

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, February 10, 2012
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director and Staff)

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

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

Chairman Freeman called the meeting to order and led those present through the Pledge of Allegiance. The Commission introduced themselves and Chairman Freeman introduced the Director and the Director's staff. This meeting followed an agenda dated February 6, 2012.

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Awards and Recognition

Commissioning Ceremony - The following Wildlife Law Enforcement Officers were sworn in by Director Voyles:

- Jason Dennerline, Law Enforcement Specialist
- Nancy Huser, Law Enforcement Specialist
- Steve Iker, Law Enforcement Specialist
- Richard Moses, Law Enforcement Specialist
- Mark Terrill, Law Enforcement Specialist
- Mat Braun, Wildlife Manager
- Brandon Carley, Wildlife Manager
- Tyler Raspiller, Wildlife Manager

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1. Public Comment

Donald Borg, Northeastern Arizona Sportsmen's Association: Spoke in regards to agenda item #4; supports the St. Johns Shooting Range; thanked the Commission for their efforts regarding the range.

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2. Legislative Engagement and State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles briefed the Commission using a Power Point presentation 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:

Commission Supported Legislation

SB 1300: game and fish department continuation

- Senator Griffin proposed an amendment; Decreases continuation from 10 to 5 years; Held on 2/13/12 in Senate Transportation & Natural Resources Committee; Scheduled for a hearing on 2/20/12.

SB 1305: game and fish omnibus act

- Chairman pulled it from agenda on 2/13/12; Scheduled for a hearing on 2/20/12.

HB 2639: game and fish omnibus act

- Passed as amended 7-0 in House Military Affairs and Public Safety Committee.

HB 2457: possessions of weapons while hunting

- Held in House Energy and Natural Resources Committee on 2/1/12; Strike Everything Amendment scheduled for hearing on 2/13/12.

HB 2322: watercraft; registration; fees

- Passed 9-0 in House Agriculture & Water Committee.

SB 1521: heritage fund; audit; hearing

- Passed 4-1-1 in Senate Transportation and Natural Resources Committee.

Commission Opposed Legislation

SB 1453: applying aquatic poisons

- Held on 2/8/12 by sponsor in Senate Water, Land Use and Rural Development Committee; Scheduled for a hearing on 2/15/12.

HB 2125: Arizona wildlife conservation service

- Has not received a hearing.

Other Legislation of Interest

HB 2640: hunting; firearm magazine capacity

- Passed 6-1 House Energy and Natural Resources Committee on 2/6/12.

Hb 2728: firearms; sound suppressors; hunting

- Passed 6-1 in House Military Affairs and Public Safety Committee on 2/8/12.

HB 2786: off-highway vehicles; indicia

- Scheduled for a hearing on 2/16/12.

HCR 2047: state parks heritage fund; restoration

- Passed 9-0 in House Agriculture and Water Committee on 2/9/12.

HCR 2018: agriculture and natural resources secretary

- Discussion only, held in House Agriculture and Water Committee.

Congressional Legislation

HR 1904: Southeast Arizona Land Exchange and Conservation Act of 2011

- Heard in Senate Natural Resources Committee on 2/9/12.

HR 919: Mohave Valley Land Conveyance Act of 2011

- Heard in Subcommittee on National Park, Forests and Public Lands on 1/24/12
- Department's acquisition request at Governor's Office
- Patent transfer documents at BLM Regional Director Office.

Chairman Freeman requested to table this agenda item until later in the day following Executive Session.

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3. 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.

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4. Request for Commission Approval of the Transfer of the St. Johns Shooting Range in Apache County, Arizona, and to enter into a License Agreement with the Northeastern Arizona Sportsmen's Association to operate the Range.

Presenter: Jay Cook, Shooting Sports Branch Chief

The Department has been working with Apache County on the transfer of the St. Johns Shooting Range for several years. The shooting range consists of 233.85 acres and includes improvements on the property. The range is currently managed by the Northeastern Arizona Sportsmen's Association (NASA) and the Department is requesting to enter into a license agreement to continue operation by the NASA following acquisition of the range from Apache County.

Motion: Husted moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE TRANSFER OF THE ST. JOHNS SHOOTING RANGE IN APACHE 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; AND THE COMMISSION DIRECTS THE DEPARTMENT TO ENTER INTO A LICENSE AGREEMENT WITH THE NORTHEASTERN ARIZONA SPORTSMEN'S ASSOCIATION TO OPERATE THE RANGE FOLLOWING ACQUISITION.

Vote: Unanimous

Public Comment

Donald Borg, a member of the Northeastern Arizona Sportsmen's Association, thanked the Commission for their approval of this item.

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5. 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.

Mr. Gray provided the following additional updates:

- The Phoenix Suns have provided an offer to hunting and fishing license holders. On February 15 and 19, there are two games where discounts will be provided to those holding hunting and fishing licenses
- The Department recently received a grant from NRA for just under \$25,000. This will be used to purchase air guns for hunter recruitment and hunter education, and also to purchase shotguns for the growing Scholastic Clay Target Program.

Kellie Tharp, Education Branch Chief, provided the Commission with updates on Biscuit Tank and the new Wildlife Center. The update included the following:

Hirsch Conservation Education Area (aka Biscuit Tank) Objective:

- Maintain and operate a multi-use facility with the primary purpose of educating and recruiting anglers
- 100% angling success for all activity participants (all anglers catch at least one fish)
- Very high angler satisfaction with each experience
- Manage the lake and associated aquatic habitat to serve as a safe, attractive ecosystem offering educational, recreational and watchable wildlife experiences.

Hirsch Conservation Education Area Progress Updates:

- External contributions have been provided by: Anglers United, \$70,000; National Guard, in-kind services such as site preparation and excavation, approximately \$200,000; Wildlife for Tomorrow, entry monument, kiosk and interpretive signage, \$15,000
- The Commission will be presented with a proposed rule change in April to allow the Department to be flexible on a day to day basis in managing the lake. The proposed rule will authorize the Department to conduct events including those with partners
- Fish stocking started in October 2011 with bluegill, fathead minnows, white amur, largemouth bass, and redear sunfish. Stocking plans for spring 2012 will be bluegill, largemouth bass and catfish
- Next Steps: Perimeter rock, \$10,000 (Angling groups are seeking grant funds); Regulatory signage (in progress); Parking lot dust control (in progress); Restrooms (Currently have 2 restrooms in Conservation Education building); Seeking facilities to accommodate larger groups (possibly military surplus modular buildings and/or state surplus units)
- Outreach Opportunities: Sportfish education clinics, boating safety classes, Paddlesports Arizona (Introduction to canoe and kayak), wildlife viewing courses, wildlife education courses, hunter education, and possibly shooting sports
- Internal Uses: Training courses (Trailer safety courses, electrofishing, law enforcement training, Fishing 101); Equipment maintenance (trailers, boats, sonar equipment)
- The Department is planning a ribbon cutting ceremony with the Hirsch family this Spring
- Classes will begin in the spring for Paddlesports Arizona (canoe and kayak courses), boating safety, and wildlife viewing events. Planned for fall are sportfishing clinics and other education courses.

