

Minutes of the Meeting of the  
Arizona Game and Fish Commission  
Friday, March 9, 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

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. Commissioner Davis was not present for this meeting. This meeting followed an agenda dated March 6, 2012.

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### Awards and Recognition

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

- Luke Apfel, Wildlife Manager
- Matthew Padilla, Wildlife Manager

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### 1. Public Comment

Joe Platt, former member of Rio Salado Sportsmen's Club, representing himself, addressed the Commission. Mr. Platt's membership with Rio Salado Sportsmen's Club was suspended for two years because of a scoring dispute at a competitive event. He does not debate that matter, however, he believes the club has inappropriately banned him from all Commission owned property that is managed by the Rio Salado Sportsmen's Club through its agreement with the Commission. Banning him is not in compliance with the Club's agreement with the Commission and he should be allowed on the property as a member of the public. Mr. Platt asked the Commission to direct the Club to comply with the agreement and allow him to use the facility as a member of the public.

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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

- Passed Senate as amended 27-3
- Senator Griffin proposed 2 Amendments: 1) Decreases continuation from 10 to 5 years and 2) Requires Performance Audit by 12/31/12
- Scheduled hearing in House Energy and Natural Resources Committee on 3/12/12.

##### SB 1305: game and fish omnibus act

- Passed Senate 27-1
- Scheduled hearing in House Military Affairs and Public Safety Committee on 3/14/12
- This bill will likely be changed to something entirely different but the game and fish omnibus act will move forward with HB 2639.

##### HB 2355: watercraft; registration; fees

- Passed House 59-0
- Passed Senate Natural Resources and Transportation Committee 4-0.

##### HB 2639: game and fish omnibus act

- Passed House as amended 56-0
- Scheduled hearing in Senate Natural Resources and Transportation Committee on 3/12/12
- The Department will propose the following amendments:
  1. Strike Interstate Compact Language
  2. Insert the following GIS language:
    - geospatial data that the department receives, maintains, shares or stores is not subject to disclosure or inspection under title 39, chapter 1, article 2 if the department provides geospatial data to the public through geographic information system services
    - wildlife species location information is not subject to disclosure or inspection under title 39, chapter 1, article 2 for wildlife species location information on private property or when the department determines that disclosure or inspection of the information may cause harm to any wildlife species
    - for the purposes of this section, "geospatial data" and "geographic information system" have the same meaning as prescribed in section 37-171."

The Department recommended that the Commission vote to approve the Department's proposed amendments to HB 2639.

**Motion:** Husted moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE DEPARTMENT'S RECOMMENDED AMENDMENTS TO HB 2639 AS PRESENTED.

**Vote:** Unanimous  
4 to 0  
Davis not present

HB 2457: S/E possessions of weapons while hunting

- Passed House 54-4
- Scheduled hearing in Senate Judiciary Committee on 3/12/12.

SB 1521: heritage fund; audit; hearing

- Passed Senate 30-0
- Scheduled hearing in House Energy and Natural Resources Committee on 3/12/12.

Commission Opposed Legislation

SB 1453: applying aquatic poisons

- Passed Senate as Amended 21-9
- Scheduled hearing in House Environment Committee on 3/13/12
- Senator Griffin Floor Amendment as follows: Removes the 10 mile radius written notification requirement and instead requires written notification to those lands contiguous with the treatment area and further requires general publication in a daily or weekly newspaper within the general application area. Additionally, the amendment excludes applications which require a federally issued Incidental Take Permit and occurs in either a reservoir with a capacity of at least 10,000 acre feet or to the Colorado River below and including Lake Mead.

HB 2072: sale of big game tags

- Has not received a hearing
- A Strike Everything bill is anticipated.

Chairman Freeman asked about a meeting with the Governor's staff related to this bill and if Mr. Guiles or Director Voyles was invited.

Mr. Guiles and Director Voyles both stated that they were not invited.

Commissioner Harris stated that there was a meeting at the Governor's Office regarding HB 2072 and it was not a secret meeting as it has been alluded to be. He and another Commissioner were invited and so they attended. They were asked at the meeting how a compromise could be worked out, but he and the other Commissioner just reiterated the Commission's position on the bill.

Chairman Freeman stated that the Director wasn't invited nor the Commission Chair who is one of the two Commission Legislative Liaisons, and that the Commission Chair was not even notified about the meeting until a sportsman notified him at the time the meeting was occurring. He hopes this can be corrected going forward. The purpose of bringing this up is to get this documented and in the public record as to what occurred.

Other Bills of Interest

HB 2640: hunting, firearm magazine capacity

- Passed House 42-15
- Passed Senate Judiciary Committee 6-2.

HB 2728: firearms; sound suppressors; hunting

- Passed House 42-14
- Passed Senate Judiciary Committee 6-2.

HB 2786: off-highway vehicles; indicia

- Held by Chairman on 2/16/12.

HCR 2047: state parks heritage fund; restoration

- Passed 9-0 in House Agriculture and Water Committee on 2/9/12
- Has not moved since.

Congressional LegislationHR 4078: Sportsman's Heritage Act of 2012

- Passed the U.S. House Natural Resources Committee 27-16 on 2/29/12
- Awaits a vote before the full House.

