

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, January 13, 2012
Saturday, January 14, 2012
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
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Linda Pollock

Chairman Woodhouse called the meeting to order and led 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 January 7, 2012.

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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:

Budget:

- The Governor's Budget Proposal is scheduled to be released today
- Indications are that there are no issues with the Game and Fish Commission budget at this point.

AGFD Sunset Review:

- The Committee of Reference recommended continuing the Department and Commission for 10 years.

Game and Fish Omnibus Bill

- The Dog Law has been pulled from the Omnibus bill due to issues and questions by several Legislators
- Senator Antenori will sponsor this bill in the Senate
- Representative Weiers will start the same bill in the House

OHV Decal Program:

- This bill should be dropped next week by Representative Jerry Weiers

HB 2332: Watercraft Registration Program

- Arizona cannot charge non-resident watercraft registration fees and therefore is out of compliance with 46 USC Chapter 123
- Department staff has been working with Legislators to correct this. (Proposed legislation language change that removes all residency distinctions in registration fee sections of Title 5; Create legislative authority in statute for a Non-Resident Boating Safety Infrastructure Fee that authorizes Commission to establish fee amount in Rule; Amount of fee set in Statute).

The Department recommended that the Commission vote to support HB 2332.

Motion: Harris moved and Husted seconded THAT THE COMMISSION VOTE TO SUPPORT HB 2332, WATERCRAFT REGISTRATION PROGRAM.

Vote: Unanimous

HB 2540: Arizona Wildlife Conservation Service

- Amends A.R.S. § 17-101, 17-201, 17-211 and 17-214, relating to wildlife management (“Commission” means the ~~Arizona Game and Fish~~ Wildlife Conservation Service Commission; and “Department” means the Arizona ~~Game and Fish~~ Wildlife Conservation Service)

The Department recommended that the Commission vote to take a position on this bill again as they did last year.

Motion: Harris moved and Husted seconded THAT THE COMMISSION VOTE TO OPPOSE HB 2540, ARIZONA WILDLIFE CONSERVATION SERVICE.

Vote: Unanimous

The Commission discussed that Commissioner Woodhouse was voted by the Commission to continue as one of the Commission’s Legislative Representatives until his term as Commissioner ended, so now the Commission should vote again for their Legislative Representatives.

Motion: Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO ELECT COMMISSIONERS FREEMAN AND HUSTED AS THE COMMISSION’S LEGISLATIVE REPRESENTATIVES.

Vote: Unanimous

Public Comment

George Reiners, Legislative Liaison for the Yuma Valley Rod and Gun Club (YVRGC): Opposed HB 2072; YVRGC got a lot of sportsmen involved in opposition to this bill and hopefully everyone learned that wildlife legislation needs to come through this Commission and the Department and be fully vetted.

Chairman Woodhouse commented on HB 2072. It should be clear to all sportsmen and sportsmen's groups that they have a voice and that they need to be heard at the Legislature and before the Commission. There is no need for those groups to have an agent that they pay to represent or sometimes misrepresent what their desires are as interested sportsmen and sportswomen of this state. We've learned a lot with the whole episode of HB 2072. When things happen that we don't like, we can all individually or collectively speak up and be heard. And when things happen that we like, we can speak up in support and have a great affect on getting something through the Legislature.

The Commission thanked Mr. Reiners for his work and involvement on legislative matters and for letting his voice be heard at Commission meetings and at the Legislature.

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Chairman Woodhouse led a moment of silence for fallen Deputy Sheriff William Coleman. Deputy Sheriff Coleman was recently killed in the line of duty and will be laid to rest today.

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2. Shooting Sports Activities Briefing

Presenter: Jay Cook, Shooting Sports 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.

The Commission commended the Department for going above and beyond regarding sound mitigation for the Northern Arizona Shooting Range, and for efforts to be good neighbors to the nearby residents by having speed limits posted and providing dust mitigation.

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3. Information, Education and Wildlife Recreation Activities Briefing

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

Mr. Gray provided the Commission with a written 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. There were no additional updates provided in this presentation or questions by the Commission.

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4. Monthly Update on Recreational Access Issues within Arizona.

Presenter: Al Eiden, Landowner Relations Program Manager

Mr. Eiden provided the Commission with an update on the Department's access strategy. The following is a list of ideas that are being considered:

Outreach Activities:

- Promote a message of ethics for people using the lands. An ethics statement could go out right away and it could be put in the regulations. The statement would highlight how to treat the land, what to do and not to do. This would serve as a reminder to our recreational users.

Landowner Network:

- Create a Landowner Network in which any landowner that enrolls in the Department's Access Program would also be enrolled in this network. This would provide recognition of the landowner as an equal partner with the Department just like any other land management agency. Private landowners have the same authority as the Forest Service, BLM or State Land as far as who goes on their land and what is allowed. The Landowner Network would publicly recognize them for what they do and how they work in collaboration with the Department. This could also be advertised in the regulations. The Department could work more closely with sportsmen and OHV users to promote the message of ethical use and maybe these groups would also do some self policing.

Promote Department Improvements:

- Highlight what the Department does currently and planned improvements for the future. Highlight the Webmap that the Department is going to create showing people what lands are available; Seek stories for publication and utilize any outlet available; Get the word out that the Department has this access program and it is available to any landowner that chooses to work with the Department.

Focus on Value of Wildlife Management:

- Provide presentations to NRCs, Cattle Growers, Farm Bureau, and other landowner groups regarding the value of wildlife management. The Department can do a lot more besides signs and gates.

Non-consumptive Users:

- Modify the current sign-in/sign-out box program. Ask at sign-in what kind of activity will be conducted and start tracking the uses (hiking, hunting, etc.); Get a percentage of how the land is being used; Maybe in the future, create a non-consumptive user pass.

The Commission discussed the Department's access strategy with Mr. Eiden and provided the following feedback:

Chairman Woodhouse commented that he liked what was presented and added that the ethics statement added to the regulations was good, but he also wanted the landowners to be kept informed on Department efforts.

Commissioner Freeman agreed with the ethics statement and expressed appreciation for Department efforts on access issues. He would like to see more sportsmen participate in these efforts.

Commissioner Harris recommended that the Department contact some other states that have access and non-consumptive user funding and look at their ideas and concepts, and maybe adopt them and/or improve them.

Commissioner Husted stated that law enforcement and education needs to be in the forefront as areas are opened up for access. If a rancher opens up his gate and then doesn't see a game warden, he will close his gate again.

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

Presenter: Josh Avey, Habitat Branch Chief

A copy of the Lands Update report (attached) was provided to the Commission prior to this meeting and was available to the public. The update addressed the latest developments relating to the implementation of land and resource management plans and projects on private, state and federal lands in Arizona and other related matters, and included decisions or activities since the 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 noted that HabiMap has been up and running for one month and received over 13,000 visitors to the website.

Commissioner Husted asked if there was a way to know if the visitors were actually getting into the layers of information that HabiMap provides.

Mr. Avey will look into it and bring that information back to the Commission.

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6. Request for Commission Approval of a Land exchange with the City of Phoenix at the Base and Meridian Wildlife Area.

Presenter: Josh Avey, Habitat Branch Chief

Mr. Avey briefed the Commission using a PowerPoint presentation that included maps and photos of the properties. The Department has been working with the City of Phoenix (City) to resolve their trespass on Commission property at the Base and Meridian Wildlife Area (B&M). The Commission would exchange approximately 11.3 acres located in the encroachment zone in return for an equal amount of City property along the river and contiguous with the B&M property.

Although both properties are located within the river bottom, the property being acquired by the Commission from the City has higher habitat value relative to that being exchanged, because of its adjacency to the river and better-developed riparian habitat.

Motion: Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE A LAND EXCHANGE WITH THE CITY OF PHOENIX AT THE BASE AND MERIDIAN WILDLIFE AREA, MARICOPA COUNTY, ARIZONA AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE ALL DOCUMENTS ASSOCIATED WITH THE ACQUISITION AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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7. Consideration of the 12A Habitat Stamp Fund Budget for Calendar Year 2012

Presenter: Ron Sieg, Flagstaff Regional Supervisor

Mr. Sieg briefed the Commission. Each year the Commission is asked to approve the budget for the 12A Habitat Stamp Fund for the calendar year. The Kaibab National Forest and the Department jointly develop this budget proposal. A synopsis of expenditures during calendar year 2011, revenue for calendar year 2011 and planned expenditures for calendar year 2012 was provided as follows:

2011 Budget Summary

Calendar Year 2011:

Category	Planned Expenditures	Actual Expenditures
Support for Forest Service Buckhorn seeding and herbicide project	\$70,000	\$37,095
Checkstation staffing	\$6,563	\$6,563
Total	\$76,563	\$43,658

Calendar Year 2012:

Carryover funds	\$32,905
2011 calendar year stamps sales	
• 1,166 stamps @ \$15	\$17,490
Available Funds	\$50,395

Proposed Activities:

Category	Planned Expenditure
Purchase telemetry collars for deer movement study	\$30,000
Checkstation staffing	\$7,500
Support for ongoing seeding, herbicide, pinyon-juniper clearing or water development projects	\$12,895
Total	\$50,395

Motion: Husted moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE 12A HABITAT STAMP FUND BUDGET FOR CALENDAR YEAR 2012 AS PRESENTED.