Wildlife Education Center Updates:

- Information Packets have been developed. The contents include: The objective, a Focus Wild Arizona Brochure, the Conceptual Site Plan, Inserts that provide an overview of what the center will offer the community (Educational opportunities - Engage, Explore, Experience), and the expense of the facility. The packets are available in both hard copy and electronic format
- A meeting was held with a financial consulting group and the Department is evaluating the options presented. The Commission will be provided with an update at the March Commission meeting
- Meetings are being scheduled with Wildlife for Tomorrow and Adobe Mountain Wildlife Center Auxiliary (501c3 organizations that may assist with fundraising).

Chairman Freeman stated that he would like to see some of the sportfish on display at the Center in case of a short field trip where a youth cannot go over to Biscuit Tank.

Commissioner Husted stated that he would like the Department to consider having a virtual reality type of setup that provides for youth visiting the Center to experience hunting.

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4. Monthly Update on Recreational Access Issues within Arizona.

Presenter: Al Eiden, Landowner Relations Program Manager

Mr. Eiden introduced Loren Chase, the Department's Human Dimensions Coordinator. Mr. Chase provided the Commission with a PowerPoint presentation on Recreational Access – A preference study (survey) of landowners and outdoor enthusiasts. This study was finalized about two weeks ago. The landowners in this study are landowners that the Department works with and landowners that the Cattle Growers Association works with. Random samples were selected from these landowners as well as sportsman. Some of the questions for sportsmen related to where they recreated/hunted, what access issues they had, willingness to travel (distance for big game or small game), and willingness to pay. Both groups were asked questions regarding the issues that led to land closures, access programs, potential solutions, management approaches for the Department, and funding mechanisms. Charts, graphs and maps were provided in the presentation showing survey results.

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Meeting recessed for a break at 9:40 a.m.

Meeting reconvened at 10:05 a.m.

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8. Presentation on HabiMap™ Arizona the Department's web-based data viewer.

Presenter: Josh Avey, Habitat Branch Chief

Mr. Avey provided a presentation to the Commission showcasing HabiMap™ Arizona, the Department's web-based data viewer. Mr. Avey was assisted by Department subject matter experts who provided information on certain components and were able to discuss and answer questions for the Commission. The presentation included a live online demonstration of how it works and an example of a pilot Commission land inventory. The Department launched this innovative new tool on November 30, 2011. HabiMap™ Arizona is intended to provide useful, landscape-level information during the early stages of project planning. It is not a regulatory tool and it does not replace or supersede consultation with the Arizona Game and Fish Department. It is accessible online to anyone who is interested in Arizona's wildlife. Included in the presentation was the current status of HabiMap™ Arizona, public feedback, limiting factors, and future plans.

Director Voyles informed the Commission that the Department will be providing a presentation on HabiMap™ Arizona to the Association of Fish and Wildlife Agencies, as well as selected non-governmental organizations, to show them the applications and potential of this tool.

The Commission appreciated the presentation and congratulated staff on the success of such an enormous undertaking.

Chairman Freeman requested that this item be tabled until after Executive Session.

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7. 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. There were no additional updates provided at this meeting.

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9. Request for the Commission to Approve a Memorandum of Understanding (MOU) between The Phoenix Zoo and the Commission for the Benefit of Arizona's Natural Resources by Formalizing a Framework for Collaboration.

Presenter: Eric Gardner, Chief, Nongame Branch

Mr. Gardner briefed the Commission regarding activities between the Department and The Phoenix Zoo and asked the Commission to approve a Memorandum of Understanding (MOU) between The Phoenix Zoo and the Arizona Game and Fish Commission. The MOU commits both partners to coordinate on activities that maintain or enhance Arizona's unique wildlife resources and habitats, prioritize areas of mutual interest, and to partner in conservation, education, and outreach.

Motion: Mansell moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE PHOENIX ZOO AND THE COMMISSION FOR COORDINATION OF ACTIVITIES THAT MAINTAIN OR ENHANCE ARIZONA'S UNIQUE WILDLIFE RESOURCES AND HABITATS, PRIORITIZE AREAS OF MUTUAL INTEREST, AND TO PARTNER IN CONSERVATION, EDUCATION, AND OUTREACH; AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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10. Request for the Commission to Approve a Cooperative Agreement with Table Mountain Farms to Plant and Harvest Crops on the Hayfields Parcel of the VS Ranch Property.

Presenter: Tim Wade, Wildlife Contracts Branch Chief

Mr. Wade briefed the Commission using a PowerPoint presentation. On December 4, 2009, the Commission approved the transfer of land and water rights for properties located along the lower San Pedro River in Pinal County from ASARCO LLC to the Commission. Since that time, the Department has been negotiating the details of the settlement. The property, with associated water rights, is currently in escrow and closure is imminent. There is currently an active farming

agreement between ASARCO and Table Mountain Farms for the Hayfields parcel of the VS Ranch. This farming agreement is proposed to be taken over by the Department. The agreement was renegotiated by the Department so that future farming activities would provide a benefit to wildlife and meet the short-term needs of the Department. There is an immediate need to execute this agreement at the close of escrow to reduce any potential liability to the Department by allowing the Table Mountain Farms to continue farming on the property.

The renegotiated agreement requires that 10% of the grain crop (e.g., not less than five acres) remain on the ground for wildlife and that although the Department would own the water rights, the water can continue to be used for farming until November 30, 2013. In addition to providing a direct benefit to wildlife, the continuous application of crops will reduce the incidence of invasive weeds on the tilled portions of the property. This agreement will allow cooperation, exchange of expertise, labor, materials, and support to the Department in continued efforts to conserve and enhance wildlife habitat in the southwest. While this agreement is in place, the Department will be completing the restoration plan for the newly acquired Lower San Pedro River properties.

Motion: Mansell moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE A COOPERATIVE AGREEMENT THAT WILL ALLOW TABLE MOUNTAIN FARMS TO PLANT AND HARVEST CROPS ON THE HAYFIELDS PARCEL OF THE VS RANCH AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO APPROVE THE AGREEMENT AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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11. Request to Approve a Notice of Final Rulemaking, and Economic Impact Statement Amending R12-4-121 Addressing Big Game Tag Transfers.