HR 4089: Package of four high-priority bills that will:

- a. Classify BLM and US Forest Service land as open to hunting, fishing and recreational shooting unless closed or restricted based on scientific evidence
- b. Confirm that the federal Environmental Protection Agency (EPA) cannot ban lead in traditional ammunition or in sport fishing gear
- c. Protect recreational shooting on BLM National Monument land; and
- d. Allow the import of legally hunted polar bear trophies now tangled in federal red-tape.

The Department recommended that the Commission take a position to support HR 4089.

The Commission was in consensus that they needed more time to review HR 4089 and would consider taking a position at the next regular Commission meeting.

Public Comment

George Reiners, Legislative Liaison, Yuma Valley Rod and Gun Club (YVRGC): Expressed concern about HB 2072. He was told the bill would not be heard or come back in its current form. However, there is a very strong push to bring it back in another form. The YVRGC is adamantly opposed to this bill in any form.

Allen Taylor, representing himself: Expressed that he is adamantly opposed to HB 2072. First, it is a privatization of a public resource, and further, he saw a presentation supporting the bill at an ADA meeting and there was no indication in the presentation that there is a plan or any tangible evidence of how it could work.

Commissioner Husted stated that he was the other Commissioner at the meeting at the Governor's Office as mentioned by Commissioner Harris. He apologized for not informing the Chairman, however, he was invited on short notice and he attended. At that meeting, he and Commissioner Harris continually hammered the Commission's position that it does not support HB 2072 in its current form or any form. More than anything, he is concerned that sportsmen need to be together and understand that the leadership among the Commission and the credibility of the Department is very critical. He believes there will be serious opposition to Arizona's hunting heritage and its future. He would much rather have the sportsmen/conservation community together and behind leadership that is understanding and inclusive. He doesn't believe HB 2072 is going to get the traction that it needs and it's time to move forward.

Mr. Taylor discussed the presentation supporting HB 2072 with the Commission and the misleading information it contained. In particular it mentions the Department's audit processes or lack thereof. It was brought up during the presentation that the Department has not been audited in 20 years.

Lizette Morgan, the Department's Chief Financial Officer, provided the Commission with a brief overview of some of the significant audits that the Department undergoes on a continual basis. The Department is subject to the Single Audit Act and is audited by the Auditor General's Office on an annual basis. The Department just completed a rigorous programmatic audit from the USFWS and just underwent a rigorous and substantive programmatic and financial audit on the Heritage Fund. The Department has individual audits performed as well. Two funds are audited per state statute by an independent auditor every year. The Capital Improvement Fund and the Conservation Development Fund per statute are required to be audited. The Department lives in a world of audit and at any given time there are about three audits in process, either from the Department of Administration, the Auditor General or the federal government.

Director Voyles stated that there may be some confusion with regards to the recent Sunset Review of the Department by the Legislature. The Department does not currently go through an audit by the Legislature.

#### Public Comment

Bruce Johnson, representing himself: Strongly opposes HB 2072 in any form. Regarding Department audits, audit information should be put out on the Department's website. These things that come up need to be answered quickly so everyone knows who is telling the truth and who is not. Mr. Johnson further requested that the Department keep the public informed in case this bill comes back in another form such as in the form of a strike everything bill.

Chairman Freeman asked about the Title 17 language regarding the Commission keeping the public informed and asked how the Department can inform the public without inflaming the issues.

Director Voyles stated that in discussions that began a year ago the Department made it clear and committed that it would not solicit the public to advocate one way or the other on legislation. The Department has adhered to that commitment and continues to adhere to that now. So to use HB 2072 as an example, the Department has put information on the website to inform the public

but has not called the public to lobby or take a stance one way or the other. The Department encourages everyone to participate in the political and legislative process if they have an opinion, but it is generic.

Commissioner Husted clarified by using HB 2072 for an example. If it comes back in any form, the Commission will immediately hold a telephonic meeting and take a position. That position then becomes a press release and that is what the public can expect.

Director Voyles concurred that the public would be kept informed in that manner.

### Public Comment

Bruce Johnson wrapped up his comments by stating that he has made several requests for information from Arizona Sportsmen for Wildlife Conservation and they have not responded to his requests. So, there is a big difference between having a shadow organization manage part of our wildlife and in having a public agency manage our wildlife.

Terry Herndon, representing himself and Southwest Sportsman's Alliance: Strongly opposes HB 2072. He has an issue when there is no transparency. If a group wants to be taken seriously, they have to have transparency, trust, partnership and integrity.

Steve Clark, representing himself: Opposes HB 2072 in any way, shape or form. Everything AZSFWC says they are going to do, the Department is already doing. The Department is leading the country in hunter recruitment and retention efforts and needs to do a better job of informing sportsmen about these activities and efforts.

Commissioner Harris commented that in the meeting at the Governor's Office the four concepts of recruitment and retention, access, predator control, and the attack on hunting were discussed. He and Commissioner Husted agreed with the four concepts, but they did not agree with the way AZSFWC is going about to fund those four concepts. This is what he and Commissioner Husted stated very clearly at the Governor's Office.

Commissioner Husted thanked Mr. Clark for his support and commented that sportsmen need to recognize that the Department is a leader in wildlife management and be proud, supportive and knowledgeable of the Department. People have a tendency to complain about something they don't like or harbor some past resentment against the Department, but now is the time to come together and to work together. The Department is leading the nation in certain areas, but it can still do better and will do better.

