

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, March 8, 2013
Saturday, March 9, 2013
Sahuarita Town Council Chambers
375 W. Sahuarita Center Way
Sahuarita, Arizona 85629

PRESENT: (Commission)

(Director and Staff)

Chairman Jack F. Husted
Vice Chairman John W. Harris
Commissioner Robert E. Mansell
Commissioner Kurt R. Davis
Commissioner Edward "Pat" Madden

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

Chairman Husted called the meeting to order and led those present through the Pledge of Allegiance. The Commission introduced themselves and Director Voyles introduced his staff. This meeting followed an agenda revision #1 dated March 6, 2013.

Chairman Husted requested a moment of silence for Staff Sergeant Jonathan D. Davis – U.S. Marine Corps, who died on February 22, 2013 in Helmand Province, Afghanistan.

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1. Tucson Community Forum

Presenter: Raul Vega, Tucson Regional Supervisor

Mr. Vega facilitated an informal forum and workshop to discuss current and future matters involving the Arizona Game and Fish Department and the greater Tucson community. Department staff, along with community members, presented an overview of ongoing collaborative work to the Commission, community leaders, and members of the public. Items covered included the following topics:

- Regional Volunteer Program
- Mule Deer Working Group update / Region V mule deer population update
- Santa Catalina Bighorn Sheep Restoration Project
- Pronghorn antelope projects in Region V
- Lower San Pedro properties / Triangle Bar Ranch acquisition
- Whitewater Draw Wildlife Area management
- Black Tail Prairie Dog Project update

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2. Call to the Public

Al Kreutz, former President of Tucson Rod and Gun Club, representing himself, welcomed the Commission to the Tucson area and Sahuarita, and expressed appreciation for the Department's Regional Supervisor Raul Vega and how well he manages his volunteer program. Mr. Kreutz

also recommended that the Commission or Department put an advertisement in the paper to help get the word out and promote participation when the Commission or Department hold meetings around the state.

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3. 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 consent agenda item "a" was removed for discussion. The following consent agenda items were presented for approval:

b. Information, Education and Wildlife Recreation Activities Briefing

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

The Commission was provided with a written Information, Education and Wildlife Recreation Activities briefing prior to this meeting (also available to the public) of Department activities and events related to Information, Education and Wildlife Recreation Programs. The briefing covers activities and events that have occurred since the last Commission meeting, including the proposed Wildlife Center project. The briefing was placed on the consent agenda for approval or to be pulled from the consent agenda for questions and/or discussion.

c. Law Enforcement Program Briefing

Presenter: Gene F. Elms, Law Enforcement Branch Chief

The Commission was provided with a written Law Enforcement Program Briefing prior to this meeting of Department activities and developments relating to the Department's Law Enforcement Program. The briefing covers activities and events that have occurred since the last Commission meeting. The briefing was placed on the consent agenda for approval or to be pulled from the consent agenda for questions and/or discussion.

d. Lands and Habitat Program Update

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

The Commission was provided with a written Lands and Habitat Program Update (attached) prior to this meeting (also available to the public) of Department activities and events related to the implementation of land and resource management plans and projects on private, state and federal lands in Arizona and other matters related thereto. The update covers activities and events that have occurred since the last Commission meeting. The update was placed on the consent agenda for approval or to be pulled from the consent agenda for questions and/or discussion.

e. Intergovernmental Agreement (IGA) for the creation and participation in the Arizona Child Abduction Response Team (CART) for Coconino County

Presenter: Craig McMullen, Flagstaff Regional Supervisor

The Department provided the Commission with a ‘first read’ briefing on this Agreement at the February 1-2, 2013 Commission meeting. This Agreement will establish a regional team of the Arizona Child Abduction Response Team (CART) in northern Arizona. The primary goal of this Agreement is to provide a pool of specialized law enforcement agencies and their officers to focus on an immediate response to a child abduction in northern Arizona. The Department’s primary role will be to render assistance in the rural and outlying areas outside of the incorporated areas. In the case that a child is abducted in northern Arizona and the CART is activated, the Department will be notified of the occurrence and will be included in intelligence, and potentially, rescue efforts. By signing this agreement and becoming part of the CART, Department officers will be informed and prepared to participate in the humanitarian effort of rescuing an abducted child. The following agencies will be part of the CART: Coconino County Sheriff’s Office, Department of Public Safety, City of Flagstaff, City of Williams, City of Sedona, City of Page, City of Fredonia, and Northern Arizona University.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE INTERGOVERNMENTAL AGREEMENT FOR PARTICIPATION IN THE CHILD ABDUCTION RESPONSE TEAM IN COCONINO COUNTY.