Vote: Unanimous

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Meeting recessed for a break at 9:35 a.m.

Meeting reconvened at 9:45 a.m.

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8. Request for the Commission to approve a Memorandum of Understanding to establish a research and stewardship program on the Kane and Two Mile Ranches.

Presenter: Ron Sieg, Flagstaff Regional Supervisor

Mr. Sieg briefed the Commission on a Memorandum of Understanding (MOU) with the Bureau of Land Management, the Kaibab National Forest, Northern Arizona University, Grand Canyon Trust and Arizona State to establish a research and stewardship program on the Kane and Two Mile Ranches. This MOU will allow the partners to collaborate on research, monitoring, inventory and survey needs.

Commissioner Husted suggested that the Department seek the Cattle Growers input and participation in this MOU.

Mr. Sieg stated that he would make that recommendation at their next meeting.

Motion: Husted moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE BUREAU OF LAND MANAGEMENT, THE KAIBAB NATIONAL FOREST, NORTHERN ARIZONA UNIVERSITY, GRAND CANYON TRUST AND THE UNIVERSITY OF ARIZONA TO ESTABLISH A RESEARCH AND STEWARDSHIP PROGRAM ON THE KANE AND TWO MILE RANCHES.

Vote: Unanimous

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9. Briefing on the results of the Rotenone Review Advisory Committee and Request to Approve a New Commission Policy on Rotenone.

Presenter: Kirk L. Young, Fisheries Branch Chief

Mr. Young briefed the Commission using a PowerPoint presentation on the Rotenone Review Advisory Committee final report to the Director and the Department's request that the Commission approve a new Commission Rotenone Policy, adopting standard operating procedures for the application of Rotenone. The presentation included the following information:

In June of this year, the Director established the Rotenone Review Advisory Committee (Committee) with following purpose: The Committee shall review reports and research organized and coordinated by the Department and Subcommittees, and provide technical expertise, opinion, and analysis regarding the use of rotenone and other piscicides in the following areas: Public Health and Environment; Alternate Management Strategies; Recreation, Economic and Social Impacts; and Current State and Federal Regulations, Internal Policy, Public Involvement, and Best Management Practices.

The Committee was comprised of over 20 members and participants from governmental (Arizona Department of Environmental Quality, Arizona Department of Water Resources, Arizona Department of Agriculture, Arizona Game and Fish Department, Arizona Department of Health Services, Arizona State University, Central Arizona Project, City of Phoenix, Arizona Senate and House of Representatives, Salt River Project, U.S. Forest Service, U.S. Fish and Wildlife Service, Environmental Protection Agency, Bureau of Land Management) and non-governmental (Arizona Farm Bureau, Arizona Wildlife Federation, Trout Unlimited, Institute for Environmental Conflict Resolution, and non-affiliated private entities) interests. The Committee presented recommendations to the Director in November and a final report was submitted in December. An overview of key committee recommendations were presented to the Commission.

The report included a recommendation that the Commission adopt a policy that would require all Department Rotenone applications adhere to the Environmental Protection Agency endorsed American Fisheries Society Standard Operating Procedures (SOP). The proposed Commission policy on the use of rotenone is: Rotenone is a piscicide registered for safe use in the United States by the Environmental Protection Agency (EPA 2007). Rotenone is an important tool essential for the management of aquatic wildlife, and its continued use by the Department should be done safely and responsibly. To insure Rotenone's safe and responsible use, the Department shall develop and implement strict planning and application protocols that include:

- Adherence to EPA labeling requirements and state and federal laws, including the Arizona Pollution Discharge Elimination System General Permit process
- Adopting the procedures endorsed by EPA as prescribed in the 2010 American Fisheries Society Rotenone Standard Operating Procedures (SOP) Manual as amended (Finlayson et al. 2010) or as future endorsed amendments may dictate. The SOP specifies detailed procedures concerning all aspects of rotenone treatments including: Treatment planning, evaluation and training; Public outreach and engagement throughout the project; Application, exposure, and neutralization requirements.

Public Comment

Herb Guenther, Chairman of the Rotenone Committee, addressed the Commission in support of the new Commission Policy on Rotenone.

Motion: Woodhouse moved and Mansell seconded THAT THE COMMISSION VOTE TO ADOPT THE COMMISSION POLICY ON ROTENONE AS PRESENTED.

Vote: Unanimous

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10. Nongame Subprogram Activities Briefing; September 1, 2011 through December 31, 2011.

Presenter: Lawrence M. Riley, Assistant Director, Wildlife Management Division

Larry Riley presented the briefing on behalf of Mr. Gardner, Nongame Branch Chief. Mr. Riley briefed the Commission on the Nongame Subprogram activities from September 1, 2011 through December 31, 2011. Using a Power Point presentation, Mr. Riley presented highlights on several items that were included 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:

Threatened, Endangered and Candidate Status Species

Status	Historic Range Only, No Active Management Program	Historic Range, Not Known to be Present but Active or Potential Management Programs	Recently or Likely Present	Working Total
Endangered	1 (Eskimo curlew, Sinaloan jaguarundi)	2 (Aplomado falcon and TBP)	26	28
Threatened	1 (Grizzly bear)		12	12
Candidate	1 (Greater sage- grouse)		19	19

USFWS DEFINITION OF ESA “SIGNIFICANT PORTION OF THE RANGE”:

- USFWS is looking to clarify the definition after Gunnison’s Prairie Dog Court Ruling
- The term “Significant Portion of The Range”, which comes directly from statutory language, has become a significant issue for litigation over the past decade
- Has published a proposed approach in the Federal Register to address this
- Allow for listing a species as a whole when it is threatened in a “Significant Portion of Its Range”, even if not endangered or threatened in all of its range
- Nongame is the Department lead on comments that are due February 7, 2012.

Bald Eagle DPS Listing Actions:

- Judge ruled the USFWS 12-month finding procedurally flawed; Not a valid 12-month review
- Remanded to the USFWS by the Court to deliver a valid 12-month review by April 20, 2012
- ESA does not contain the same government-government requirements for Native American Tribes as other Acts.
- The judge did not order any injunctive relief from the 2007 delisting decision; hence, Bald eagles are not listed during the administrative review.

Cactus Ferruginous Pygmy-owl Listing Action:

- CBD petitioned for listing any one of three DPS populations of ferruginous pygmy-owls from western Mexico
- American Ornithologists' Union did not separate eastern/western Mexico populations of ferruginous pygmy-owls as distinct species
- USFWS 12 month finding – No DPS listing for cactus ferruginous pygmy-owl because in the view of science, it is not a valid taxon for listing consideration under the ESA.

AGFD Free Non-Lead Ammunition Program:

- The 2011 free non-lead ammunition program resulted in a program-high 90% Kaibab Plateau hunter participation rate
- Almost 80% of the hunters used non-lead ammunition on their fall deer hunt and almost 60% of hunters that were using lead ammunition voluntarily removed their gut piles from the field to keep lead out of condor diets
- The last five years of this program have resulted in an 80-90% voluntary participation rate
- Utah is struggling to develop its own program for southern Utah in condor country, but has had limited success. We are actively assisting Utah Division of Wildlife Resources in their efforts.

Mount Graham Red Squirrels:

- The 2011 population estimate of 240 animals is slightly higher than the 2010 survey results of 214 red squirrels and remains in line with the average number of squirrels observed since 2001.