Presenter: Jennifer Stewart, Rules and Risk Branch Chief

Ms. Stewart briefed the Commission on the Department's proposed amendment to R12-4-121 addressing the transfer of big game tags to a minor child or qualifying organization. The Department proposes to amend R12-4-121 to align the rule with recent statutory changes made to A.R.S. § 17-332 that allows a grandparent to transfer a big game permit or tag to a minor grandchild. The Commission approved the Notice of Docket Opening, Notice of Proposed Rulemaking, and draft Economic Impact Statement at the October 2011 Commission Meeting. The notices were published in the *Arizona Administrative Register* on November 18, 2011. The rulemaking record was open for public comment from November 18 through December 18, 2011. The Department did not receive any comments in regards to the proposed rulemaking.

The Notice of Final Rulemaking and Economic Impact Statement for R12-4-121 was provided to the Commission prior to this meeting for review and consideration. If the Commission approves it, the Department will submit it to the Governor's Regulatory Review Council (G.R.R.C.) for review and placement on the G.R.R.C. May 2012 agenda.

Motion: Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE THE NOTICE OF FINAL RULEMAKING AND ECONOMIC IMPACT STATEMENT TO AMEND R12-4-121 BIG GAME TAG TRANSFERS.

Vote: Unanimous

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12. Request to Approve a Notice of Final Rulemaking, and Economic Impact Statement Amending R12-4-202 Disabled Veteran's License.

Presenter: Jennifer Stewart, Rules and Risk Branch Chief

Ms. Stewart briefed the Commission on the Department's proposed amendment to R12-4-202 to remove the requirement that the Disabled Veteran's Services Certification provide the applicant's date of birth. The date of birth information is not consistently provided in the DAV certification; causing additional work for the applicant and Department employees. In addition, the Department does not use this information for verification purposes. The Department believes removing the date of birth requirement will provide a benefit to both the Disabled Veteran's license applicant and the Department. The Commission approved the Notice of Docket Opening, Notice of Proposed Rulemaking, and the draft Economic Impact Statement at the October 2011 Commission Meeting. The notices were published in the *Arizona Administrative Register* on November 18, 2011. The rulemaking record was open for public comment from November 18 through December 18, 2011. The Department did not receive any comments in regards to the proposed rulemaking.

The Notice of Final Rulemaking and Economic Impact Statement for R12-4-202 was provided to the Commission prior to this meeting for review and consideration. If the Commission approves it, the Department will submit it to the Governor's Regulatory Review Council (G.R.R.C.) for review and placement on the G.R.R.C. May 2012 agenda.

Motion: Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE THE NOTICE OF FINAL RULEMAKING AND ECONOMIC IMPACT STATEMENT TO AMEND R12-4-202 DISABLED VETERAN'S LICENSE.

Vote: Unanimous

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14. 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 Commission was provided with a written report prior to this meeting. The presentation highlighted several items in the report including law

enforcement training activity, wildlife enforcement activity, watercraft and OHV enforcement activities, outreach, and partnerships that were developed and fostered in this reporting period.

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16. Appointments to Standing Committees

Presenter: Bob Broscheid, Deputy Director

Mr. Broscheid presented this item to the Commission for discussion. At the January 13, 2012 Commission meeting, Commissioners Husted, Harris and Mansell confirmed with Chairman Freeman that they would like to keep their current committees (Husted, Wildlife Assets Committee; Harris, Habitat Partnership Committee; and Mansell, Heritage Public Advisory Committee), and Chairman Freeman chose to take the Landowner-Lessee/Sportsman's Relations Committee vacated by outgoing Commissioner Woodhouse. Regarding the Conservationist Committee, there are some issues, so Commissioner Freeman postponed discussions to this meeting in order to include Commissioner Davis and see if he would be interested in trying to revive the committee and/or if he would be interested in working with Chairman Freeman and others on Wilderness issues. However, at the January 25, 2012 Telephonic Commission meeting, the Commission voted to task Commissioner Davis with creating and chairing a Constituency/Stakeholders group, which Commissioner Davis accepted.

Commissioner Davis stated that he had an initial meeting to begin to lay out a process for the Constituency/Stakeholders Committee to function and that he intends to bring back to the Commission a general outline and plan for how the committee processes would be implemented.

Chairman Freeman confirmed with Commissioner Davis that he would like this to be a new committee.

Chairman Freeman asked Commissioner Davis if he would like to be a part of the unofficial Wilderness Committee that is working on language for potential legislation.

Commissioner Davis stated that he would be happy to help with that as well.

The Commission discussed the Conservationist Committee and was in consensus not to dissolve it but to use it as an ad hoc committee that would get together at times for certain issues.

Chairman Freeman stated that he will continue to plan on participating telephonically in the Cibola Valley Irrigation District Board meetings while the Department works with the Assistant Attorneys General to see if former Commissioner Woodhouse can continue to represent the Commission on that Board.

Mr. Odenkirk stated that he has looked into it and the Commission does not have the authority to delegate a proxy to act on the Commission's behalf.

Mr. Broscheid stated that the Department is working on getting a copy of the Board's bylaws to see what the process is for Board members regarding replacement or appointment.

Chairman Freeman stated that it is very important for the Commission to have a representative on this Board and asked the Commission if they would consider appointing him to the Board until everything gets sorted out.

Motion: Husted moved and Davis seconded THAT THE COMMISSION VOTE TO APPOINT CHAIRMAN FREEMAN AS THE COMMISSION'S REPRESENTATIVE ON THE CIBOLA VALLEY IRRIGATION DISTRICT BOARD.

Vote: Unanimous

Director Voyles stated that the Department will send a letter to the Board notifying them that the Commission has appointed Chairman Freeman to represent the Commission on that Board seat along with former Commissioner Woodhouse.

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Meeting recessed for a lunch at 11:45 a.m.

Meeting reconvened at 12:35 p.m.

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13. Call to the Public

There were no requests to speak to the Commission at this time.

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17. 2012 Director's Goals and Objectives.

Presenter: Bob Broscheid, Deputy Director

Mr. Broscheid reviewed with the Commission the draft 2012 Director's Goals and Objectives. Since the January 13, 2012 Commission meeting, Department staff has been working with individual Commissioners to get their input on the goals and deliverables that are of particular interest to each Commissioner. The draft is still a work in progress and is being presented to the Commission today for additional input, discussion and/or to answer any questions. A proposed final 2012 Director's Goals and Objectives will be presented to the Commission at the March Commission meeting. Currently the goals are 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

Chairman Freeman asked about funding and how these goals and objectives were going to fit into the budget. He wants to make sure that the Director is going to have the resources to do what the Commission is asking him to do.