f. Consideration of the 12A Habitat Stamp Fund Budget for Calendar Year 2013

Presenter: Craig McMullen, Flagstaff Regional Supervisor

Each year the Commission is asked to approve the budget for the 12A Habitat Stamp Fund for the calendar year. The Kaibab National Forest and the Department jointly develop this budget proposal. A synopsis of expenditures during calendar year 2012, revenue generated for calendar year 2012 and planned expenditures for calendar year 2013 were provided to the Commission as a “first read” item at the February 1-2, 2013 Commission meeting.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE 12A HABITAT STAMP FUND BUDGET FOR CALENDAR YEAR 2013 AS PRESENTED.

Motion: Davis moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEMS B, C, D, E, AND F (ITEM “A” WAS REMOVED FOR DISCUSSION).

Vote: Unanimous

a. Shooting Sports Activities Briefing

Presenter: Jay Cook, Shooting Sports Branch Chief

The Commission was provided with a written Shooting Sports Activities Briefing prior to this meeting (also available to the public) of Department activities related to shooting sports,

including shooting programs and shooting range development statewide. The briefing covers activities that have occurred since the last Commission meeting. The briefing was placed on the consent agenda for approval or to be pulled from the consent agenda for questions and/or discussion.

Commissioner Mansell mentioned the dedication ceremony for the Tri-State Shooting Park in Mohave County scheduled for March 13, 2013. Commissioner Mansell acknowledged the Department, but specifically Jay Cook and Anthony Chavez for all they have done. Because of their efforts in the past year and a half, this 15 year old project is going to be realized.

Motion: Harris moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEMS A AS PRESENTED.

Vote: Unanimous

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4. Overview of Border Issues in the Tucson Region

Presenter: Raul Vega, Tucson Regional Supervisor

Mr. Vega provided an overview of current border issues in southeastern Arizona related to activities along the United States border with Mexico within the Tucson Region. The overview provided information relative to the current level of activity, the impact to public and employee safety, the impact of these activities on Department programs, and the impact to wildlife and wildlife habitat. Region V coordinates with the U.S. Border Patrol as needed, and through such organizations as the Border Management Task Force organized through the Bureau of Land Management. The environmental impacts of illegal immigration to ranchlands and wildlife habitat are extensive. Region V organizes annual border ranch cleanups by volunteers as well as staff from Pima County, the Arizona Division of Environmental Quality, and other agencies. Region V has conducted information and education efforts targeted toward sportsmen and recreationists. Over-the-counter deer and javelina tags for borderlands units are in high demand.

The following community members provided additional updates to the Commission:

- Dan Bell, Rancher: Ranching issues along the border
- Border Patrol Supervisor Roger San Martin: Update on Border Patrol
- Lisa Haynes, U of A: Update on Jaguar/ocelot sightings and the U of A camera project
- Sara King, Member of Alter Valley Conservation Alliance and Rancher: Ranching issues north of the border
- Kerry Baldwin, Pima County: Discussed Pima County's partnership with the Department on day to day challenges and cooperative activities (habitat, landscape cleanups) to address those challenges; discussed efforts by Pima County to address border crossing issues with the Arizona Congressional Delegation.