10(j) populations in Arizona have been designated and used as an innovative tool to foster reintroduction. The following 10(j) designations have been made by federal rule in Arizona:

- Colorado pikeminnow – Lower Colorado River & Gila River drainage
- Woundfin – Gila River drainage
- Aplomado Falcon – Statewide (est. 07/2006, extirpated)
- California Condor – Northern Arizona (est. 10/1996, Arizona 73 wild)
- Sonoran Pronghorn – Southeastern Arizona (est. 02/2010, Arizona 85)
- Black-footed Ferrets – Aubrey Valley Arizona (est. 03/1996, Arizona 137)
- Mexican Wolf – East central Arizona (est. 01/1998, Arizona 50)

10(j) areas are an important tool to facilitate restoration and management activities for T&E species. Innovative use of tools like this one is critical to success of implementation of ESA, and

has a direct relationship to efficient and effective implementation of conservation activities by the States. Other tools include Candidate Conservation Agreements with Assurances (CCAA), and Safe Harbor Agreements (SHA), Practitioners are currently working on Farm Bill provisions/initiatives that might help provide incentives for private land owners for T&E Species in Arizona (the sage grouse initiative in inter-mountain states is an example of how Farm Bill programs might be used to foster reintroduction and restoration of species).

The Department has stopped hatchery production and stocking of Colorado pikeminnow because the revisions to the species recovery plan no longer include the Salt and Verde Rivers as contributing as recovery streams. The Department is still attempting to propagate sufficient numbers of woundfin at Bubbling Ponds to provide enough fish to conduct stockings into the Hassayampa River (an approved stocking site for this species). Neither pikeminnow nor woundfin have become re-established yet in Gila River drainage.

Mexican Wolf Management Guidance:

- The Department briefed the Commission in detail regarding Mexican Wolf Management at the December Commission meeting
- The Commission reaffirmed existing policy guidance to the Department including maintaining full Department engagement in all aspects of reintroduction and range-wide recovery with the exception that the Commission will not support any new initial releases of wolves until such time as there is a new Recovery Plan, Management Plan, new 10(j) rule, and EIS.

Commissioner Husted asked the Commission if they might entertain the replacement of an individual wolf that dies a felonious or unnatural death for the purpose of propagating a wild population on the landscape.

Mr. Riley provided the following Mexican wolf mortality information:

Wolf	Date	State	Cause of death
1209; yearling-disperser	2/27/11	AZ	Vehicle strike
1210; yearling-disperser	4/1/11	NM	Gunshot
1110; Breeding female; Hawks Nest	8/23/11	AZ	Lighting strike
1187; 2 yr old	9/22/11	AZ	Vehicle strike
1213; 2 yr old	11/15/11	AZ	Complications from elk antler wound
1211; yearling-disperser	11/22/11	NM	Gunshot
1242; pup	12/3/11	AZ	Gunshot
1105; adult single	12/14/11	NM	Approved lethal removal for nuisance issues

The Commission discussed and agreed on the concept but wanted to be clear on their intentions and wanted to make sure that they were sending the right message to the public. The Commission supports wild wolves on the ground and with the Commission's motion from December, some unlawful persons might think they can just shoot them and then there will be no more wolves.

Motion: Husted moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THAT WOLVES LOST TO MORTALITIES MAY BE REPLACED ON A CASE BY CASE BASIS BASED ON DELIBERATION AND DETERMINATION; THOSE REMOVED AS A RESULT OF UNLAWFUL ACTS WOULD BE AT THE DISCRETION OF THE DIRECTOR, THOSE LOST TO OTHER SOURCES OF MORTALITY WOULD BE SUBJECT TO COMMISSION DELIBERATION AND DETERMINATION FOR REPLACEMENT.

Commissioner Husted stated that he would like to encourage partnership with federal investigators and this would give them incentive to provide determinations to the Director posthaste.

Vote: Unanimous

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11. Mission Statement Revision

Presenter: Lawrence M. Riley, Assistant Director for Wildlife Management

Mr. Riley briefed the Commission using a PowerPoint presentation on the Department's activities related to the development of a draft new Mission Statement and its relation to the Department's strategic plan. The Department started the process of developing its next strategic plan, which will take effect January 1, 2013 over a year ago. That process included seeking input from stakeholders, Department employees, the public, organizations, and the Commission. Some of the input included assessing opinions of Department priorities, and discussions of a desired future for the Department. In the course of these discussions and input gathering it became apparent that the Department's current mission statement is not in complete alignment with Department direction. Because the mission statement is one of the most critical elements in guiding the Department's direction; the Department's Leadership Team undertook an exercise to draft a new mission statement. This revised mission statement, was reviewed with the Commission at their November workshop. If ultimately approved by the Commission, a revised mission statement could provide a tighter focus on the Department's core purposes, and provide succinct direction to Department employees.

The Department's current mission statement is: "To conserve, enhance, and restore Arizona's diverse wildlife resources and habitats through aggressive protection and management programs and to provide wildlife resources and safe watercraft and off-highway vehicle recreation for the enjoyment, appreciation and use by present and future generations." The draft mission statement from the Commission's November Workshop is "Conserve all Arizona's wildlife resources and manage compatible outdoor recreation opportunities for appreciation and use now and into the

future” or “Conserve all of Arizona's wildlife resources and manage safe, wildlife-related recreation now and into the future.”

The Department recommends that the Commission direct the Department to seek feedback from the public and the Commission as part of incorporating a new mission statement into the development of the Department’s Strategic Plan.

Chairman Woodhouse commented that he has heard from many members of the public that like the mission statement as it is, especially the word “aggressive” as it relates to protection and management programs. He believes the Department should probably leave the mission statement as it is.

Commissioner Freeman agreed.

Commissioner Husted stated that the Commission doesn’t need to do anything today, but he would like to see it reviewed occasionally.

Commissioner Harris agreed with Commissioner Husted and believed the mission statement could be shortened up a bit.

The Commission was in consensus to direct the Department to leave the mission statement alone for now, but as part of the strategic planning process that includes engaging the public, the mission statement and alternatives to it should be reviewed.

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12. Call to the Public

There were no requests from the public to speak.

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13. Law Enforcement Program Briefing

Presenter: John Romero, Acting Law Enforcement Branch Chief

Mr. Romero briefed the Commission using a PowerPoint presentation on activities and developments that occurred since the last regular Commission meeting. 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 briefing included the following information:

- All Districts are staffed for the first time in 22 years
- Chief Gene Elms is now at the FBI National Academy
- All Regions have been introduced to the new LE Procedures Manual; Officers will participate in an E-Learning block of instruction to review the Manual
- The Department is hosting the Colorado River Law Enforcement Association Conference in Laughlin, NV; The Conference consists of 16 hours of training, vendor booths and networking opportunities

- A Grant was received from the Governors Office of Highway Safety for Alco Sensor PBT's
- OHV Program secured a seized sand rail from DPS and converted it into an Enforcement/Outreach Vehicle
- OHV Program received a grant from the OHV Advisory Council for 6 UTV's to be placed in the Regions
- Diane Tilton received the first conviction for feeding wildlife in the Tucson Urban interface; After two days of testimony during the trial, the defendant was convicted of ARS § 13-2927, Unlawful Feeding of Wildlife.

Commissioner Husted asked the Department to look into jurisdictional issues of citations written by federal law enforcement for violations of state laws.

Assistant Director of Field Operations Leonard Ordway will discuss this with the Department's law enforcement partners.

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Meeting recessed for a lunch at 11:16 p.m.

Meeting reconvened at 2:00 p.m.

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

Presenter: John Romero, Acting Law Enforcement Branch Chief

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

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15. Request to Modify Commission Revocation Actions.

Presenter: John Romero, Acting Law Enforcement Branch Chief

Mr. Romero briefed the Commission on Mr. Gregory E. Hottle's request that the Commission reconsider their decision to revoke his license for five years and to lower his revocation period to three years. On June 26, 2009, the Commission revoked Mr. Hottle's hunting, fishing and trapping licenses for a period of five years, invoked an \$8,000 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. Hottle has paid his civil assessment in full, completed his required hunter education course, and is in the third year of his five year revocation. Mr. Hottle feels the five year revocation is excessive and has petitioned the Commission to lower the number of revocation years to three.

The Commission was provided with Mr. Hottle's license revocation documentation for review.

Mr. Hottle was present.

Motion: Harris moved and Freeman seconded THAT THE COMMISSION VOTE TO DENY MR. GREGORY E. HOTTLE'S REQUEST FOR A REHEARING.

Vote: Unanimous

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16. Election of Commission Chair and Vice-Chair for 2012 and Election of Positions and Appointments to Standing Committees.

Presenter: Bob Broscheid, Deputy Director

Commissioner Husted suggested that the Commission vote for the new Commission Chair and Vice Chair, but that they wait until next month to vote on the appointments to the standing committees.