Chairman Freeman commented on the sportsmen's blogs and suggested that rather than just communicate with each other, the sportsmen need to be reaching out to communicate with their leaders and representatives in government. He also encouraged sportsmen to come to Commission meetings and engage in discussions with the Commission.

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### 3. Commission Committees

**Presenter:** Bob Broscheid, Deputy Director

At the February Commission meeting the Commission confirmed the establishment of a Sportsman's Stakeholder/Constituent Committee and appointed Commissioner Davis as the chair of that committee. The purpose of the committee is to provide a forum to unite sportsmen and groups to work on common issues. It is a way to involve the average sportsman who is not a member of an organization and to address how we can do better in discussing and developing commonality. March 22, 2012 from 6:00 p.m. to 9:00 p.m. has been set to kickoff the first meeting of this committee and discuss how we are going to move forward. Commissioner Davis will be there and numerous Department staff will be there to help.

#### Public Comment

George Reiners, Legislative Liaison, YVRGC: Stated that he is proud of this Commission and the formation of this new sportsman and constituents committee, and the new Commissioner that is going to chair the committee. He would like to see HB 2072 left out of the meeting and not let this turn into an HB 2072 bashing meeting.

Terry Herndon, representing the Southwest Sportsmen's Alliance: Shared that the Southwest Sportsmen's Alliance is a new group located in the Yuma area and they have lots of plans for projects and activities. They will soon be getting their 501c3 and will be on board to assist the Department or Commission with whatever they may need in the Yuma area.

Commissioner Harris invited the Southwest Sportsmen's Alliance to become involved in the Habitat Partnership Committee (HPC), where they expend funds for things like water holes, etc.

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#### 4. 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 (also 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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#### 5. Request for the Commission to Approve an Agreement with the Northern Arizona Shooting Foundation for the Management and Operation of the Commission-Owned Public Shooting Facility in Coconino County, Arizona.

**Presenter:** Jay Cook, Shooting Sports Branch Chief

The Commission owns 160 acres near Interstate 40 in Coconino County for the development of the Northern Arizona Shooting Range. The Department requested that the Commission approve a ten-year License Agreement with the Northern Arizona Shooting Foundation for the management and operation of the facility.

**Motion:** Mansell moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE AN AGREEMENT WITH THE NORTHERN ARIZONA SHOOTING FOUNDATION FOR MANAGEMENT AND OPERATION OF A COMMISSION-OWNED PUBLIC SHOOTING FACILITY IN COCONINO COUNTY, ARIZONA, AND TO EXECUTE THE AGREEMENT AS RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

The following members of the public addressed the Commission in support of this agreement:

- Mike Golightly, representing himself (former Game and Fish Commissioner)
- Bill McLean, Vice President, Northern Arizona Shooting Foundation, Inc. (former Commissioner)
- Bill Gow, President, Northern Arizona Shooting Foundation (Called in from Flagstaff Regional Office).

**Vote:** Unanimous  
4 to 0  
Davis not present

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Meeting recessed for a break at 9:56 a.m.

Meeting reconvened at 10:18 a.m.

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#### 6. 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 reminded the Commission of the upcoming Outdoor Expo to be held on March 30 through April 1, 2012. The Commission discussed with Mr. Gray that the Expo is expected to continue to grow in attendance and that it has both an economic component as well as a profound recruitment effort component. It also covers a cross section of interest with various communities such as mounted shooting, firearms, angling, archery, and more. Additionally, it is a very hands-on interactive Expo.

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10. Request from Coconino County for Commission Support of Acquisition of Open Space at Ft. Tuthill under the Arizona Preserve Initiative Process

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

Coconino County submitted a petition to the State Land Commissioner to initiate the Arizona Preserve Initiative process for the acquisition of 220 acres of State Trust Land adjacent to Ft. Tuthill County Park. The lands are specifically in Section 6 of Township 20 North, Range 7 East.

Mr. Avey introduced Jeanne Trupiano, Planning and Acquisition Manager from Coconino County Parks and Recreation, who provided a presentation to the Commission in support of the County's Acquisition of Open Space at Ft. Tuthill under the Arizona Preserve Initiative Process. Ms. Trupiano asked the Commission for their support of a Resolution of Support for the project.

**Motion:** Husted moved and Mansell seconded THAT THE COMMISSION VOTE TO SUPPORT COCONINO COUNTY'S ACQUISITION AND SUBSEQUENT CONSERVATION EASEMENT AT FT. TUTHILL.

Commissioner Husted suggested that the Department draft two letters to the State Land Department reflecting the Commission's position, one from the Director and one from the Chairman. The Commission was in consensus.

Director Voyles suggested that the Department provide a future presentation to the Commission on the Watchable Wildlife partnership that is forming in Coconino County with Region II and private partners.

**Vote:** Unanimous  
4 to 0  
Davis not present

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7. Commission Policies on Hunting, Fishing, and Wildlife Viewing

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

Mr. McMullen presented the Commission with draft Commission policies on hunting, fishing, and wildlife viewing (Copies were provided prior to this meeting for consideration). Hunting and fishing are Arizona traditions and wildlife viewing is a growing trend among wildlife enthusiasts. Wildlife-related recreation is key to the foundation of wildlife conservation in Arizona. Since its beginning, the Arizona Game and Fish Commission has established season dates and bag limits in order to provide a sustainable harvest of Arizona game species. For many years participation in hunting and angling has been declining in Arizona, and across the country. In addition, broad-scale societal shifts such as urbanization, modernization, and demographic changes have affected the way many people interact with wildlife. Today, people are showing an increasing tendency to connect with wildlife on emotional terms. This shift in wildlife value

orientation, along with declining participation in hunting and angling has highlighted the need for the Commission to establish position statements about hunting, fishing, and wildlife viewing.