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5. Legislative Engagement and State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

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

HR 596: Public Lands Renewable Energy Development Act of 2013 Wildlife & Recreational Access Mitigation through Leasing Revenues

- Sponsors : Gosar, Heck (NV), Schweikert, Kirkpatrick
- Change current process from ROW grants to leases (similar to oil/gas)
- Royalty on Public land wind & solar energy (2-5%)
- Pilot Program – reporting back to Congress
- Mitigation Banking Report back to Congress
- Of the 25% conservation fund uses: Mitigation for fish, wildlife, habitat, corridors and water resources; Access for hunting, fishing other outdoor recreation consistent with conservation practices
- 35% of revenue states receive must be used for same purposes as prescribed above, would come direct to the Arizona Game and Fish Department
- Arizona Groups supportive: Arizona Antelope Foundation; Arizona Trout Unlimited State Council; Yuma Valley Rod & Gun Club; The Nature Conservancy, Arizona Chapter
- Other Groups: NWF, AFWA, NWTF, Congressional Sportsmen’s Foundation, etc.

Motion: Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO SUPPORT HR 596.

Vote: Unanimous

SB 1223: license classifications; fees

- Passed Senate 26-2; Assigned to House Energy, Environment and Natural Resources; Hearing on Monday, March 11, 2013
- Shooter Appropriations Amendment: THROUGH JULY 1, 2019, THE COMMISSION SHALL PRESCRIBE BY RULE LICENSE CLASSIFICATIONS THAT ARE VALID FOR THE TAKING OR HANDLING OF WILDLIFE, FEES FOR LICENSES, PERMITS, TAGS AND STAMPS AND APPLICATION FEES
- Pierce Floor Amendment: THE DEPARTMENT MAY ESTABLISH FEES PURSUANT TO THIS ARTICLE, BUT THE TOTAL AMOUNT OF LICENSE, PERMIT, TAG, AND STAMP FEES COLLECTED IN ANY FISCAL YEAR MAY NOT EXCEED FIFTY PERCENT MORE THAN THE AMOUNT APPROPRIATED FROM THE GAME AND FISH FUND FOR FISCAL YEAR 2012-2013
- Griffin Floor Amendment: REQUIRES THE AUDITOR GENERAL TO PERFORM A FINANCIAL AUDIT OF THE GAME AND FISH DEPARTMENT BY JANUARY 1, 2015.

Motion: Davis moved and Harris seconded THAT THE COMMISSION VOTE TO SUPPORT SB 1223 AS AMENDED.

Vote: Unanimous

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8. Executive Session (Pulled from Saturday's agenda)

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

Vote: Unanimous

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6. Wildlife Conservation Education Center Progress Briefing and Review of Commission Objective

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

Mr. Gray briefed the Commission using a PowerPoint presentation on the progress made on the proposed Wildlife Conservation Education Center (Center) since the February 1-2, 2013 Commission meeting. The presentation included the original approved objective developed for the Center in December 2011, a draft alternative objective, proposed procedures for negotiating with prospective donors to the project, and options for incorporating retail to support the development of the facility. The following information was provided and Commission action taken as follows:

Original Approved Commission Objective (December 2011)

Construct a Wildlife Education Facility to include a Wildlife Center, interpretive trail, classroom and amphitheater located at the Department's Headquarters site. The purpose of this objective is to:

- (Phase I) Construct a Wildlife Center that will provide triage for sick, injured or orphaned wildlife, and will serve as a holding facility for quarantined, seized and resident education wildlife
- (Phase II) Construct a classroom, interpretive trail and amphitheater that will provide educational programs for the public to learn about wildlife education topics, including the North American Model of Wildlife Conservation. The public will also be introduced to outdoor activities, such as hunting, fishing, wildlife watching and other outdoor recreational activities.

Draft Alternative Objective (February 2013)

Construct a Wildlife Conservation Education Center (WCEC) at the Ben Avery Shooting Facility. The WCEC will include a wildlife care facility and a separate building with classroom and exhibit space.

The Department will:

- Construct a wildlife care facility designed to provide temporary care for sick, injured, confiscated, and orphaned wildlife; and long-term care for wildlife used in the Department's outreach programs
- Construct an educational facility with the following indoor spaces: wildlife exhibits, classrooms, virtual hunting and shooting, public meeting room with catering kitchen, restrooms, storage, and merchandising space. The educational facility will also include the following outdoor features: Covered amphitheater, landscaped interpretive trail, and static exhibits. Exhibit messages and educational programs will primarily promote the North American Model of Wildlife Conservation, hunting, fishing, boating, off-highway vehicles, wildlife watching, and other outdoor recreational activities.