Motion: Husted moved and Harris seconded THAT THE COMMISSION VOTE TO ELECT COMMISSIONER FREEMAN AS THE COMMISSION CHAIRMAN FOR 2012.

Vote: Unanimous

Motion: Harris moved and Freeman seconded THAT THE COMMISSION VOTE TO ELECT COMMISSIONER HUSTED AS THE VICE CHAIRMAN FOR 2012.

Vote: Unanimous

Commissioner Freeman confirmed with Commissioners Husted, Harris, and Mansell that they would like to keep their current committees (Husted, Wildlife Assets; Harris, HPC; and Mansell, HPAC) and Commissioner Freeman will take the LLSRC from outgoing Chairman Woodhouse.

Commissioner Freeman discussed with the Commission that there are some issues with the Conservationist Committee that will need to be discussed at next month's meeting. He would like to see if Commissioner Davis is interested in trying to revive this committee and also if Commissioner Davis is interested in working with him and others on Wilderness issues.

The Commission discussed the Cibola Valley Irrigation District Board meetings that Commissioner Woodhouse is currently on and asked Commissioner Woodhouse if he would be interested in continuing to represent the Commission on that board.

Commissioner Woodhouse said he would and Jim Odenkirk will look into whether he can legally represent the Commission once he is no longer a Commissioner. Commissioner Woodhouse suggested that another member of the Commission could also participate in the Cibola meetings telephonically.

Mr. Broscheid stated that this item will be on the agenda for discussion at the next Commission meeting and that prior to that meeting, the Department will brief Commissioner Davis on the committees.

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17. 2012 Director's Goals and Objectives

Presenter: Bob Broscheid, Deputy Director

Mr. Broscheid reviewed with the Commission the 2011 Director's Goals and Objectives that he understood the Commission would like to see continued for the 2012 Director's Goals and Objectives as follows:

- Goal #1: Strategic Planning
- Goal #2: Law Enforcement Program
- Goal #3: GIS Enhancements
- Goal #4: Department workforce development
- Goal #5: Enterprise Architecture
- Goal #6: POS
- Goal #7: Lead and Wildlife Mortality
- Goal #8: Commission-owned Lands and Properties
- Goal #9: Hunt regulations and license fee class structure

The 2011 Goals and Objectives not listed will continue on in one form or another, but will not be a Goal and Objective.

Department staff will contact the Commissioners individually to get their input on the goals and the deliverables that are of particular interest to each Commissioner. This item will be on the next Commission meeting agenda for further Commission consideration and discussion.

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18. Call to the Public

There were no requests from the public to speak.

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19. 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: Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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20. Litigation Report

The Commission was provided with a written Litigation Report (attached), which was also provided to the public. There were no additional updates and the Commission had no comments or questions.

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21. Approval of Minutes and Signing of Minutes.

Motion: Harris moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM DECEMBER 2-3, 2012.

Vote: Unanimous

The Commission signed the minutes following approval.

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22. Director's and Chairman's Reports

Director Voyles reported the following activities:

- Attended a meeting as Vice Chair of the Executive Committee of the Association of Fish and Wildlife Agencies (AFWA) in Washington DC; as part of this, also attended a historic joint AFWA and USFWS meeting to improve the quality of the relationship between state and federal agencies
- Met with Kevin Kinsall, the Governor's Policy Advisor on Natural Resources
- Chaired a Leadership Conference call with the Desert Landscape Conservation Committee
- Conducted field trips on the Vermillion Cliffs with one of the prime litigants in the lawsuit over the Forest Service allowing use of lead ammunition on the Kaibab
- Attended the Lincoln Institute & Sonoran Institute Open House; met with representatives of Mesa City Council and the Mayor of Mesa
- Had a lunch meeting with Doug MacEahern with the Arizona Republic
- Had lunch with the new incoming Commissioner Kurt Davis
- Went to lunch a lunch meeting with Maria Baier
- Chaired a conference with the Western Association of Fish and Wildlife Agencies (WAFWA) ESA Working Group
- Met with Chris Bagnoli and Commissioner Husted in Springerville to discuss Mexican wolf management issues
- Attended and chaired a meeting with the Colorado River Fish and Wildlife Council
- Attended the winter meeting of WAFWA
- Had a follow up lunch meeting with Kevin Kinsall
- Attending the Senate confirmation hearing for Kurt Davis
- Attended the Governor's Open House
- Chaired a teleconference of the Dessert LCC Steering Committee.

Chairman Woodhouse reported the following activities:

- Talked with a lot of constituents, Department staff, Commissioner Freeman and his local Legislators regarding HB 2072
- Went with Department staff to Southeastern Utah and participate on a bighorn capture that was done in cooperation with the Navajo Nation
- Conducted the Director's evaluation yesterday in Executive Session. He is personally pleased with the Director's performance and asked Deputy Director Broscheid to add an agenda for next month for the Commission to be able to report on the evaluation.
- Appreciates his time on the Commission and encouraged his fellow Commissioners to continue doing the great job that they do.

* * * * *

23. Commissioners Reports

Commissioner Mansell:

- Thanked Commissioner Woodhouse for his hard work, dedication and kindness
- Welcomed the incoming Commissioner Kurt Davis
- Now that he has completed his first year on the Commission, he made a statement that he is really impressed with the Department, their knowledge level, dedication, professionalism, and he is proud of the Department and proud to be a part of the Commission.

Commissioner Harris:

- Worked with the group that is looking at putting an archery range in Oro Valley
- Worked closely with Department staff to put together a program for the WAFWA conference in regards to presenting concepts for alternate funding sources for access and other uses
- Attended the Arizona Chapter - SCI Christmas Banquet
- Talked with the President of the Arizona Desert Bighorn Sheep Society and other constituents
- Looks forward to next year, his third year on the Commission; thanked Commissioner Woodhouse for his leadership in facilitating a very cohesive and professional group of Commissioners; he looks forward to next year and working with the new Commissioner.

Commissioner Freeman:

- Attended a lunch meeting with Chairman Woodhouse and Director Voyles
- Spent a lot of hours on HB 2072; appreciates working on this issue alongside Chairman Woodhouse.

Commissioner Husted:

- Appreciates Chairman Woodhouse but will save his comments for the Meet the Commission and Awards Banquet tomorrow
- Impressed with the Department's regional staff
- Has been working on his charge by the Commission to look for alternative funding for the new Wildlife Center.

* * * * *

24. Future Agenda Items and Action Items

Mr. Broscheid captured the following action and future agenda items:

- Place the Director's evaluation on the February agenda for the Public Session
- Schedule a presentation on the Commission-owned lands and property that was identified as deliverable #1 under the 2011 Director's Goal and Objective #11
- Continue to agenda the Goals and Objectives for 2012; staff will begin contacting the Commissioner on the Goals and Objectives
- Agenda the Commission Committee assignments
- The Department will meet with Commissioner Davis regarding the Conservationists Committee and other topics such as water districts and the Wilderness actions that the Department is working on
- Agenda as a future item an overview and working session on HabiMap
- Agenda as a future item a presentation on the North American Model and its definition.

Director Voyles closed the meeting with comments for outgoing Chairman Woodhouse. His poise, his ability to treat everyone with respect and honor, and his ability to draw hard lines in a graceful fashion, was exactly what we needed. Chairman Woodhouse was the right person at the right time for the Department. He has lead magnificently and he has Director Voyles' gratitude and the gratitude of the entire Game and Fish Department.

* * * * *

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

Vote: Unanimous

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

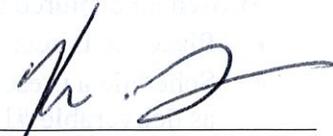
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Meeting reconvened Saturday at 2:00 pm.

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The Commission participated in an informal meeting and open discussion with its constituents. No official action was taken. Those present viewed the Department's 2011 Year in Review Video Presentation. This meeting was held at the Carefree Resort and Conference Center, 37220 Mule Train Road, Carefree, Arizona and was followed by the Commission Awards Banquet. The banquet adjourned at approximately 10:30 p.m.