The Commission was in consensus to take additional time to review the policies and requested that the Department bring this back at the next regular Commission meeting.

Director Voyles requested that the Commission provide feedback to the Department prior to the next meeting so that the policies can be fine tuned for next month's presentation. The Commission was in consensus to provide feedback to the Department by March 23, 2012.

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8. Update on the Guidelines for the 2012–2013 and 2013–2014 Hunting Seasons adopted by the Commission in August 2011.

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

Mr. Wakeling briefed the Commission using a PowerPoint presentation that included charts and graphs with historical and current data and comparisons. At its August 27, 2011 meeting, the Arizona Game and Fish Commission adopted new hunt guidelines that would govern hunt recommendations developed for the 2012–2013 and 2013–2014 hunting seasons. These guidelines were amended to adopt additional public and Commission input at the December 3, 2011 meeting. The Department committed to reviewing the potential influence that the changes, primarily to deer and elk guidelines, may have on permit levels and revenues. The Department assessed the influence that the new hunt guidelines would have had on the 2011 mule deer, white-tailed deer, and elk permit levels using the data collected and used to develop those hunt recommendations.

For elk permit numbers recommended in 2011, wildlife managers used a bull to cow ratio of 15–25:100 as the range toward which to manage, although bull to cow ratios on average were substantially higher than that statewide. The hunt guidelines range for bull to cow ratios was increased to 25–35:100 in August. The recommended number of general permits for elk was 22,240 for 2011, but had the new hunt guidelines been in place, a 200-permit reduction statewide for bull hunting would have been recommended based on our best estimates. This would have reduced revenue for the Department during fall of 2011 by \$24,300.00–\$33,770.00, depending on the proportion of nonresidents drawn.

For white-tailed deer permit numbers recommended in 2011, wildlife managers used a buck to doe ratio of 15–25:100 as the range toward which to manage, although buck to doe ratios on average were somewhat higher statewide. The hunt guidelines range for buck to doe ratios were increased to 20–30:100 in August. The recommended number of general permits for white-tailed deer was 21,990 for 2011, but had the new hunt guidelines been in place, a 255-permit reduction statewide for white-tailed deer hunting would have been recommended based on our best estimates. This would have reduced revenue for the Department during fall 2011 by \$10,773.75–\$15,631.50, depending on the proportion of nonresidents drawn.

For mule deer permit numbers recommended in 2011, wildlife managers used a buck to doe ratio of 10–20:100 as the range toward which to manage, although buck to doe ratios on average were

somewhat higher statewide. The hunt guidelines range for buck to doe ratios were increased to 20–30:100 in August. The recommended number of general permits for mule deer was 27,835, but had the new hunt guidelines been in place, a 1,465-permit reduction statewide for mule deer hunting would have been recommended based on our best estimates. This would have reduced revenue for the Department during fall 2011 by \$61,896.25–\$89,804.50. Had a less aggressive increase of buck to doe ratios been adopted with a target range of 15–25:100 for mule deer, a 150-permit reduction statewide for mule deer hunting would have been recommended based on our best estimates. This would have reduced revenue for the Department during fall 2011 by \$6,337.50–\$9,195.00.

Based on the Department's best estimates, 2011 deer and elk permit recommendations would have been reduced by 1,920 permits and revenues would have been reduced by \$96,970.00–\$139,206 depending on the proportion of nonresidents drawn.

The Commission discussed the information provided in the presentation. A three-pronged approach must be considered: 1) A revenue stream to run the Department; 2) recruitment and retention of hunters; and 3) management of a good wildlife population. This is a very complicated issue. The Commission thanked the Department for the presentation and did not take any action or provide any further direction at this time.

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

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

A copy of the Lands Update report (attached) was provided to the Commission prior to this meeting and was available to the public. The update addressed the latest developments relating to the implementation of land and resource management plans and projects on private, state and federal lands in Arizona and other related matters, and included decisions or activities since the last regular Commission meeting. This update is in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding decisions and actions on all State and Federal lands in Arizona.

Mr. Avey provided the following additional updates:

- The Tonto National Forest came out with their draft EA regarding their Travel Management Plan. The Department submitted comments earlier this week. Once again there is a variance in the motorized big game retrieval methodology that is going to be applied to the Tonto National Forest. This will be an ongoing concern among constituents as it has been for a long time with the Commission and with the Department
- The 2012 Forest Planning Rule is out in final form. This is the third iteration, so hopefully this iteration will stand up in court and allow the Department to move forward with some forest planning
- The Department submitted comments this week regarding the Longview Hydroelectric preliminary permitting application. A hydroelectric project in the Ashfork area is planning to use aquifer water to pump uphill during the day and allow a hydroelectric plant to be generated. The Department has automatic intervening authority because of its

state wildlife agency status so the Department has intervened in this particular case. This proposal is in the early stages so the Commission will receive additional updates as this moves along.