Final construction documents for the Wildlife Conservation Education Center will be initiated after a funding source has been identified or the capital campaign has raised a substantive portion of the estimated construction cost.

Motion: Madden moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE THE AMENDED OBJECTIVE FOR DEVELOPING THE WILDLIFE CONSERVATION EDUCATION CENTER.

Vote: Unanimous

Procedures for Negotiating with Prospective Donors

DOM Policies A2.4 Donations

The Commission authorizes the Department to accept donations of money, goods, services, or property provided the gifts support Department activities and mission.

Subsection E. Limits on Accepting Gifts

The Department shall not accept a gift meeting any of the following:

1. The gift obligates the Department to duties that it cannot fulfill within the terms and conditions of the gift.
2. The Department is not capable of administering the gift within the Department's normal budget and resources.
3. The benefit of the gift is outweighed by the risk due to environmental or health and safety issues.

G2.2 Solicitation of Donations, and Policy on Advertising and Sponsorships

This policy establishes the procedures that will be followed for solicitation of donations accepted by the Department on behalf of the Commission, and the standards and guidelines for advertising and sponsorships.

Department staff must avoid any perception of impropriety or conflict of interest while negotiating opportunities with potential donors during the solicitation process. The only conditions that may be attached to donations by the donor are: 1) use of gift for a specific program, project, or event within the Department's authority, and 2) use of gift by a certain date.

Subsection C. Sponsorships

1. Benefits offered to sponsors should be commensurate with the relative value of the sponsorship... Appropriate benefits will be determined by and within the authority of the Department.
2. Sponsorships conferring benefits valued at over \$10,000 to a sponsor require a written agreement. The Director is authorized to sign sponsorship agreements.
3. Sponsorship recognition guidelines, levels, and values will be developed by the Department on a project-by-project basis.

Subsection C. Sponsorships

10. Advertising and sponsorships must be consistent with the intended use of the property or event, be compatible with and support the Department's mission, and generally reflect positively on the Department and the State of Arizona.
11. Advertising and sponsorships shall not diminish Department jurisdiction and authority to manage and control Department property.
12. The Department reserves the right to reject an advertisement or sponsorship it determines is not in the Department's best interest.

Subsection C. Sponsorships

14. The Department will not accept advertising or sponsorships from:
 - a. from a Department regulated entity;
 - b. from any entity that is in active litigation with the Department;
 - c. that are false, misleading or deceptive;
 - d. that promote unlawful goods, services or conduct;
 - e. that imply an endorsement by the Department, unless the Department has provided prior written authorization;
 - f. that contain obscenity, nudity, appeals to the prurient interests, or promotes "adult" oriented goods or services;
 - g. that are libelous speech or copyright infringement;
 - h. that relate to tobacco, tobacco-related products or alcohol;
 - i. that advocate or promote political views or individuals;
 - j. that advocate, promote, or oppose religions; and
 - k. that reflect negatively on the State, Department, or Commission.

The Commission discussed alcohol products as one of the sponsorships not accepted by the Department. Discussion included whether alcohol products should be considered on a case by case basis and not rejected overall as an unacceptable sponsorship.

Commissioner Davis suggested that the Commission be involved, and not just the Director, in approving sponsorships valued at \$10,000 or more (Subsection C. Sponsorships #2), at least on decisions like alcohol sponsorships.

Director Voyles stated that he is okay with making these decisions and on matters that might be sensitive, he can get the Commission's thoughts on the matter.

Chairman Husted requested that this item be brought back to the Commission without the prohibition on alcohol.