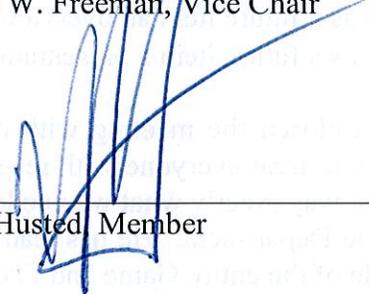


Robert R. Woodhouse, Chair

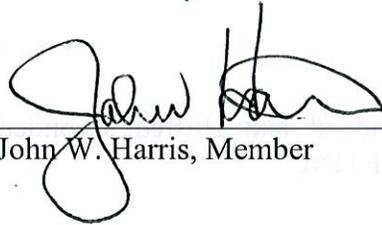
KURT DALES



Norman W. Freeman, Vice Chair



Jack F. Husted, Member

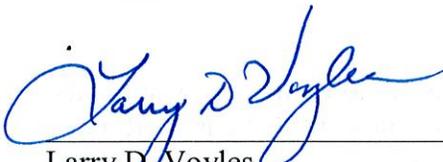


John W. Harris, Member



Robert E. Mansell, Member

ATTEST:



Larry D. Voyles
Secretary and Director

**Game and Fish Litigation Report
Presented at the Commission Meeting
January 13, 2012**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 returned the case to the District Court for further action and Judge Bolton has been assigned the case.

The Court held a status conference on May 9, 2011, to determine how to proceed with the case. The plaintiffs and the federal defendants advised the court that they are in preliminary settlement discussions. The court will allow the parties sixty days to settle the case. If the parties do not report a settlement by July 8, 2008, the court will set a briefing schedule on what remedy the court should order.

Based on a stipulated motion filed by the federal parties and the plaintiffs, the court on August 10, 2011, issued an order granting the parties an additional 30 days to reach a settlement and to submit a status report by September 9, 2011. Based on a stipulation from the plaintiffs and federal defendants, the court issued an additional order giving the parties until October 24, 2011 to file a status report.

The parties filed a stipulated briefing schedule on October 31, 2011, and the Court entered an order on November 1, 2011, requiring the plaintiffs to file a motion for injunctive relief by December 16, 2011, defendants' and interveners' response by January 27, 2012, and plaintiffs' reply by February 24, 2012.

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. 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) challenges the road designations in the Plans by alleging violations of the NEPA, FLPMA, NHPA and presidential proclamations for the Vermillion Cliffs and Grand Canyon-Parashant.

The court granted BLM’s motions for summary judgment on all issues in both cases, agreeing with BLM, NRA, Safari Club and AGFD that the management of hunting on public lands is reserved to the states, and that BLM is not authorized by any federal regulation or policy to regulate the manner or methods of hunting on its public lands. On October 17 the Wilderness Society filed a notice of appeal to the Ninth Circuit Court of Appeals.

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 filed a response to the motion to dismiss on April 11, 2011, and also filed a motion for summary judgment. On April 21, 2011, we filed a reply in support to the motion to dismiss and a motion to preclude on the grounds that the plaintiffs’ response was untimely and the Arizona Rules of Civil Procedure do not permit a motion for summary judgment prior to the filing of an answer. The Court scheduled an oral argument hearing on the motion to dismiss for

June 21, 2011.

At the oral argument hearing, the parties stipulated to dismiss the suit on the condition that a new conviction in the second trial will require the Commission to hold a new hearing on the license revocations and civil assessment.

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.

On May 6, 2011, we filed a partial motion to dismiss the civil assessment claims and a motion to enlarge the time to file an answer. The Reeds filed a response on May 19, 2011 and we filed a reply in support of the motion to dismiss on May 27, 2011. The Court scheduled an oral argument hearing for July 5, 2011.

The Court denied the defendants' motion to dismiss on the basis that the Commission's authority to revoke license privileges until the assessment is paid in full makes the civil assessment decision a final agency decision subject to judicial review. The defendants filed their Answer on July 25, 2011, to the First Amended Complaint.

The Department filed the administrative record on September 26, 2011. The plaintiffs have 45 days from that date to file an opening brief. The plaintiffs filed an opening brief on October 14, 2011 and the Commission's answering brief is due December 13, 2011. **The Plaintiffs filed a reply on December 30, 2011.**

Lands Update
For the Arizona Game and Fish Commission
January 6, 2012
Phoenix, Arizona

FOREST SERVICE LAND AND TRAVEL MANAGEMENT PLANNING

Coconino National Forest

The Department has appealed the Coconino National Forest Travel Management Plan Decision, requesting that the decision on Motorized Big Game Retrieval (MBGR) be modified to allow retrieval of legally harvested elk and deer within 1 mile of open roads during all hunting seasons and for 24-hours after the close of the season in all Game Management Units so long as no habitat damage occurs. The appeal letter is attached.

U.S. FOREST SERVICE

Coconino National Forest

The Department is participating on several Interdisciplinary Teams for National Environmental Policy Act (NEPA) compliance planning on projects across the Forest. Some of the projects include the Apache Maid Grazing Allotment Management Plan, Wing Mountain Fuels Reduction and Forest Restoration Project, Turkey-Barney Fuels Reduction and Forest Restoration Project, and the Highway 180 Trails projects. All projects are in the scoping and or analysis process with no decisions to report at this time. Coordination on these projects at the district level has been productive.

The Department continues to pursue cooperating agency status for the Forest's planning team working on the Comprehensive River Management Plan (CRMP). We are waiting on a formal invitation from the Forest.

U. S. FISH AND WILDLIFE & BUREAU OF LAND MANAGEMENT

Imperial National Wildlife Refuge and BLM Yuma Field Office are cooperatively developing a Trigo-Imperial Wilderness Plan. Department personnel attended a planning meeting on December 13, 2011 and will attend a second meeting in January 2012.

BUREAU OF LAND MANAGEMENT (BLM)

AZ Strip Field Office

Department personnel recently met with biologists and leadership in the Arizona Strip Field Office to revisit languishing plans for redevelopment of seven wildlife water catchments in the areas of Mt Logan and Mt Trumbull. NEPA compliance review of these catchments has been ongoing for over 5 years, with delays caused by personnel turnover at the BLM but also by wilderness issues associated with one of the catchments. The most recent discussion was productive, and action items have been identified to move the process forward toward implementation.

Uranium DEIS

The public comment period for the Uranium FEIS is closed. The preferred alternative would allow continued mining on the Strip for existing valid claims, but withdraw over 1 million acres from new mining claims. Secretary Salazar's has not announced a decision. When he does, the decision will be subject to appeal. The temporary mineral withdrawal expires January 20, 2012.

Kingman BLM Field Office

Department personnel continue to participate in BLM rangeland monitoring and evaluation. During the 1st week of December, BLM range conservationists, biologists, the assistant field office manager, and Department staff performed 3 days of monitoring on Big Ranch A. Data derived from this effort will be utilized to assess rangeland health, evaluate compliance with State rangeland health standards, and establish new terms and conditions for the grazing permit. During the week of December 19th, the same participants will be performing 3 days of rangeland monitoring on BLM's La Cienega Allotment in GMU 16A. Data derived from this effort will be used for the same purpose.

Havasu Field Office

The Department continues to coordinate closely with the Field Office in the development of Travel Management Plans, including the associated route designation process, and developing alternatives for NEPA compliance. The Department participated at the Havasu Field Office Travel Management Plan meeting for the Cactus Plain Travel Management Area.

Yuma Field Office

Department personnel participated in and completed route evaluations for the Cibola-Ehrenberg Travel Management Area (TMA) during week of December 12, 2011. The Field Office plans to hold public meetings in February for the La Posa TMA Travel Management Plan. As a cooperating agency Department personnel will participate in the public meetings.

BLM NATIONAL MONUMENTS & CONSERVATION AREAS

Grand Canyon-Parashant National Monument / Vermillion Cliffs National Monument

Lawsuits by the Wilderness Society and the Center for Biological Diversity

On September 30, 2011 the Arizona federal district court upheld BLM's Records of Decision and Resource Management Plans (RMPs) for the Arizona Strip District and the Grand Canyon-Parashant and Vermillion Cliffs National Monuments. The RMPs were challenged in separate lawsuits in 2009 by the Wilderness Society and the Center for Biological Diversity. One of the claims in the Center's lawsuit was that BLM violated NEPA by failing to analyze the effects of hunters' lead ammunition use on California condors. The NRA and Safari Club intervened in the suit and the Arizona Game and Fish Department filed an amicus brief.

The court granted BLM's motions for summary judgment on all issues in both cases, agreeing with BLM, NRA, Safari Club and AGFD that the management of hunting on public lands is reserved to the states, and that BLM is not authorized by any federal regulation or policy to regulate the manner or methods of hunting on its public lands. On October 17 the Wilderness Society filed a notice of appeal to the Ninth Circuit Court of Appeals.