Director Voyles stated that resources for the current Goals and Objectives were developed in a budget over two years ago and was approved for this biannual period. This is always something that the Commission and Department will have to work together on, how to make the current year Goals and Objectives fit the budget that was approved previously by the Legislature.

Commissioner Harris commented that the process owners are going to be preparing gantt charts which give milestones and in that, resource or budget issues will be identified. If there is a mid-year change in priority, the gantt chart will allow staff to highlight that and show what and where the roadblocks are. That will be a real intricate part of the Commission understanding the budget as well as other resources and the ability to accomplish the goals.

Director Voyles stated that the challenges for the Department will be 1) that staff get comfortable with the concept of dialogue such as this with the Commission, and 2) that the Department apply rigor to the use of the gantt charts. There are negotiations at every step of the way through an entire project to completion. Department staff must get used to the idea that the gantt charts are built to initiate discussions with the Commission, and then when milestones are disrupted, discussions with the Commission needs to take place early on so that the Commission is informed and/or can give direction.

Director Voyles stated that it may be useful to have this dialogue at a future Commission Workshop with all of the Department's Leadership Team present, so that they can understand why the gantt charts are so significant and that they are really a living, breathing, document.

The Commission was in consensus.

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18. Director's Evaluation.

Presenter: Bob Broscheid, Deputy Director

The Commission discussed the Director's evaluation in an Executive Session meeting January 12, 2012 and requested that it be an agenda item for the Public Session at this meeting.

Chairman Freeman asked Director Voyles if he would like to make any comments.

Director Voyles stated that he had a very good discussion with the Commission in his evaluation. There was open dialogue about his successes and challenges. One of the areas he is going to work hard on in the coming year relates to the area of employee job satisfaction. The internal employee satisfaction survey showed a slight uptick in morale as a general category, but there is a paramount of discomfort with interfacing with the executive staff level of the agency. There are probably a number of factors that relate to that including the direction of society in general, the change in direction of the agency with a new Director, and in part, because of the fiscal challenges in state government, crisis management mode was intentionally adopted. A lot of

decision making was pulled to a higher level in order to be nimble and reactive to the fiscal environment, and that disempowered some middle and upper managers to some degree. The other factor is, with the change in leadership, people are unsure of their full scope of authority and responsibility commensurate with their positions. So we will be engaging in a number of exercises, including an increase in communication with Department staff. One tool will be to hold open forums on a quarterly basis and another will be to attend Branch and Division staff meetings. We are also going to engage in an exercise to help define discretionary decision authority, responsibilities and accountabilities. That clarity will help reduce ambiguity that may have created some discomfort. Also, in the past year, people are starting to get a feel for who Larry Voyles is and for the direction of the agency. That will be very helpful in deploying authorities down to where they need to be and have people be comfortable in picking that up and carrying it forward. This is too complex an organization to be managed from the top and the Leadership Team is ready to take this on. This will be a major part of the emphasis in the coming year and it will include a formal exercise in defining roles and authorities. One of the real challenges within a complex organization like this is the complex funding sources and an array of complex rules attached to those funding sources. So we are going to try and restore the funds coordination component of our funds and planning section. We are going to try and develop clarity and the funding/budget roles and responsibilities of project leaders and unit leaders. This will be a major exercise but it will really help create a more clear delegation. In terms of work output and achievements, when you look at what the people in this agency achieve, you have to agree that there is no other organization in government that comes anywhere close to the Arizona Game and Fish Department, and it is because of the quality of the workforce.

Commissioner Mansell stated that he is also incredibly proud of this organization, including the Commissioners, the Director, and Department staff. He is very pleased with the Director's performance and proud to have him as the Director.

Commissioner Husted stated that the evaluation went very well he wanted this agenda item so that the Commission could publicly let everyone know that the Director has the Commission's vote of confidence.

Commissioner Harris agreed with Commissioner Husted's comments and with the Director's comments. He further stated that he agreed with the direction that the Director was going and that he had his vote of confidence.

Chairman Freeman stated that the evaluation went well and he appreciated the Director's comments. He is looking forward to another good year.

The Commission was in consensus to discuss and begin negotiations to extend the Director's contract this fall and not wait until the end of his five year contract.

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

Vote: Unanimous

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Agenda Items 2 and 8 were tabled until after Executive Session. However, there was no need for additional discussion of these items and so they were both closed.

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15. 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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19. (continued) 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: Husted moved and Harris 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 Husted seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM JANUARY 13-14, 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:

- Participated in the Shot Show in Las Vegas and the Council to Advance Hunting and Shooting Sports Board meeting; met with potential donors for the Adobe Mountain Wildlife Center; met with the Board of Directors of the International Hunter Education Association
- Attended the Jr. Pheasant Hunt
- Attended Retirement party for Rick Miller
- Met with Kevin Kinsall, the Governors Natural Resource Advisor
- Met with Sarah Porter and Roger Ferland of Arizona Audubon to discuss areas of common interest and how we can integrate better and improve public outreach
- Had Lunch with Tice Supplee
- Met with Maria Baier regarding acquiring some wildlife habitat in southeastern Arizona
- Met with Rich Langner at Ben Avery to accept donation of clearing barrels
- Attended a retirement party for Joe Hall
- Attended the Federal Aid Joint Task Force in Denver
- Attended SCI in Las Vegas
- Met with Maria Baier, Billy Cordasco and Region I Supervisor Ron Sieg to discuss the work that Babbitt Ranches are doing to further the understanding and foundations of the North American Model from a ranch management perspective
- Attended and spoke at the Joint Annual Meeting of AZ/NM The Wildlife Society and American Fisheries Society
- Attended Sunset Review Hearing and other Senate Hearings
- Met with Commissioner Husted an attorney from Montana to discuss other states are beginning to use federal provisions under CEQ regulations relative to Cooperator Status
- Breakfast meeting with a representative of the Goldwater Institute to discuss a case in which they are trying to represent one of their clients
- Attended the ground breaking ceremony for the Chino Valley Shooting Club
- Currently conducting staff evaluations

Chairman Freeman reported the following activities:

- Attended the two telephonic Commission meetings
- Spent time at the Capitol
- Met with Department staff about communication issues between the regions and the headquarters
- Traveled to Yuma to meet with former Chairman Woodhouse
- Spoke at the Chino Valley Chamber of Commerce about the upcoming shooting range dedication
- Had daily calls with sportsmen's groups and individual sportsmen

- Working to help the Yuma Valley Rod and Gun Club develop a training video for the ALIS system
- Attended the Meet the Commission banquet and attended the LLSRC meeting.