Options for Incorporating Retail Space at the BASF

The Department is considering the following retail space at the BASF to support development of the Center:

- New Business Center at the Clay Target Center
- Retail Space/Vendor Row at BASF main range area
- Plans are still being developed

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

Presenter: Gene Elms, Law Enforcement Branch Chief

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

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7. Online Hunt Application Update

Presenter: Doug Cummings, Branch Chief, Information Systems

Mr. Cummings provided an update using a PowerPoint presentation on the online hunt application process and systems plans. The presentation covered a review of the online application and draw process for the past year, the 2013 Elk and Antelope Draw, and plans for a complete re-write of the Online Sales and Draw system.

The Department conducts Big Game Draws throughout the year and accepts applications for the draw online. During this process, the Department historically experiences two peaks in demand to its systems, processes and staff. These peaks are on Deadline Day for accepting applications, and the day that the Department announces Draw Results.

On deadline day for accepting applications for the 2013 Elk/Antelope Draw, the Department's online system handled a significant increase in number of online applications, and ultimately reached the point that web pages were timing out, causing applicants a great deal of frustration as they would have to re-enter their application. To remediate the difficulty customers were having in submitting online applications, the Department extended the deadline by two days, providing additional time for those attempting to submit applications on deadline day.

The Department is currently in the early stage of preparing to rewrite the Online License Sales and Draw (OLSD R1) system in support of the License Simplification initiative. As the new

Online License Sales and Draw (OLSD R2) system is created, the Department will improve the systems reliability and scalability to meet current and future needs.

The Commission discussed with Mr. Cummings that the online system's capacity could be increased to handle the demand on deadline and draw day, but that it would take a lot more money.

Commissioner Davis stated that once the license simplification bill goes through, the Department could, for example, offer those who apply in the first five days a 10% discount. Incentives like that could entice people to apply early and not wait to the last day. The Department needs to invest what it takes to make this system work and then figure out the market and the best way to harvest some of that money back. Commissioner Davis also noted for the record that the Department did the right thing in extending the deadline due to online issues.

Commissioner Harris stated that he would eventually like to discuss the paper applications going away completely and only having an online draw. Additionally, Commissioner Harris noted that there have been times in the past when paper applications were the only form of application and the deadline was extended due to extending circumstances, so it's not just the online application that has caused an issue. The Department does what is in the best interest of its customers overall.

The Commission discussed the budget for the online system and the IT budget in general and will continue discussions in the budget workshop item scheduled on Saturday's agenda.

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Meeting recessed for a break at 3:15 p.m.

Meeting reconvened at 3:30 p.m.

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8. Management Information Needs Prioritization and Research Branch Project Selection

Presenter: Esther Rubin, Research Branch Chief

Dr. Rubin provided the Commission with a PowerPoint presentation and an informational update on the Department's process for prioritizing management information needs, and on recommendation of Department research projects. This was a follow-up presentation from the January Commission meeting. The following information incorporates Commission input from discussion at the January meeting:

Prioritization Criteria:

- Provides direct management guidance
- Has broad applicability
- Identified in existing management plan
- Must be addressed within limited window of time
- Benefits species/resources of recreation & economic importance
- Benefits SWAP Tier 1A or 1B species
- Benefits important wildlife habitat

- Anticipated to receive stakeholder support
- Increases Department efficiencies
- Increases the quality of our science and maintains/builds Department credibility

Post-prioritization Considerations and Research Project Selection:

- Return on investment
- Feasibility
- Funding availability and eligibility
- Potential partnerships and efficiencies

Current Status:

- Prioritized list of MINs (categorized by “Area of Inquiry”) to use as a tool in project selection
- MINs identified as the top targets of future research
- Research to address these MINs will be recommended for approval through the Department’s budget process.

Projects Recommended via Budget Process:

- Forest restoration and wildlife
- Bighorn sheep and lion predation
- Chaparral deer habitat
- Kaibab Plateau deer habitat
- Factors influencing aspen
- Chub species (Gila complex) morphology/genetics
- Quagga mussels in urban waters
- Gizzard shad in reservoirs
- Pronghorn pathogens
- Bighorn sheep disease and demographics
- Selenium in Yuma Clapper Rails
- Raptors and wind energy
- Pronghorn habitat connectivity
- Angler use and economic impact
- Flat-tailed horned lizard habitat disturbance
- Elk survey methods

Future Process:

- Process Team will complete a final report on the process
- Communication with the Commission:
 - Annual call for MINs (from entire Dept)
 - Commissioners invited to add to list of MINs
 - MINs are prioritized via developed process
 - Department selects research projects for recommendation through the budget process
 - Annual update to the Commission.