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## 11. Consent Agenda

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

### a. Renewal of the Forage Resource Study Group Selective Road Closures on State Trust Lands, Coconino County

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

The Forage Resource Study Group (FRSG) is a diverse group of agency, resource user group, and landowner representatives who convene periodically to develop resource management strategies within their area of interest. The subject area consists of Arizona Game and Fish Management Units 5A and 5B, near Flagstaff, Arizona. In 1996, the FRSG filed a petition with the Commission requesting road closures within these units for the protection and enhancement of soil, watershed, vegetation, and wildlife habitat while maintaining reasonable alternate public access. The FRSG developed the road closures in conjunction with a Road Management Plan (Plan) as one element in a holistic approach to resource management. Initially heard at the September 1996 meeting, the Commission reviewed the proposal and directed the FRSG to facilitate a compromise with public users who raised objections to specific road closures. User groups and organizations were contacted by the FRSG to identify potential concerns. There was little opposition, and the FRSG worked cooperatively with the individuals that responded. Their issues focused primarily on hunting access, and were successfully resolved. The Commission unanimously approved the plan at its December 1996 meeting and then renewed it in 2002 and 2007. The time period for the closures has expired once again. Involved parties believe that the objectives outlined in the Plan are being met, and there has been public acceptance of the designated access routes. Rehabilitation of closed roadways has been successful while ensuring hunter and recreation access. The parties have requested that the closures designated in the Plan continue for another five-year period to allow further progress towards the stated goals and objectives.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE RENEWAL OF THE FORAGE RESOUCUE STUDY GROUP ROAD CLOSURES WITHIN GAME MANAGEMENT UNITS 5A AND 5B FOR RESOURCE PROTECTION.

### b. Renewal of a Road Closure on State Trust Land West of Eager, Arizona

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

Wink Crigler has requested the renewal of a closure to vehicular access which was granted by the Arizona Game and Fish Commission, with concurrence from the Arizona State Land Department, in 2002 and renewed in 2007. This closure addresses an unnamed two-track road, 0.35 miles in length, which crosses the Little Colorado River and proceeds to the Old Walton Place (a historic building). The closure has been successful in reducing stream bank erosion at the river crossing and further resource damage to the soils and vegetation of the riparian area and floodplain from off-road vehicles. The Department is aware of no complaints regarding the closure. Hunters, fishermen, and other outdoor recreationists still use the area in its “foot access only” form. Regional personnel and the Arizona State Land Department support renewal of this closure for natural resource protection.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE REQUEST TO RENEW A ROAD CLOSURE ON STATE TRUST LAND LOCATED APPROXIMATELY FOUR MILES WEST OF EAGER.

c. Request for Commission Approval of a Resolution authorizing the Department to Seek Grant Funding for Habitat Improvement on Whitewater Draw

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

The Whitewater Draw property owned by Arizona Game and Fish is one of three major roosting sites in southern Arizona. The Moist Soil Unit, a critical habitat for various migrating birds, is experiencing unacceptable seepage. The improvements to the Moist Soil Unit will reduce the energy required to pump water and conserve more efficiently the water in use to benefit the endangered and threatened species migrating through Arizona. The Arizona Game and Fish Department requests \$206,153 in direct costs to purchase the Bentonite (Total Project Costs: \$610,080) as listed in the Opportunity Number R12SF34001, CFDA: 15.517 Bureau of Reclamation – Lower Colorado Region with a 1:1 match from AZGFD Waterfowl funds, index 23018, 23019, and 23020.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE RESOLUTION AUTHORIZING THE DEPARTMENT TO PURSUE FUNDING FOR THE WHITEWATER DRAW MOIST SOIL UNIT AUGMENTATION TO REDUCE SEEPAGE FROM THE BUREAU OF RECLAMATION UNDER THE FY2012 WATERSMART GRANT PROJECT.

d. Request for Commission approval of the Service Agreement between the Arizona Game and Fish Department and the Western Governors’ Association.

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

The Western Governors’ Association (WGA) Wildlife Council approved the allocation of money from the Department of Energy grant #DE-OE0000422 to the Arizona Game and Fish Department (Department) for work related to the development of wildlife corridor and landscape integrity modeling for Arizona. These datasets will be included in HabiMap™ Arizona, which serves as the Department’s Crucial Habitat Assessment Tool, or CHAT, the development of which is the focus of the Department of Energy grant. The Service Agreement between the Department and the WGA will allow the Department to receive funds to hire a contractor to

assist with the development of the corridor and landscape integrity dataset.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE SERVICE AGREEMENT BETWEEN THE ARIZONA GAME AND FISH DEPARTMENT AND THE WESTERN GOVERNORS' ASSOCIATION AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

e. Request for Commission Approval of the Program Narrative for U.S. Coast Guard Boating Safety Funds (Federal FY 2012 / State FY 2013)

**Presenter:** John Romero, Acting Law Enforcement Branch Chief

The Program Narrative detailing the full State FY 2013 expenditure of U.S. Coast Guard (USCG) boating safety grant funds by the Arizona Game and Fish Department was provided to the Commission for review and consideration prior to this meeting. Currently, the Department has received a 50% allocation of its USCG boating safety grant funding. The remaining 50% will be distributed once approval to obligate the Sport Fish Restoration and Boating Trust Fund is passed by Congress this summer. The narrative detailed the Department's watercraft activities and obligations for State FY 2013 that will use both the partial 50% approved amount as well as the remaining 50% amount and detailed the Department's watercraft activities and partial obligations for State FY 2013 once approval is granted by the USCG. It addresses the grant period of October 1, 2011, to September 30, 2012, and reflects the legislatively mandated watercraft responsibilities of the Arizona Game and Fish Department.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE PORTION OF THE DEPARTMENT'S WATERCRAFT SAFETY PROGRAM FUNDED BY THE U.S. COAST GUARD GRANT MONIES PURSUANT TO THE FEDERAL BOATING SAFETY ACT OF 1971 FOR THE CURRENT FIFTY PERCENT ALLOCATION, THE PENDING FIFTY PERCENT ALLOCATON, AND ANY UNSPENT PRIOR YEAR ALLOCATIONS.