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23. Commissioners Reports

Commissioner Mansell:

- Participated in the Heritage Fund Public Advisory Committee in January (and two other meetings within the last year, one at Lee's Ferry and one at Sipes WA) and thanked the members of the committee for their commitment and the work they do.

Commissioner Harris:

- Participated in the Meet the Commission and attended the Asset Committee meeting chaired by Commissioner Husted
- Attended the Wild Sheep Foundation convention in Reno; worked with staff and had a very good sale of the Desert Bighorn Sheep tag
- Participated in the two telephonic Commission meetings
- Attended the Junior Javelina Camp in Region V
- Spent a lot of time talking with constituents.

Commissioner Davis:

- Was confirmed by the Legislature
- Attended the Meet the Commission banquet
- Participated in two telephonic Commission meetings and this meeting
- Has been going through his Department orientation and stated that it has been a great process.

Commissioner Husted:

- Attended the Commission meetings, Meet the Commission and telephonics
- Spent a lot of time talking with constituents.

* * * * *

24. Future Agenda Items and Action Items

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

- Coordinate discussion between the Chair and Region III regarding the non-control or restrictions regarding loose pets on Commission Wildlife Areas, particularly the Verde
- Schedule for September to start negotiations for the Director's new contract
- In addition to the Director's Goals and Objectives, agenda for discussion (based on the Department's review) the range of options to legally allow groups receiving Commissioner tags the ability to cover cost associated with credit card transaction fees.

* * * * *

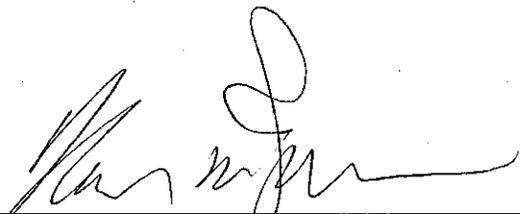
Motion: Harris moved and Husted seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

Vote: Unanimous

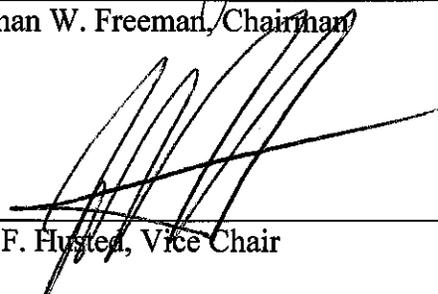
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Meeting adjourned at 3:30 p.m.

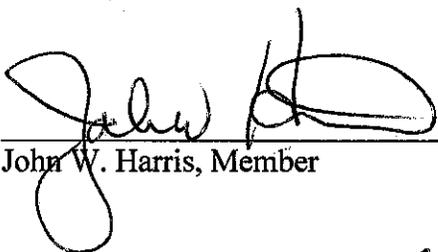
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Norman W. Freeman, Chairman



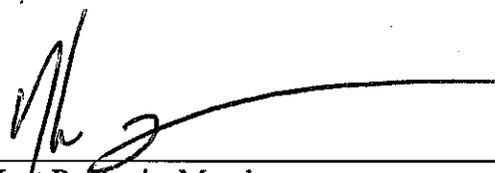
Jack F. Husted, Vice Chair



John W. Harris, Member

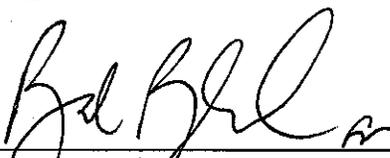


Robert E. Mansell, Member



Kurt R. Davis, Member

ATTEST:



Larry D. Voyles
Secretary and Director

**Game and Fish Litigation Report
Presented at the Commission Meeting
February 10, 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. *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.

3. *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.

The Court issued a ruling on January 31, 2012, affirming the Commission's license revocation and civil assessment decisions.

Lands Update
For the Arizona Game and Fish Commission
February 3, 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 Forest held its appeal negotiation meeting with the Department mid-January, and indicated they will not be changing their decision.

Kaibab National Forest

The Forest is in the final stages of review of the Draft Environmental Impact Statement (DEIS) by their Regional Office. They expect to have completed versions of the Plan and DEIS within the next few weeks. At that time, the Forest will publish a Notice of Availability (NOA) in the Federal Register. The NOA is a short statement (a paragraph or two) that announces the availability of the Plan and DEIS, and initiates a 90 day comment period. After the NOA is published, public and stakeholder meetings will convene, in which the Forest will share key aspects and encourage the public comment.

U.S. FOREST SERVICE

Four Forests Restoration Initiative

The Four Forests Restoration Initiative (4FRI) Stakeholders Group recently submitted the “Biophysical Monitoring Framework” to the US Forest Service for consideration in the Draft Environmental Impact Statement, which is expected to be released later this year. The Framework recommends a set of effectiveness monitoring indicators that include songbird diversity monitoring and landscape connectivity for wildlife monitoring. The expectation is that monitoring costs will be shared between the Stakeholders and the Forest Service. The Department participated heavily in the development of this product to ensure meaningful wildlife indicators would be included in the adaptive management framework of a project likely to have population-level impacts within the ponderosa pine ecosystem of Arizona. With regard to wood-products utilization in 4FRI, the Forest Service has not yet announced the recipient of the 4FRI Stewardship Contract.

Notices of Intent (NOI) to sue related to California condor and the use of lead on National Forests

On behalf of Defenders of Wildlife, the Sierra Club and the Grand Canyon Wildlands Council, the Pacific Environmental Advocacy Center issued a 90-Day NOI to sue the U.S. Forest Service under the Resource Conservation and Recovery Act (RCRA) for “contributing to an imminent and substantial endangerment” and a 60-Day NOI to sue for “violations of the Endangered Species Act Related to California condors” for “knowingly allowing the use of lead ammunition on USFS-managed public land”. The original NOI has elapsed without any suit being filed. The parties may need to file another NOI if they intend to pursue any further legal action.