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9 Request for the Commission to Approve a Memorandum of Understanding with U.S. Fish and Wildlife Service.

Presenter: Lawrence M. Riley, Assistant Director

This item is regarding a Memorandum of Understanding with U.S. Fish and Wildlife Service for the purpose of exchanging Apache Trout eggs for Weed Harvesting Services on White Mountain Apache Tribe waters. The Department requested that the Commission postpone this item to a future Commission meeting while the Department continues to work with the Attorney General's Office on the terms of the agreement.

Motion: Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO POSTPONE THIS ITEM TO THE APRIL COMMISSION MEETING.

Vote: Unanimous

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10. Rogers Lake Supplemental Agreement Between Coconino County and the Arizona Game and Fish Department

Presenter: Craig McMullen, Flagstaff Regional Supervisor

Mr. McMullen briefed the Commission using a PowerPoint presentation. The purpose of this Agreement is to allow the Department to work with Coconino County to develop a resource management plan for the Rogers Lake County Natural Area in partial fulfillment of a Memorandum of Understanding adopted on October 16, 2012. The Supplemental Agreement calls for Coconino County to provide not less than \$12,500 to the Department to pay for 40% of an FTE over 26 weeks to develop a resource management plan for Rogers Lake County Natural Area. The Department's role generally would be to develop draft and final documents of the Rogers Lake County Natural Area Resource Management Plan, prepare and present briefing documents for commissions and board and incorporate revisions as necessary and deliver final report materials in digital format throughout the plan process.

The Commission was in consensus to direct the Department to place this item on the consent agenda for the April Commission meeting.

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11. Call to the Public

There were no requests to speak to the Commission.

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12. Proposed Change to Dates of June 21-22, 2013 Commission Meeting and June 8-10, 2013 Commission/Executive Staff Retreat

Presenter: Ben Alteneder, Community and Congressional Relations

Mr. Alteneder asked the Commission for guidance and consideration in changing the June Commission meeting dates to June 14-15, 2013 and the June Commission and Executive Staff retreat dates to May 17-19. Currently, as voted by the Commission at its June 2012 Commission meeting, the dates are set for June 21-22 for the Commission meeting and June 8-10 for the Retreat.

Motion: Davis moved and Madden seconded THAT THE COMMISSION VOTE TO CHANGE THE JUNE COMMISSION MEETING DATE TO JUNE 14-15, 2013 AND TO CHANGE THE COMMISSION AND EXECUTIVE STAFF RETREAT DATE TO MAY 17-19, 2013.

Vote: Unanimous

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14. Rehearing Request Regarding Previous License Revocation/Civil Assessment

Presenter: Gene F. Elms, Law Enforcement Branch Chief

Kent E. Petersen requested that the Arizona Game and Fish Commission grant a rehearing regarding the revocation of his license, civil assessment, and the requirement to complete a Hunter Education course. On July 2, 2012, Mr. Petersen was convicted in the North Canyon Justice Court for unlawfully taking wildlife on Public Land and failure to inspect traps daily. On December 7, 2012, the Commission revoked Mr. Petersen's hunting, fishing and trapping licenses for a period of five years, imposed a civil assessment of \$250.00, and further required him to complete a Hunter Education Course before obtaining any license(s) to take wildlife in the State of Arizona. Mr. Petersen requested a rehearing of this matter and decision because he felt the penalty was excessive. Mr. Petersen was notified of this hearing by certified mail.

Mr. Peterson was not present.

Mr. Elms confirmed with the Commission that they had received a copy of the letter from Mr. Peterson regarding this matter.

Motion: Harris moved and Madden seconded THAT THE COMMISSION VOTE TO DENY MR. KENT E. PETERSEN'S REHEARING REQUEST.

