at all Department offices after 8:00 a.m. (MST):
HUNT	ACCEPTANCE DATES	ACCEPTANCE DATES
Deer	Aug. 1, 2011 <sup>5</sup>	Aug. 8, 2011 <sup>5</sup>
Turkey	Aug. 1, 2011 <sup>5</sup>	Aug. 8, 2011 <sup>5</sup>
Javelina	Aug. 1, 2011 <sup>5</sup>	Aug. 8, 2011 <sup>5</sup>
Bighorn Sheep	Aug. 1, 2011 <sup>5</sup>	Aug. 8, 2011 <sup>5</sup>
Buffalo	Aug. 1, 2011 <sup>5</sup>	Aug. 8, 2011 <sup>5</sup>
Pheasant	Aug. 1, 2011 <sup>5</sup>	Aug. 8, 2011 <sup>5</sup>
Sandhill Crane	Sept. 19, 2011 <sup>4</sup>	N/A
Raptor	March 27, 2012 <sup>4</sup>	N/A

## Notes:

- The Department will accept Hunt Permit-tag Applications for big game and Pheasant listed above as soon as the applicable year's hunt information is available on the Department's website ([www.azgfd.gov](http://www.azgfd.gov)), or from any Game and Fish Department office or license dealer, unless otherwise noted in the Hunt Permit-tag Application schedule. Please consult the regulation booklet for eligibility and requirements before submitting your application.
- If a paper Hunt Permit-tag Application that is submitted contains an error and is received by May 27, 2011, the Department will make three attempts within a 24-hour period to notify the applicant by telephone (if a phone number is provided).
- Department offices at Flagstaff, Kingman, Mesa, Phoenix, Pinetop, Tucson and Yuma will close for business at 5:00 p.m. (MST); completed applications will be accepted at these locations until 7:00 p.m. (MST) on deadline days. No applications will be accepted after this time regardless of the postmark. Deadline dates may be extended in the event of a Department related system failure.
- Sandhill Crane and Raptor applications are accepted by mail only at the following addresses: P.O. Box 74020, Phoenix, AZ 85087-1052; or at 5000 W. Carefree Highway, Phoenix, AZ 85086-5000. These applications may not be hand delivered to any Department office.
- First come permits are issued if available and will sell very quickly. Applicants are advised to check with the Department before submitting an application for leftover permits. A listing of leftover permits is available online at [www.azgfd.gov](http://www.azgfd.gov) or at any Department office.