Apache-Sitgreaves National Forests

The Department provided written comment on the Public Scoping Package for the 98,000 acre Wallow West Fuels Reduction and Forest Recovery Project (Project), which would be implemented on a subset of Wallow Fire impacted acres on the Springerville and Alpine Ranger districts of the Apache-Sitgreaves National Forests. The project would include the thinning of live trees in unburned or low severity burn areas, salvage of dead and dying trees, landscape prescribed fire, meadow restoration, and hand thinning of steep slopes. The Department acknowledged the purpose for the Project and expressed our belief that many aspects of the Proposed Action, if carefully implemented, had the potential to greatly benefit wildlife and the public through improved and long-term maintenance of wildlife habitat, accelerated recovery of burned areas, and reduced severity of future wildfires. The Department did however, express its concern that implementation of Project actions should avoid to the greatest extent practicable further impacts to fire damaged soil resources that could result in delayed vegetative recovery or reduced long-term soil productivity. Similarly, the Department recommended that activities that further degrade water quality and fire impacted fisheries resources be avoided.

Coconino National Forest

The Department has been considering requesting Cooperating Agency status for the Fossil Creek Comprehensive River Management Plan (CRMP) process. The Forest recently laid out the terms of participation to the Department and those are being evaluated. The Forest has offered to have their National Environmental Policy Act (NEPA) Coordinator meet with stakeholders (which includes the Department) to discuss the questions that arose at a November stakeholder meeting related to the Fossil Creek CRMP analysis. Stakeholders will meet with the NEPA planner to get an understanding of how NEPA compliance will work for this analysis and ask specific questions related to the Fossil Creek analysis and stakeholder involvement in the CRMP process. This meeting will be held on Thursday February 23rd from 10 a.m. - noon in Flagstaff.

Coronado National Forest

The Coronado National Forest (Forest) published a Motor Vehicle Use Map (MVUM) for each of its five Ranger Districts in May of 2011. The MVUMs reflect the current designated system of roads on each Ranger District. Because these MVUMs make no changes to the existing designated road system, no public input or analysis under the National Environmental Policy Act (NEPA) was required. The Forest is now considering changes to the designated road system and will consider public input and perform a NEPA analysis before changes are made. Any changes made will be reflected in the next set of MVUMs published.

Since 2006, the Department has been providing comments to the Forest as part of the Travel Management Planning (TMP) process. Additionally, comments on the Forest Plan Revision included input on the travel management planning process.

The Forest's internal Interdisciplinary Team (IDT) met to consider recommendations for changes to the current designated transportation system based on a science based roads analysis and input from the public and presumably input previously provided by the Department. The ID Team's analysis identified the minimum road system needed for each District and provided recommendations for changes to the designated road system. These changes were documented in travel analysis plans and maps. Each District's Travel Analysis Plan resulted in a Proposed Action (proposed changes to the designated road system) for that District. Stakeholders, including the Department, have now been asked to comment on the Proposed Actions.

The Department has previously submitted scoping comments for the Santa Catalina and Nogales Ranger Districts. The Department will submit comments on the Safford and Sierra Vista Ranger Districts in February.

The Forest is simultaneously convening a group of stakeholders to work together collaboratively to “develop consensus” on an alternative to the proposed action for each Ranger District for the Forest Service to analyze under the NEPA. To accomplish this, the Forest has employed the services of the U.S. Institute for Environmental Conflict Resolution, of the Udall Foundation, to manage the process and select a fifteen-person “Collaborative Alternative Team” (CAT). CAT will represent a wide range of stakeholder interests and serve to identify common-ground and work as the “consensus-building” body for the five District workshops. The Department will have a representative on the CAT.

The Department is planning a meeting with Forest staff to discuss coordination on travel management for the current process.

Tonto National Forest

The Tonto released the Draft Environmental Assessment (DEA) for motorized travel management in January 2012. The proposed action alternative preferred by the forest includes removing motorized big game retrieval of deer, prohibits all cross-country motorized travel, limits the motorized big game retrieval to within 200 yards of open Forest Service roads and motorized trails across all districts. The proposed action alternative permits roadside parking up to one-vehicle length from the edge of the road for the purpose of dispersed motorized camping. The limitation would also be placed on some of those existing spur roads commonly used, forcing the public into areas within closer proximity to one another and potentially expanding the footprint of these dispersed camping areas. The proposed action alternative and others also recommends Sycamore and St. Claire OHV areas to be managed by permit. Impacts to law enforcement staff both within the Forest and other agencies does not seem to be considered within the proposed action alternative. The Forest does not mention any plans to coordinate with local law enforcement and judicial jurisdictions to ensure successful implementation of the Motor Vehicle Use Map. In general, the use and designation of several hundred miles of roads as “Administrative Use Only” will be a new term for the public to understand but is defined with the DEA as closed to public use. The overall readability and clarity of the document is problematic as information is missing from the analysis portions. Inconsistencies exist across the document, and information is difficult to assess due to key points being spread across the document and among several linked documents.

BUREAU OF LAND MANAGEMENT (BLM)

AZ Strip Field Office

On Jan 9th, 2012, Secretary Salazar announced his decision to protect the Grand Canyon watershed from the potential adverse effects of additional uranium and other hardrock mining on over 1 million acres of federal land for the next 20 years. The withdrawal does not prohibit previously approved uranium mining, new projects that could be approved on existing claims, and sites with valid existing rights. The withdrawal does pertain to new claims. The withdrawal would allow other natural resource development in the area, including mineral leasing, geothermal leasing and mineral materials sales, to the extent consistent with the applicable land use plans. Approximately 3,200 mining claims are currently located in the withdrawal area.

Kingman BLM Field Office

Department personnel will be participating in early February in route evaluation in support of BLM's ongoing travel management planning effort. Route evaluation will take place for the Poachie Mountains and Bagdad grazing allotments. Two weeks of additional route evaluation will take place in June and July this year, with continued focus on the Bagdad Allotment, Goodwin Mesa, and the Music Mountains.

Yuma Field Office

The Yuma Field Office and Imperial National Wildlife Refuge are preparing a joint Trigo-Imperial Wilderness Plan. Public notices of the scoping process are being prepared. The Department has been and will continue to be involved in the planning process.

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.

The Department continues to engage in the Parashant Partnership, which is a group of varied stakeholders all interested in management of the Monument. The group has had three information-only workshops that have explored management issues from Mojave desert to ponderosa pine vegetation, wildlife, fire management, grazing management, and threatened and endangered species issues. Issues and interests are very diverse in this group, therefore the next step being considered is a stakeholder values-mapping exercise. A values-mapping exercise aims to spatially designate areas of potential interest and management based on variables such as ecological need, areas of least controversy or broadest agreement, areas with the most ecological risk, and those that already have BLM planning completed. The values workshop has been scheduled for April 3-5, 2012. The Department will use the Species and Habitat Conservation Guide, and associated data from Habimap™ to designate important areas for wildlife conservation and planning.