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

**Vote:** Unanimous  
4 to 0  
Davis not present

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12. Petition to Lock a Gate on State Trust Land Approximately Fifty-five Miles Northwest of Prescott, Arizona

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

Mr. Weise briefed the Commission on a request by Swayze McCraine for closure to vehicular access at a gate on State Trust lands in Yavapai County. Mr. Weise provided a PowerPoint

presentation that included photos of the area. The gate is located approximately 1/3 mile south of deeded land owned by the 7-Up Ranch at Halfway House. The ranchers allow access through their various portions of deeded property, but they want to restrict vehicular access in close proximity to the ranch buildings at Halfway House which are often unattended for multiple days. Having the gate locked on State Trust land prevents the ranch house from being seen from the roadway, thereby reducing the likelihood of vandalism and theft, which has been an issue for some of the ranchers in the area.

The 7-Up Ranch has cooperated with the Department on several habitat improvement projects in the past and this is one of the best areas in GMU 18B for wildlife such as deer, antelope, mountain lion, and bear. The ranch allows access to over 30,000 acres in this area which they have the means to lock. The Department is currently finalizing negotiations on a seven-year continuance of the access agreement with the ranch. There is not much to gain by having the gate unlocked; the road only continues on state trust land for approximately 1/3 mile before it reaches the private land boundary.

The issue relates to wildlife management in that another option for the ranch to protect their ranch house would be to fence and post their deeded property. If the alternate access routes through these parcels of private land were lost, it would deny recreational users vehicular access to over 30,000 acres of State and Federal lands. Non-motorized access by sportsmen and other properly permitted recreationists will still be allowed at this gate. Regional personnel and the Arizona State Land Department support this closure for natural resource protection and good landowner relations.

**Motion:** Harris moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE REQUEST TO LOCK A GATE ON STATE TRUST LAND LOCATED APPROXIMATELY FIFTY-FIVEMILES NORTHWEST OF PRESCOTT.

**Vote:** Unanimous  
4 to 0  
Davis not present

\* \* \* \* \*

Meeting recessed for a lunch at 11:36 a.m.  
Meeting reconvened at 1:00 p.m.

\* \* \* \* \*

### 13. Call to the Public

Due to technical difficulties with the Internet, this Call to the Public was left open until later in the afternoon.

\* \* \* \* \*

### 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.

Additionally, Mr. Romero provided the Commission with draft Commission guidelines and draft Department policies for self reporting of violations. This was based upon discussions at the November Commission Workshop. The Department is continuing to work on the language for these two documents. The final documents will be forthcoming in the near future.

\* \* \* \* \*

17. Request to Approve Notice of Final Rulemaking and Economic Impact Statement Amending Rules Within Article 1 Addressing Management Unit Boundaries and Article 3 Addressing Taking and Handling of Wildlife to Implement House Bill 2543 and Senate Bill 1334.

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

Ms. Stewart briefed the Commission on the Department's proposal to amend R12-4-108 to update game management unit landmark references and rules within Article 3 to implement recent legislative amendments to A.R.S. § 13-3107 and 13-3108, which transferred the authority to regulate the use of firearms for the take of wildlife within municipal boundaries to the Arizona Game and Fish Commission. The following substantive rule amendments were proposed:

R12-4-108. Management Unit Boundaries:

- Updating management unit boundary descriptions.

R12-4-301. Definitions

- Establishing a rule that provides definitions for terms used within Article 3 to conform with GRRC requirements.

R12-4-318. Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles:

- Establishing limited weapon pneumatic, limited weapon hand or hand-held implement seasons as lawful for the species hunted to allow an individual to lawfully take small game and reptiles in a city or county park or preserve.
- Including falconry as a method of take during an archery-only season as this request has been asked for by public stakeholders during hunt guideline discussions.
- Exempting falconers hunting with exotic raptors from falconry license established under R12-4-422 to bring the rule into alignment with statutory amendments to A.R.S. § 17-236.
- Replacing references to "non-hunting handgun" with "personal protection handgun."
- Expanding the authorization to possess a personal protection handgun for personal protection to individuals participating in limited weapon hunts to increase consistency between all limited weapon seasons within the rule.

- Establishing a “restricted” season, a management tool the Commission may utilize to ensure harvest objectives for bear and mountain lion are not exceeded.
- Clarifying Junior-only hunt age requirements. This is proposed to increase opportunity for those hunters nearing their 18th birthday and improve clarity.