Vote: Unanimous

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15. Field Trip

The Commission participated in a field trip to a Jack Rabbit Camp from 6:00 p.m. to 8:00 p.m. sponsored by Safari Club International and assisted by Arizona Game and Fish employees. The Jack Rabbit Camp provided an opportunity for youth hunters to learn about hunting skills and

hunting ethics, jack rabbit biology, and camping. The Camp was located just off Highway 286 South of Three Points approximately at mile post 40. No legal action was taken by the Commission during the field trip.

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Meeting recessed for the day at 4:20 p.m.

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Meeting reconvened Saturday at 8:30 a.m.

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1. Field Trip

The Commission participated in a field trip from 7:00 a.m. to 8:00 a.m. at a fishing clinic sponsored by Sahuarita Parks and Recreation Department and assisted by Arizona Game and Fish employees at Sahuarita Lake, across from the Sahuarita Town Council Chambers, 375 W. Sahuarita Center Way, Sahuarita, Arizona 85629. No legal action was taken by the Commission during the field trip.

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

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2. Call to the Public

Arizona State Representative Rosanna Gabaldon addressed the Commission and invited the Commissioners to visit her at the Legislature. She would like to learn more about Commission and Department matters that she votes on and how she can best represent her constituents.

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3. Risk Analyses for Potential Additions to Aquatic Invasive Species (AIS) Director's Orders in Arizona (whirling disease; largemouth bass virus; all snakehead species)

Presenter: Lawrence M. Riley, Assistant Director

Mr. Riley briefed the Commission on three candidates for listing in 2013 Director's Orders. This agenda item was also a forum for public comments. The Commission meeting process provides an opportunity for the public to express its views regarding Arizona Risk Analyses and the recommended potential updated listings for these three additional species.

A.R.S. §17-255 authorizes the Department to establish and maintain an Aquatic Invasive Species (AIS) Program and issuance of Director's Orders listing aquatic invasive species subject to regulation. In 2010, the Department initially listed quagga mussel and zebra mussel under this authority (AIS Director's Order 1) and provided the foundation for public compliance, regulation, and establishment of conditions on the movement of watercraft and equipment from affected water bodies (AIS Director's Order 2 and 3). These AIS Director's Orders are subject to periodic review and revision by the Director.

The Department's AIS program compiles species risk analyses and reviews proposals for modification of current AIS Director's Orders through a public process, including providing forums to inform the public of potential modifications to these Orders and seek their input. The Department also takes advantage of the opportunity to review these proposed modifications with the Commission in this forum to seek further public and Commission input. Based upon the information gathered through these public outreach opportunities, the Director will consider proposals and may act to execute any proposed changes or additions to AIS Director's Orders 1 through 3.

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4. A Briefing on Public Comment Received on Hunt Guidelines.

Presenter: Brian F. Wakeling, Game Branch Chief

Mr. Wakeling provided a PowerPoint presentation to the Commission on comments received thus far on the existing hunt guidelines and on the timeline that will be followed in review and approval for the remainder of this guideline cycle. The Department began taking comments on existing hunt guidelines formally on December 27, 2012, although any comment received by the Department since August 2011 (last guideline adoption by Commission) regarding hunt guidelines has been retained on file for evaluation during this evaluation cycle (all 146 comments were provided to the Commission for review). In adopting the prior hunt guidelines, the Commission requested an opportunity to formally identify to the Department any areas of inquiry in which they might have interest. This briefing was the first formal opportunity for the Commission to provide the Department with direction regarding this process, although they will have additional opportunities at their June meeting and when the next guidelines are submitted for their final approval in September. This presentation included historical information, guideline objectives, process and progress, and future process.

Public Comment

Michael Mayer, representing himself, addressed the Commission to express his opposition to hunting in the McDowell Sonoran Preserve. He believes hunting in the Preserve harms the economy. Only 12 antlered deer were spotted in a survey of the Preserve, which is not enough for hunting.

Mr. Wakeling addressed the Commission and stated that the Department has worked with the Preserve and recently completed a survey of the area. The survey data indicated that the buck to doe and fawn to doe ratios fell within the Department's existing hunt guidelines for a stable population.