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 not received a response from BLM to date.

Lower Sonoran and Sonoran Desert National Monument

BLM has released the Draft RMP and EIS and closed the comment period. This document provides the guidance for managing the use of the public lands and provides a framework for future land management actions within the planning area. The resource management plan was reviewed and commented on by the Department last month in addition to a direct meeting with the BLM. 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. Additionally, the Department has requested further discussions regarding the PLO1015 lands.

DEPARTMENT OF DEFENSE

Barry M. Goldwater Range

Both the Air Force and Marine Corps have begun a mandated 5 year review process for the Integrated Natural Resources Management Plan. The Department will be an active participant in the process.

GENERAL UPDATES

Access Agreements

7-Up Ranch

Regional personnel secured the signature of the 7- Up ranch owner on a petition to the Commission to keep a gate locked on State Land. If approved, this will enable the completion of an Access Agreement with the 7-Up Ranch to maintain recreational access to thousands of acres of public lands.

Beardsley Parkway Feasibility Study

Maricopa County Dept. of Transportation has initiated a corridor feasibility study for another 6-8 lane parkway as part of the ongoing transportation planning in western Maricopa County. The proposed parkway generally follows the Deer Valley Road alignment between the US 60 and the Hassayampa River corridor, north of the White Tank Mountains. MCDOT has stated that the purpose and need for action is based on the projected “buildout” transportation demands analyzed around the MAG Hassayampa Framework Study. The Departments primary concerns in this area relate to impacts to wildlife linkage goals for the White Tank Mountains. The parkway would traverse several major wash corridors (Iona/Trilby washes), which the City of Surprise recently amended their General Land Use plan to include as wildlife linkages. The Department will be working in coordination with the City to recommend an alignment alternative that minimizes impacts to wildlife movement through the corridor.

Feral Horse Update

Over the last year, the Department has been meeting cooperatively with several partners (Salt River Pima-Maricopa Indian Community, Fort McDowell Yavapai Nation, Tonto National Forest, Arizona Department of Agriculture, and interested other parties) to address concerns over trespass feral horses and subsequent wildlife habitat damage on the Lower Salt and Lower Verde Rivers. The partners have started discussions regarding an intergovernmental agreement to administer any programs to control this growing population that is roughly estimated between to be 100 and 200 animals. Needs have been discussed including baseline population estimate, official declaration from the State as “feral” or trespass livestock, removal through round-up, and/or population control through the use of contraceptives (PZP).The Region continues to offer

technical assistance including the use of the Bald Eagle Management Program nest watchers to ancillary document observations of feral horses in the areas.

PM-10

Maricopa County Air Quality Update

Maricopa Association of Governments (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. The new Dust Action General Permit was passed in late December in 2011 and includes:

- Landowners do not have to apply for the Dust Action General Permit but are expected to sign up with ADEQ for their automated high-pollution advisory (HPA) forecast. For those days that are forecast as HPA PM10 alert days, landowners are expected to implement the best management practices(BMP) in the Dust Action General Permit to reduce fugitive dust (typically wind speeds sustained over 15 MPH).
- These requirements are in addition to any other activity that already requires a permit from ADEQ or MCAQD such as described in MCAQD Rule 310.01.
- If landowners are found not implementing the best management practices then the Director of ADEQ can require that landowner to apply for a permit and issue a requirement to operate (RTO) in which dust-generating activities are more closely monitored by ADEQ or MCAQD.
- There are approximately six (6) HPA PM10 days per/year.
- The Department may have to analyze the cost/benefit of treating the range and other vacant lots at Ben Avery to meet the best management practices, (water, gravel, or other dust abatement material (ADOT has a state contract)) or risk being cited or brought under an RTO.
- OHVs are still restricted from operation on these HPA PM10 days.

Potash Mining

Department personnel held an initial meeting with representatives from Prospect Global Resources (PGR), one of three companies with interests in developing potash mining in Apache and Navajo counties near the Petrified Forest National Park. The purpose of the meeting was to cultivate a working relationship with PGR, familiarize the Department with the techniques and infrastructure involved in potash mining so that a better evaluation of potential impacts to wildlife and wildlife recreational access could be made as planning for the project moves forward, and to inform PGR of general wildlife and wildlife recreational access concerns.

Proposed Rosemont Copper Project

The Department submitted 58 pages of comments on the Rosemont Copper Project Draft Environmental Impact Statement (DEIS) on the deadline of January 18th. The Department's comments on the DEIS were incorporated by reference in a letter commenting on the Army Corps of Engineers Clean Water Act Section 404 Permit Application for the Rosemont Copper Project.

The Department's cover letter on the DEIS focused on loss of hunter opportunity and associated economic impact from that loss, the Forest's failure to identify adverse impacts of the project on wildlife and habitat, the Forest's failure to identify adequate and meaningful mitigation for impacts to wildlife, habitat, and recreation, and the Forest's lack of cooperation and coordination with the Department throughout the NEPA process.

The Department's issue-specific comments on the DEIS related to lack of compliance with the existing Forest Plan, Santa Cruz sub-basin water quantity impacts, Cienega basin water quantity and quality impacts, water rights issues, wildlife resource impacts including wildlife linkages, specific comments on mitigation, and reclamation and closure inadequacies.

The Department's comments on the Army Corps 404 permit incorporated all of the DEIS comments and also referenced the Clean Water Act's requirement that no permit be issued unless the applicant demonstrates that there is no 'less environmentally damaging' practical alternative that achieves the applicant's project purpose. It is the Department's position that the Rosemont DEIS does not sufficiently identify all potential direct, indirect, and cumulative impacts of the proposed project to waters of the U.S. including water quality, riparian areas, and habitat; and does not sufficiently analyze all potential alternatives for the 'least environmentally damaging practical alternative' as required by the Act.

Renewable Energy Development

Wind

Mohave County Wind Project

The USFWS provided written comment to BP in review of their initial surveys 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. Mohave County Wind Farm/BP has conducted the first round of eagle surveys for survey year 2012, and have nine additional rounds scheduled throughout February, March and April of this year. During the January surveys, point counts and nest watches were conducted at 16 separate areas within the project area. The team saw one Golden Eagle west of Highway 93 outside the project boundary. The single eagle was seen on the cliffs in the area of an active nest, but was not witnessed attending the nest. Regional personnel continue to participate in this process by sharing data and compiling AZGFD survey results with BP. The environmental advisor for BP is coordinating with the USFWS and the BLM on eagle monitoring results and additional nest surveys throughout the spring.