Ironwood Forest National Monument

The Department filed a protest on the *Ironwood Forest National Monument Proposed Resource Management Plan (PRMP) and Final Environmental Impact Statement (FEIS)* on October 24, 2011. The PRMP would close the monument to recreational firearms use and discharge except for hunting. The Department has consistently supported the continued ability for the public to use and discharge firearms on the monument, and has consistently coordinated with the BLM Tucson Field Office (TFO) to address concerns associated with recreational shooting beginning in 2003 when the Department sponsored the *Tucson Basin Shooting on Public Lands Workshop Project* facilitated by the U.S. Institute for Environmental Conflict Resolution. Significant findings of this workshop clearly did not support the closure. The Department continued to coordinate through the entire National Environmental Policy Act compliance process, providing both written and verbal comments on the various drafts. Details of Department coordination with a timeline and comments on the coordination can be found in Attachment I to our protest (attached).

Regulations governing the protest of an EIS state that the BLM Director “shall promptly render a decision on the protest” and that the “decision shall be in writing and shall set forth the reasons for the decision.” The law states that this decision “shall be the final decision of the Department of the Interior.” Once received, the Department will review the final DOI decision to present to the Commission and to discuss further actions if necessary.

Lower Sonoran and Sonoran Desert National Monument

The Department provided the Field Office with a comment letter on the Lower Sonoran/Sonoran Desert Monument Resource Management Plan. The Department expressed concerns on: the prohibition of target shooting in the Monument, route closures, priority species list, inconsistency with dispersed camping, prohibition of dead and down firewood collection, OHV staging areas, and wildlife connectivity.

BUREAU OF RECLAMATION & NATIONAL PARK SERVICE

Public scoping has begun for the Long Term Experimental and Management Plan (LTEMP) Environmental Impact Statement (EIS) for the operations of Glen Canyon Dam. The Bureau of Reclamation (Reclamation) and National Park Service (NPS) are co-leads for the EIS. The purpose is to evaluate dam operations and provide the basis for decisions that identify management actions and experimental options that will provide a framework for adaptively managing Glen Canyon Dam over the next 15 to 20 years. The last EIS for Glen Canyon Dam, which was led by Reclamation, was completed in 1995 with a Record of Decision in 1996. The purpose of this EIS is to use scientific information developed over the past 15 years to better inform decisions on dam operations and other management and experimental actions so that the Secretary of Interior may continue to meet statutory responsibilities for protecting downstream resources. In mid-December the Department received a formal request from Reclamation and NPS to serve as a Cooperating Agency. The Department is drafting a letter indicating our interest in engaging as a formal Cooperator and expressing our expectations as a Cooperating Agency; and providing preliminary scoping comments during the scoping period, which has been extended to January 31st, 2012. The very ambitious schedule suggests that a draft EIS will be completed by December 2012 with the final EIS completed by fall 2013. We anticipate that the time frame may be twice that estimated. A website has been developed to track the progress of this EIS: <http://ltempeis.anl.gov/index.cfm>.

NATIONAL PARK SERVICE

Department personnel held a coordination meeting with the Petrified Forest National Park (Park) on December 5, 2011. Topics of discussion included the expansion of the Park, with specific discussions on the management of the newly acquired Hatch Ranch lands (formally private) and associated checkerboard State Trust Lands. The Park indicated that the Hatch Ranch lands are not currently open to public access and that the Park has reinitiated discussions with the Arizona State Land Department (ASLD) regarding the potential development of a management agreement between the Park and ASLD. A need was identified for coordination between the Department and the Park to help ensure that hunters are adequately informed of the change in land status and public access. A follow-up meeting will be scheduled to work on this issue.

Additional items discussed included impacts of potential alternative energy development and potash mining adjacent to the Park boundary, maintenance and development of wildlife waters, and potential opportunities for future collaboration on habitat improvement projects and non-consumptive wildlife recreation.

GENERAL UPDATES

Access Agreements

Perrin Ranch

The Department has met with Perrin Ranch managers to line out the details of continued ranch access for hunting within this portion of GMU 10. Hunter access is expected to be granted, with some temporary access restrictions during construction of the wind energy facility.

Cataract (Babbitt) Ranch Rangeland Inventory

Department staff has begun assisting National Resources Conservation Service (NRCS) with a rangeland inventory on Cataract (Babbitt) Ranch in GMU 10. Information gathered from this inventory will be used to collaboratively develop a conservation plan with the rancher.

Department personnel are working with NRCS Fredonia Field Office staff to develop wildlife-based recommendations for range restoration activities that involve application of the herbicide Tebuthiron. These treatments are typically used to reduce sagebrush densities, which can be of benefit to wildlife if done thoughtfully. We have been on a few field trips to learn lessons from beneficial and detrimental applications. Lessons learned will be incorporated into new guidance, which could be adopted into NRCS practices within Farm Bill projects.

Together with NRCS, Department personnel have been working with Diablo Trust and Hopi Ranches to design a Cooperative Conservation Partners Initiative (CCPI) project in GMU 5B and 5A. The CCPI project would use Farm Bill funds to continue implementation of grassland restoration projects designed to benefit pronghorn and other grassland wildlife while helping improve range conditions for livestock operators. Planning is still in progress.

City of Flagstaff

City of Flagstaff asked Department personnel to provide a wildlife impact review of a continued grazing lease on their water ranch, known as Red Gap Ranch located in GMU 4A. The Department recommended that wildlife water be maintained year round, fences be retrofitted to wildlife-friendly standards, and that sufficient biomass be retained on site year round to provide adequate forage, particularly for pronghorn.

PM-10

Maricopa County Air Quality Update

Biweekly stakeholder meetings continue to address revision of the 5% Plan and development of a Dust Action General Permit. The Department and representatives of the Arizona Off-Highway Vehicle Coalition continue to monitor and attend some of these meetings to ensure that reasonable motorized access for outdoor recreation is maintained. The history behind these meetings is as follows:

On September 9, 2010, EPA published a notice of proposed partial approval and disapproval of the 2007 Maricopa Association of Governments (MAG) 2007 Five Percent Plan for PM-10 in the Federal Register. There were two major reasons for the proposed disapproval: the EPA non-concurrence with four high wind exceptional events and that the 2005 baseline emissions inventory was inaccurate. On January 25, 2011, the Arizona Department of Environmental Quality (ADEQ) voluntarily withdrew the 2007 plan to address technical approvability issues and include new information, such as the new EPA equation for paved road dust emissions. While the plan was withdrawn, the measures continued to be implemented to reduce PM-10. Consequently, the MAG 2012 Five Percent Plan for PM-10 has been drafted with input from the stakeholders to meet the requirements in Section 189 (d) of the Clean Air Act and improve air quality in the Maricopa County nonattainment area. The 2012 Five Percent Plan is designed to be a replacement for the 2007 plan that was withdrawn. On February 14, 2011, the Environmental Protection Agency published a final notice in the Federal Register to make a Finding of Failure to Submit as a result of the withdrawal of the 2007 Five Percent Plan for PM-10. The Finding of Failure to Submit was effective on February 14, 2011. If a new complete plan is not submitted within eighteen months of the finding, the Clean Air Act sanction of tighter controls on major industries (two to one offsets) would be imposed by August 14, 2012. If a complete plan is not submitted within twenty four months of the finding, the loss of the federal highway funds and a federal implementation plan would be imposed by February 14, 2013. The submittal of a new plan and a completeness determination by EPA will stop the sanctions clocks. Therefore MAG and ADEQ have been working over the last year (including passage of SB 1222 – Dust Action General Permit to address high wind events) to create a 2012 Five Percent Plan for EPA Review.

Pinal County Air Quality Update

The PM 10 boundary designation in Pinal County still resides at the EPA and it is not known what date it will be published in the federal register. Upon publishing in the federal register a 60 day comment period will follow and EPA will then complete an analysis of public comments and make a final PM 10 boundary designation. After this designation ADEQ and Pinal County Air Quality will collaboratively work together to put together a State Implementation Plan (SIP) during the 18 months that follow designation. The SIP process will involve stakeholder meetings and the Department intends to attend these meetings.

Proposed Rosemont Copper Project

Department staff held an internal meeting with species leads November 30th to discuss coordination of comments on the Rosemont DEIS (due to Forest Jan. 18) focusing on habitat loss, impacts on key species, reduction of public access, loss of recreational opportunities and proposed mitigation measures. The Forest Service's lack of coordination with the Department throughout the development of the DEIS is a significant shortcoming in accordance with the NEPA compliance process. The Department's assigned Assistant Attorney General is identifying specific Forest Service failures in the NEPA compliance process.