R12-4-321, Restrictions for Taking Wildlife in City Parks, City Preserves, County Parks, and County Preserves:

- Amending the rule to reflect recent statutory amendments to A.R.S. §§ 13-3107 and 13-3108.
- Establishing that all city and county parks and preserves are closed to hunting, unless authorized by Commission Order.
- Authorizing cities and counties to implement restrictions when not in conflict with Commission Rule or Order.

The Commission approved the Notices of Docket Opening and Proposed Rulemaking at the December 2011 Commission Meeting. The notices were published in the *Arizona Administrative Register* on January 13, 2012. The rulemaking record was open for public comment from January 13 to February 13, 2012; the Department did not receive any comments. The Notice of Final Rulemaking and Economic Impact Statement for R12-4-108, R12-4-301, R12-4-318, and R12-4-321 were provided to the Commission prior to this meeting for consideration. If the Commission approves, the Department will submit the Notice of Final Rulemaking and Economic Impact Statement for R12-4-108, R12-4-301, R12-4-318, and R12-4-321 to the Governor’s Regulatory Review Council (G.R.R.C.) for review and placement on the G.R.R.C. June 2012 agenda.

**Motion:** Harris moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE THE NOTICE OF FINAL RULEMAKING AND ECONOMIC IMPACT STATEMENT AMENDING RULES WITHIN ARTICLE 1 ADDRESSING GAME MANAGEMENT UNIT BOUNDARIES AND RULES WITHIN ARTICLE 3 ADDRESSING TAKING AND HANDLING WILDLIFE.

**Vote:** Unanimous  
4 to 0  
Davis not present

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#### 18. Selection of New Members of the Heritage Public Advisory Committee

**Presenter:** Marty Herrera, Heritage Fund Administrator

Mr. Herrera provided the Commission with a list of nominees for the Heritage Public Advisory Committee (HPAC) and asked that they vote to approve the selection of eight new members. The terms of the eight current members of the HPAC are due to expire in March 2012. The positions involve one representative from each Region, one statewide representative and one national representative. The terms are for three years. In accordance with the HPAC Charter, two nominees for each Region, two statewide nominees and two national nominees, along with

biographical information for each nominee, were provided to the Commission for their consideration. The Commission selected the following nominees through a balloting process:

<u>Region I</u> Steve Campbell	<u>Region II</u> Clark R. Dierks	<u>Region III</u> Danny Howe	<u>Region IV</u> Louie Galaviz
<u>Region V</u> James Terlep	<u>Region VI</u> Rex Stulting	<u>State</u> Ron Pearce	<u>National</u> Simone Hall

**Motion:** Husted moved and Harris seconded that the COMMISSION VOTE TO APPROVE THE EIGHT NEW MEMBERS OF THE HERITAGE PUBLIC ADVISORY COMMITTEE AS SELECTED.

**Vote:** Unanimous  
4 to 0  
Davis not present

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#### 19. 2012 Director's Goals and Objectives

**Presenter:** Bob Broscheid, Deputy Director

Mr. Broscheid presented the Commission with the draft 2012 Director's Goals and Objectives (attached). Based on discussions at the last regular Commission meeting, an estimated budget and resource analysis was added to each goal. For all of the goals, presentations and updates will be provided throughout the year so the Commission will be able to see where the Department is on budgets and scheduling.

**Motion:** Mansell moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE THE 2012 DIRECTOR'S GOALS AND OBJECTIVES AS PRESENTED.

**Vote:** Unanimous  
4 to 0  
Davis not present

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#### 22. Approval of Minutes and Signing of Minutes.

**Motion:** Harris moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM JANUARY 10, 2012, JANUARY 12, 2012, JANUARY 25, 2012 AND FEBRUARY 3, 2012.

**Vote:** Unanimous  
4 to 0  
Davis not present

The Commission signed the minutes following approval.

\* \* \* \* \*

### 23. Director's and Chairman's Reports

Director Voyles reported the following activities:

- Attended the Arizona Centennial Celebration events
- Attended Senate hearings on the Department continuation and rotenone
- Attended the Installation Ceremony for the new State BLM Director Raymond Suazo
- Attended the Launch of the Virtual Arizona Experience
- Met with the Game Rangers Lodge President regarding their efforts in hosting the North American Wildlife Enforcement Officers Association Convention here in Phoenix
- Attended the Cattlemen's Centennial Dinner along with Commissioner Husted
- Attended and help lead a Desert Landscape Conservation Cooperatives Leadership conference call
- Attended the Arizona Antelope Foundation Banquet
- Attended a Telephonic TRACS Project Advisory Group meeting
- Had a meet and greet with Congressman Franks
- Met with Jason Isaak and El Paso Natural Gas to discuss a pipeline project
- Had a lunch meeting with Maria Baier, Sam Campana and Diane Brossart
- Had his regular scheduled meeting with Kevin Kinsall at the Governor's Office
- Attended Legislative Day
- Attended a Sport Fish Restoration Meeting
- Traveled to Arivaca to meet with the Jim and Sue Chilton to discuss the rotenone legislation
- Attended the ADBSS Banquet
- Participated in Executive Committee discussions for the Council to Advance Hunting and Shooting Sports
- Toured the Shields Ranch and Rocking River Ranch with Bill Feldmeier, Maria Baier, Kevin Kinsall and discussed primarily the challenges that state government has in administering properties.

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Meeting recessed for a break at 1:54 p.m.

Meeting reconvened at 2:00 p.m.