The Mohave County Wind Farm Project has received comments on their initial draft of the Environmental Impact Statement (EIS), and is currently reviewing core participating organizations comments for draft changes. A meeting is scheduled for February 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. The Department is currently in discussions with the project's proponent British Petroleum Alternative Energy (BP) to determine possible mitigation measures for Golden Eagles and Desert Tortoise within the project boundary.

Boquillas (Aubrey Cliffs) Wind Project

Regional personnel reviewed and submitted comments to the Phoenix-based Habitat Program regarding an interim avian and bat report that was submitted by the project proponent for review by the Department. The Department is holding off on issuing formal comments to the project proponent until additional reports are submitted for review.

Perrin Ranch

The Perrin Ranch wind farm began producing power during January. As of last week, all 62 turbines were spinning. This week, SWCA (consultants to NextEra) will begin post-construction monitoring, which will involve searching the base of a sample of towers for avian and bat carcasses. The Technical Advisory Committee (of which the Department is a key member) plans to have their next meeting in March 2012, which will be a site visit to the operating wind farm. There has been a high number of eagles seen in close proximity to the project due to a sheep die off. SWCA began searching the wind site to see if any eagles were killed as a result.

Grapevine

The Department received the first draft of the Avian and Bat Protection Plan for the Grapevine wind project this week. The Department, along with the USFWS, will begin review of the document within the next month. Major topics to discuss and negotiate will be possible mortality to birds and bats, and the possible impact of the wind farm on the pronghorn herd on Anderson Mesa. The Grapevine project, if built out completely, could be a 500 MW facility southeast of Flagstaff, however, it will likely be built in several 100 MW phases. The developers have not yet procured a Power Purchase Agreement from a power company or a Conditional Use Permit from Coconino County.

Transmission Lines

APS Dugas to Morgan

APS proposes to retrofit the transmission line with fiber-optic cable via helicopter and ground crews along a 51.5 mile segment. The line will meet critical system communication needs and would be the only fiber-optic communications link from Phoenix Metro to Verde Valley. The Department participated in the initial discussion for the project, with early initiation due to the APS route identified as crossing through Horseshoe Ranch, and continues to participate in discussions. The first two chapters are currently under review (purpose and need, proposed action/alternatives).

SunZia Transmission Line Project

As a cooperating agency, the Department received a 900 page Administrative Draft Environmental Impact Statement (ADEIS) for the SunZia Transmission Project. Additionally, we received nine appendices and 15 maps. The Bureau of Land Management (BLM) is the lead federal agency for the process, which is being conducted pursuant to the National Environmental Policy Act, and the Federal Land Management and Policy Act. The Department was given 21 days for administrative review of the project with a deadline of February 14, 2012. The Department informed BLM of our intent to ask for 45 days to review the ADEIS.

The project is proposed by SunZia Transmission, LLC. The company plans to construct and operate up to two 500 kilovolt (kV) transmission lines originating at a new substation in either Socorro County or Lincoln County in the vicinity of Bingham or Ancho, New Mexico, and terminating at the Pinal Central Substation in Pinal County near Coolidge, Arizona.

The purpose of the proposed project is to transport electricity generated by power generation resources to western power markets and load centers. The proposed transmission line route would be approximately 460 miles in length. The proposed route and alternatives would cross approximately 45 miles of BLM lands in Arizona and 170 miles in New Mexico, along with state and private lands.

A preferred route was chosen by BLM, but this is a preliminary decision. The Department is particularly concerned with a route that will fragment the Aravaipa region from the Galiuro Mountains region. We have selected the I-10 corridor as our preferred alternative. The I-10 route has unfortunately been dropped from consideration. The Department of Defense (DOD) has concerns regarding electrical interference with the electronic proving ground at Ft. Huachuca (particularly the I-10 corridor) and has stated their preferred alternative as the most northerly route, which bisects the sheep habitat between the Galiuro and Aravaipa populations. The Department and the DOD have both expressed particular concern with cumulative impacts that may result, including new electrical generating facilities, residential developments, and “piggyback” infrastructure co-locating along the route to take advantage of previous clearances.

Upper Verde River Wildlife Area

Department personnel met with the Arizona State Land Department lessee on property contiguous to the Department’s Verde River property to assess the potential for fencing improvements on state trust lands that would exclude cattle from the Upper Verde River Wildlife Area. Future restoration of this property requires that wayward cattle be excluded. Internal efforts are underway to develop a GIS map that will accurately identify exact acreage that would be lost to the lessee by constructing the requested fence upon his property. Negotiations will continue when this information becomes available.

Implementation of riparian habitat restoration measures will soon commence in the Upper Verde River wildlife Area. The Region was awarded a RAC grant for this purpose in late 2011. In order to move forward with the implementation measures described in the Habitat Restoration Grant proposal, a cooperative agreement needed to be developed, to allow for the exchange of funds, goods and services between the Department and NPS in the execution of this action. That Agreement was recently, reviewed, and pre-approved by the Department’s AG and submitted through the chain of command for execution.

Vulture Mountain Park Venture

BLM and Maricopa County Parks are proposing a jointly managed park in the Vulture Mountains on 70,000 acres of BLM Land. The current proposal from County Parks, through the R&PP process, would manage the developed facilities and BLM would continue to manage the land under FLPMA. The Department has been a stakeholder in the planning process. Department staff met with County Parks to discuss the Department being a signatory to the Cooperative Management Agreement. The Department’s primary objectives are to provide wildlife management expertise to minimize impacts to wildlife, assist in developing watchable wildlife opportunities, assist in law enforcement, and maintain and coordinate hunting opportunities.

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.

Pinal County Wildlife Linkages

The Department is currently working to produce a draft of the east valley focus area in order to provide information to various planning efforts, agencies and organizations involved in those efforts for early incorporation of these important linkage areas.

Winterkill Monitoring

Department personnel continue to work on a project to reduce the frequency of winter fish kills in three high elevation trout lakes in Apache County. Winterkill results from the depletion of oxygen under thick ice and snow cover during the winter, leading to loss of angler opportunity and expense of total restocking. Biologists visited Carnero Lake, Lee Valley Lake, and Crescent Lake as recent as January 10, 2012 to gather data on oxygen depletion rates. Dissolved oxygen levels were very good at all three lakes, likely due to the lack of snow present on the ice that would cut off sunlight penetration and photosynthesis. However, the oxygen depletion rates that could lead to fish kills are most critical in February and March. Biologists plan to visit these lakes every three weeks to monitor and gather data on these depletion rates and the conditions that cause them so that strategies can be developed to address the problem.