Rosemont Copper Mine Electric Transmission Line

Rosemont Copper has requested of Tucson Electric Power (TEP) the construction of a 138kV transmission line to serve the proposed Rosemont Copper Mine in the Santa Rita Mountains. The Department submitted a letter supporting TEP's preferred route as the least environmentally damaging alternative, which would share a right-of-way with the mine's proposed waterline that would be located adjacent to Santa Rita Road.

If Rosemont secures all necessary approvals for the mine, only then would TEP construct the line. The Arizona Power Plant and Transmission Line Siting Committee approved a Certificate of Environmental Compatibility (CEC) that would authorize construction and operation of the line on TEP's preferred route. The CEC has been sent to the Arizona Corporation Commission (ACC) for approval. The ACC can accept, reject, or modify the Line Siting Committee's ruling in a public hearing that likely would be held in early 2012.

Renewable Energy Development

Wind

Mohave County Wind Project

Department personnel continue to participate in the weekly conference call with the Mohave County Wind Farm Project proponent, BP Wind Energy North America. The environmental advisor for BP is coordinating with USFWS and the AZGFD on eagle monitoring and nest surveys for early 2012. The USFWS provided written comment to BP in review of their survey for eagles at the proposed Mohave County Wind Resource area site and found that additional monitoring data was required to adequately represent eagle activity within the project area. The USFWS stated that "due to shortcomings in the data described, there is moderate uncertainty in attempting to assess risk potential to eagles", and further study is needed. The AZGFD has contributed comments to BP, advising monitoring activity should take place around nesting and breeding timeframes.

The Mohave County Wind Farm Project has issued Chapter 4-Biological Resources of the Environmental Impact Statement (EIS) to be reviewed by the core participating organizations for comments and draft changes. A meeting has been scheduled for early January 2012 to go over recommended (EIS) draft changes before the final document is released. Members of the Eagle Strike Task Force will review the final draft from BP Wind Energy to determine the viability of the proposed ideas and mitigation recommendations.

Solar

Sun Valley South/Sun Valley North

Sun Valley South is on the State Trust parcel at the intersection of Salome Hwy and Courthouse Road. Sun Valley North is on the State Trust parcel immediately south of I-10 by the rest stop between the Salome Hwy and Tonopah exits. The Department has expressed concerns on the potential impact from the proposed solar projects on wildlife movement, especially bighorn sheep, to and from the Saddle Mountain. Department personnel will meet with consultants for the project proponents to search for means to minimize the impacts.

Sonoran Pronghorn

Department personnel participated in a collaborative effort with USFWS and NPS to capture and release 13 Sonoran pronghorn into holding pens on Kofa Wildlife Refuge and 5 on Organ Pipe National Monument on December 15 and 16, 2011. On December 18 and 19, 2011 9 wild pronghorn were captured and fitted with radio collars. Also in December, Department personnel conducted population surveys in Sonora, Mexico.

Vulture Mountains Proposed Park

The Hassayampa Field Office and Maricopa County Parks are developing a master plan for a cooperatively managed park in the Vulture Mountains. Department personnel have been involved in the planning process as an agency stakeholder. Primary concerns have been minimizing impacts to wildlife from increased recreational activity and to ensure hunting will continue. Department personnel will meet with County Parks in January 2012 to discuss Department participation in a Cooperative Management Agreement for managing the park.

Wildlife Linkages

Cochise County Wildlife Connectivity Working Group

The Department has begun working with interested constituents to identify wildlife connectivity issues in Cochise County. Participation requests have been extended to stakeholders representing NGOs, County government, Fort Huachuca, private interests, and others. Still in the early developmental phase, the group has agreed to form three subcommittees: 1) outreach/communication, 2) workshop organization/logistics, and 3) data compilation/technical.

Maricopa County Wildlife Linkages

The Draft Final version of the GIS shapefiles and stakeholder workshop report is currently under final review of the Arizona Wildlife Linkages Workgroup. The release is anticipated after the first of the year. The White Tanks Linkage Design is also being finalized and is anticipated for release after the first of the year.

Young's Farm Proposal to Sever and Transfer Existing Water Right

Yavapai Land Holdings, LLC and Young Acres, Inc. bought Young's Farm near Dewey, Arizona from the Young family several years ago. In March 2011, the new owners filed an application with the Department of Water Resources (ADWR) to sever and transfer the existing water right historically used for irrigating the farm to a new municipal use on the formerly farmed land. The intent was to provide for an assured water supply for the future development of the farm as a housing development. On April 28, 2011, the Department filed a protest of the proposed sever and transfer application as allowed under state statute. The grounds for the protest to the sever and transfer application were as follows: Conflicts with a prior vested right (The Department recently acquired Horseshoe Ranch and its existing water rights from the Agua Fria River downstream from Young's Farm), Menace to public safety (lack of a drought conservation plan or back-up supply) and Against the interest and welfare of the public (the S&T identified more water than legally put to a beneficial use, established a dual filed right under both surface and groundwater statutes, and harm to riparian habitat and public natural resources). More recently, the current owners of Young's Farm have leased the land back to a local farmer thus placing the land back into production and as of May 6, 2011 the Arizona Department of Water Resources has suspended review of the application for the Sever and Transfer.

In December 2011, the Department met with legal counsel for the developer (Yavapai Land Holdings LLC) and the seller (Young Acres Inc.) to discuss the proposed sever and transfer. Even though ADWR had suspended the application, they were interested in addressing the Department's protest in anticipation of a future re-initiation of the application process. The Department and applicant's counsel considered avenues that the application could be modified such that the Department would be better assured that no negative impact to Commission-vested water rights would occur and the Department would willingly withdraw the protest. Discussions will be continuing into the near future as additional information is generated.



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December 15, 2011

Appeal Deciding Officer
Southwestern Region
USDA Forest Service
333 Broadway Blvd. SE
Albuquerque, NM 87102

Dear Appeal Deciding Officer:

The Arizona Game and Fish Department, 5000 W. Carefree Highway, Phoenix AZ 85086 is filing for an administrative review/appeal pursuant to 36 CFR 215 of the September 28, 2011 decision by Ms. Kristin Bail, Acting Coconino National Forest Supervisor, approving the Travel Management Project for the Coconino National Forest. The publication date of this decision was November 3, 2011.

The Department is requesting that the decision on Motorized Big Game Retrieval (MBGR) be modified to allow retrieval of legally harvested elk and deer within 1 mile of open roads during all hunting seasons and for 24-hours after the close of the season in all Game Management Units so long as no habitat damage occurs.

Alternative 4 addressed the retrieval of elk within all Game Management Units (GMU) on the Forest and based on our review of the decision and specialists reports, there was no significant impact foreseen for the estimated 2,922 elk retrieval cross-country trips. An additional estimated 695 trips for deer scattered across the entire Forest should also not cause significant damage to Forest resources. While it was implied that deer are of less importance, this was due to the lower numbers of animals harvested, not the impact on the individual hunter who has to pack an animal out. Additionally, the Department worked with both the Coconino and Kaibab National Forests to develop a core road system under the Wet Weather Management System and we support that system's prohibition of all cross country travel when the Wet Weather Management Plan is activated.

There is inconsistency for fuel wood permits which allow for cross county travel, but is not addressed in the TMR. In the last ten years the Coconino has averaged 3,600 fuel wood permits per year and the number is increasing each year. The average cords per year over the past 10 years is approximately 15,500. Typically a truck holds ½ to ¾ cord per trip so this means 20,666 to 31,000 trips per year vs. the projection of 3,617 for MBGR for elk and deer.

Appeal Deciding Officer
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Page 2

The statements attributed to the Department in the rationale for the decision were from discussions where we argued for Forest wide retrieval of a minimum of elk and deer as we have in all discussions with the Forest and the Region since the 2005 Travel Management Decision. Additionally, these statements were made in discussions about any potential trade off of GMUs, if biologically necessary, and not statements supporting removal of any GMU from MBGR.

This is particularly true for GMU 5B, where a significant number of elk are harvested each year and where topography supports the use of MBGR. We did not see anything in the Specialist's reports that indicate that the grassland-type vegetation in GMU 5B is any different than grassland-type vegetation in other portions of the Forest. Nor did we see any indication that the rutting and associated scenic impacts from off-road vehicles use or the increased likelihood of invasive species from off-road vehicle use was different in GMU 5B than any other grassland-type vegetation in other areas of the Forest.