\* \* \* \* \*

### 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.

\* \* \* \* \*

### 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  
4 to 0  
Davis not present

\* \* \* \* \*

### 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.

\* \* \* \* \*

### 23. (continued) Director's and Chairman's Reports

Chairman Freeman reported the following activities:

- Went to the Legislature to testify
- Attended Legislative Day
- Met with Kevin Kinsall at the Governor's Office
- Attended and spoke at a WAFWA educational symposium in Tempe
- Worked with Department staff on giving a presentation to Chino Valley Shooting Range and Granite Mountain Archers
- Had a fun get together at his house with some Department staff
- Participated in a conference call with the Arizona Farm Bureau over the rotenone issues
- Sat in on a Hunter Education Program briefing
- Re-established discussions with Scott Smith at the Governor's Office
- Talked with an environmental professional with Freeport-McMoran and asked them to make a presentation to the Commission on a project they did that they won some awards for in Arizona
- Spent a lot of time talking with constituents on HB 2072
- Shared a thank you letter from an award recipient, Dian Tucker
- Shared a letter commending Department employee Connie Adams for her great customer service.

\* \* \* \* \*

### 23. Commissioners Reports

#### Commissioner Mansell:

- Spent a lot of time discussing issues with constituents
- Met with Steve Clark about AES and all the things that they do
- Spent some time in the northwest corner of the state and visited the site of the Tri-state Shooting Range
- Spent a day at Region III; went on a tour north of Kingman up to the overpass on Highway 93; stopped by Willow Beach and saw four desert rams

#### Commissioner Harris:

- Participated in the Statewide Habitat Partnership Committee meeting
- Planned to attend the release of captured antelope but it turned out they were not captured
- Attended a meeting with the Governor's staff and some groups to talk about issues
- Attended Legislative Day
- Attended a Region V hunt set meeting
- Attended a Junior Jack Rabbit camp put on by SCI in southern Arizona and also supported by NWTF
- Watched the Rocky Mountain Bighorn Sheep tag sell for \$75,000 at an ADBSS event
- Attended a really good briefing on Hunter Ed issues.

#### Commissioner Husted:

- Spent a lot of time recovering from being sick
- Went to a public meeting with Department staff in Eagar, Arizona
- Worked on a grazers proposal to use their cows as a tool to work on some of the grassland country that hasn't been productive.

\* \* \* \* \*

### 13. (continued) Call to the Public

George Reiners, Legislative Liaison, YVRGC: Two of the license revocation hearings today are the exact reason that YVRGC drafted legislation last year to increase the penalty for poaching. The poaching was actually done in New Mexico so maybe they will get some jail time there. As for the spotlighting cases where they are going to be taking the Hunter Education Course, he doesn't recall spotlighting being covered in the Hunter Education Course and it should be. Mr. Reiners also provided YVRGC activity cards to the Commission and invited them to attend.

\* \* \* \* \*

### 24. Future Agenda Items and Action Items

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

- Write two letters of support for the Coconino County acquisition of those State Trust Lands at Fort Tuthill, one for the Director and one for the Chair
- Re-agenda for the April meeting the draft Commission policies on hunting, fishing and watchable wildlife

\* \* \* \* \*

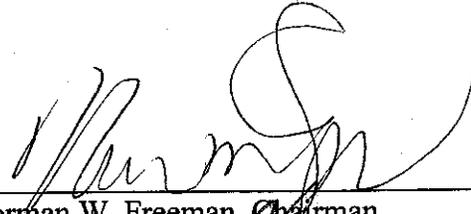
**Motion:** Husted moved and Mansell seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

**Vote:** Unanimous  
4 to 0  
Davis not present

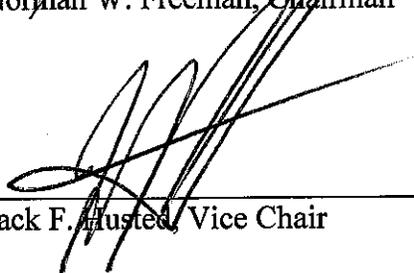
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Meeting adjourned at 4:19 p.m.

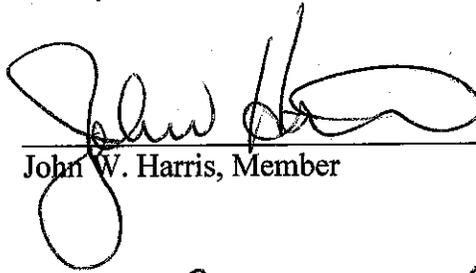
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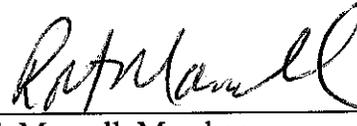
Norman W. Freeman, Chairman



Jack F. Husted, Vice Chair



John W. Harris, Member

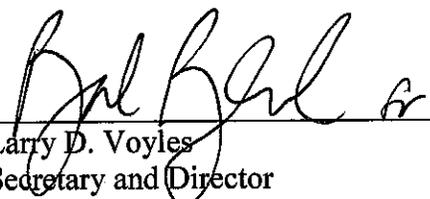


Robert E. Mansell, Member



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 15<sup>th</sup>.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Safari Club International (intervener) filed a petition for rehearing en banc. On March 1, 2011, the Ninth Circuit issued an order denying the petition. The Ninth Circuit has 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 9<sup>th</sup>, 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.