For GMU 5A the rationale expressed seems to be associated with Threatened or Endangered species or sensitive species. In the Specialist's report each watershed was analyzed and with the exception of Upper Clear Creek there were minor impacts expected from MBGR. For Upper Clear Creek it was anticipated that there could be some impact from MBGR, but less than existing conditions. Nowhere in the Specialist's reports did we see that MBGR would significantly impact Forest Resources.

The suggestion that having some GMUs allowing MBGR and others not to provide a primitive hunt experience is unreasonable considering there are already 1.5 million acres of wilderness or primitive areas designated on USFS lands. This equates to more than 13% of all USFS lands in Arizona. Furthermore, disallowing MBGR for studies to understand the effects and benefits of MBGR is not supported by any indication that the Forest has plans or funding for such studies. Therefore, the decision was arbitrary and capricious, especially in regard to the selection of GMUs where retrieval is or is not allowed.

We respectfully request that the portion of the Travel Management Project on Motorized Big Game Retrieval be changed to allowing retrieval in all areas of the Forest, not currently closed as Wilderness or as Seasonal or other closures, for legally harvested elk and deer within 1 mile of open roads for all hunting seasons and for 24-hours after the close of the season so long as no habitat damage occurs.

Sincerely,

Larry D. Voyles
Director

IFNM Coordination Timeline and Comments – Attachment I

2003 - 2006

Department cosponsors Tucson Basin Shooting on Public Lands Workshop Project.

Starting in 2003, The Department, along with the Coronado National Forest and BLM Tucson Field Office, sponsored the *Tucson Basin Shooting on Public Lands Workshop Project* facilitated by the U.S. Institute for Environmental Conflict Resolution (IFECR.) The result of this project was a report dated June 2006 (Attachment II). This report found that “No one that we interviewed advocated elimination of shooting opportunities, even if they did not use, or particularly support the use of firearms. All recognized the Second Amendment guarantee of the right to bear arms. We also repeatedly heard from individuals across every interest group that the vast majority of recreational shooters behave responsibly, and that it is their perception that a small minority of irresponsible, unorganized shooters causes the problems with safety and vandalism that have been reported on public lands. *All interviewees expressed the desire for resolution of issues rather than elimination of shooting activities*” [emphasis added.] In the PRMP, the BLM cited parts of the report that supported closing the IFNM to shooting, but did not reference this significant finding of the report which clearly *does not* support the closure.

March 2, 2007

BLM Tucson Field Office released the Draft Resource Management Plan and Environmental Impact Statement for the Ironwood Forest National Monument.

May 1, 2007

Arizona Game and Fish Commission sends Resolution with cover letter (Attachment III) to Arizona State Director concerning the Management of Target Shooting on the Ironwood Forest National Monument.

“in response to a draft decision to prohibit the use and discharge of firearms within the Ironwood Forest National Monument (IFNM) in the IFNM Draft Resource Management Plan and Environmental Impact Statement”, the Arizona Game and Fish Commission formally opposed recreational shooting restrictions on Public Land in Arizona through adoption of a resolution to that effect. This resolution specifically referenced the IFECR report and the Federal Lands Hunting, Fishing, and Shooting Sports Roundtable Memorandum of Understanding (Attachment IV). The Commission also asked the BLM to define dispersed recreational shooting as “any shooting that is carried out in a safe manner, does not cause resource damage, and does not result in litter.” Finally, the Commission asked the BLM to develop a law enforcement coordination plan. The BLM’s assumption that recreational shooters will cause resource damage and litter is unreasonable. Again, the BLM’s analysis assumes unregulated, intense, and concentrated shooting throughout the monument and assumes that the only solution is complete closure of impacted areas, completely failing to consider reduction of impacts that would occur if existing laws and less restrictive management prescriptions were enforced.

In response to this letter, the PRMP states that the IFECR report found that “the group did not come to agreement on any substantive decisions regarding shooting within the IFNM or elsewhere in the Tucson area, and did not provide any specific recommendations or criteria by which to evaluate areas for their suitability as shooting areas. In fact, the project report explicitly states that the group was unable to come to agreement on these points when they were discussed.” The BLM’s response is arbitrary because it conspicuously fails to consider the

important finding of the report (see above) that “*all interviewees expressed the desire for resolution of issues rather than elimination of shooting activities.*” If the BLM finds it important that the stakeholder group could not agree on what *to do* to resolve the problem, the BLM should assign at least as much importance to the fact that the stakeholder group *did agree* on what *not to do*; namely to *not close the monument to shooting*. Also, the response does not address the requested law enforcement coordination plan. In addition, the BLM declined the Commission’s request to define dispersed recreational shooting ostensibly because “target shooting, even when carried out in a safe and legal manner, *can have damaging effects on resources*”. This assessment is overly speculative and capricious in that it can be said that *any activity*, even when carried out in a safe and legal manner *can have damaging effects on resources* (e.g., hiking, horseback riding, driving, geocaching, etc.) Although the Department concedes that safe and legal shooting *can* have damaging effects on resources, the Department also asserts that safe and legal shooting *need not* have a damaging effect on resources when managed in a way that concentration and intensity is reduced. Reduced intensity occurs on the monument away from the intensively used areas. The analysis however assumes intensive and concentrated shooting activity throughout the monument when considering impacts. The Department notes that the BLM did not say that firearm discharge, even though conducted in a safe and legal way, *cannot* be conducted without having damaging effects on resources.

May 29, 2007

Department sends formal comment letter on Draft RMP/EIS to BLM (Attachment V)

On page 3 of our letter, the Department stated that dispersed recreational shooting can be consistent with the Monument Proclamation and that we continue to support dispersed recreational shooting, referencing and including the Commission resolution.

In the PRMP/FEIS, in response to this comment, the BLM states that the Proposed Plan “is consistent with the monument designation to protect objects of scientific interest and meets the BLM mandate for multiple use. BLM has considered continued recreational shooting under Alternative A” (pg J-197) and “all four alternatives” (including those allowing continued use of firearms) comply with the Proclamation establishing the monument “including the protection of the objects of the monument, and with all other applicable laws, regulations, and policies.” BLM’s response states that recreational shooting is consistent with the purposes of the monument and that the monument should be managed in accord with its multiple use mandate. BLM’s decision to eliminate recreational shooting on the entire monument is not supported by its prior statements and is therefore an arbitrary decision.

On page 8 and 9 of our letter dated May 29, 2007 commenting on page 2-63 of the Draft RMP, we stated that: “*It is recommended that Alternative A or D be selected as the preferred alternative to allow dispersed recreational shooting within the Monument. (See attached Resolution)*”

The preferred Alternative C prohibits the use and discharge of firearms, except for hunting activities conducted in accordance with AGFD hunting regulations was proposed to negate the effects of littering, resource damage, and safety hazards. Alternative C is not enforceable without additional law enforcement on the ground. Similar restrictions on AZ State Land are also not enforceable nor effective in preventing wildcat shooting ranges. One of the most significant wildcat shooting areas within the Monument is currently on State Land where

Brenda Hudgens-Williams
IFMN PRMP/FEIS Protest

shooting bans are in effect. Increased enforcement of existing laws on littering, vandalism, and misuse of firearms is necessary to adequately address these concerns.

Many people learn to shoot and become hunters through recreational shooting on public lands, not by going to developed shooting ranges. Recreational shooting is an appropriate use of public lands, and the public demand for dispersed recreational shooting is more than evident.”

August 13, 2007

Department meets with Tucson Field Office (TFO).

TFO informed the Department that they had met with the State Director on this issue and emphasized that no decision had been made in terms of a preferred alternative. They informed us, however, that TFO was looking into areas of the Monument that could possibly accommodate recreational shooting.

May 5, 2009

Department meets with TFO– firearm use has been decided.

TFO informed the Department that: BLM has conducted an analysis of the IFNM for the purpose of identifying areas where shooting could safely take place without major conflicts with protection of monument objects. The shooting analysis identified 2 locations where several criteria were met that would make the areas amenable to shooting activity. However, additional problems were identified under the scenario of limiting shooting to these 2 small areas within the IFNM, primarily having to do with intensive use leading to resource damage, and increased safety concerns related to confining all shooters to two small areas. As a result, the PRMP/FEIS would propose prohibiting recreational target shooting in the IFNM.

Although the Department has received informal verbal response at the two meetings documented above in writing by the BLM, no response to our comment on page 2-63 of the DEIS appears to be included in the PRMP/FEIS.

Sept 15, 2011

Department meets with TFO. TFO advises that PRMP will be released at the end of month and Department will not receive advance copy.

September 24, 2011

Proposed RMP and Final EIS for the IFNM is released to public.