Commissioner Davis confirmed with Mr. Wakeling that a newspaper article this morning reported that javelina herds in the area are also stable and within the guidelines.

Commissioner Davis asked Mr. Mayer how many antlered deer he thought would be an appropriate number in the Preserve.

Mr. Mayer stated that he would leave that to someone with more experience.

Commissioner Davis asked Mr. Mayer if he would be comfortable then if the deer populations fell within the Department's guidelines, which are based on scientific norms for the existing habitat.

Mr. Mayer stated that he is for what is best for the community as a whole.

Chairman Husted asked Mr. Wakeling if this was a special survey and for what reason it was done.

Mr. Wakeling stated that this population survey was done at this time because of the concerns that have been raised about game in this area. It is not an area that is routinely surveyed annually, although there are plans to do so contingent on funding for a couple more years to obtain baseline data. Also, a hunter questionnaire survey is being conducted to learn if any archery deer hunters have hunted in any of the county parks and if they harvested any deer in those areas as well. This will provide better information on where hunters are spending their time.

Chairman Husted asked to see the population survey data in context with some comparable mountainous areas, elevation, density, and things of that nature to compare.

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5. Briefing on the Pilot Big Boquillas Ranch Access Program and Agreement/Landowner Compact

Presenter: Tom Finley, Kingman Regional Supervisor

Mr. Finley, assisted by Deputy Director Gary Hovatter, provided the Commission with a PowerPoint presentation on the progress of the Pilot Big Boquillas Ranch Access Program and Agreement including an update on how this project serves as a pilot for the landowner compact, and Department coordination efforts to date. The Department has continued to negotiate an access agreement on the Big Boquillas Ranch that will serve as the pilot project for the Department/Landowner Compact. The Ranch Owner, the Navajo Nation Division of Natural Resources, and the Ranch Lessee, Cholla Livestock LLC, have negotiated with the Department to craft a proposed agreement that offers the sportsmen of Arizona fair and reasonable access to a high value hunting opportunity while ensuring respect for the business investment that the ranch represents for the owner and the lessee.

Department personnel have begun efforts to engage its constituency by conducting presentations to explain the genesis of the project and the proposed components of the agreement. Department personnel are also currently involved in engaging other important partners including sheriffs, judges, county attorneys and other relevant community leaders in the involved counties. Thus far, support for the concepts involved in this agreement has been strong.

This presentation was a follow up and update from the January 11-12, 2013 Commission meeting presentation by the Department. Updates included the following:

Outreach Efforts - The Department has reached out to the following individuals and groups to present and explain the Department/Landowner Compact and garner support:

- Arizona Hunting and Angling Heritage Workgroup
- Sportsmen's Constituent Group
- Region III - Kingman Hunt Recommendation Open House
- Judge R. Krombeen (Coconino County – Williams Justice Court)
- Yavapai County Sheriff Scott Mascher
- Arizona Cattlemen's Association
- Mohave Livestock Association
- Many individuals, landowners, etc.
- Arizona Game and Fish Department State HPC Meeting
- Forage Resource Study Group
- Sierra Vista - Douglas HPC
- Prescott HPC
- Flagstaff Williams HPC
- Hualapai Game and Fish Department
- Babbitt Ranches
- Arizona Farm Bureau
- Prescott National Forest
- Arizona Antelope Foundation
- Arizona Deer Association
- National Wild Turkey Federation
- Arizona Desert Bighorn Sheep Society
- Arizona Elk Society
- Mohave Sportsman Club
- Mule Deer Foundation
- Phoenix Varmint Callers
- Rocky Mountain Elk Foundation
- Yuma Valley Rod and Gun Club

Next Steps:

- Department personnel using project management approach in managing components of agreement – identifying timelines and responsibilities
- Working with Hunt Manager to iron out operational/implementation details
- Continuing to coordinate with stakeholders
- Status of the Agreement

Commissioner Harris confirmed with Mr. Hovatter that youth and youth mentors as well as disabled veterans will not pay a fee.

Mr. Hovatter added that others who will not pay a fee include: youth support personnel, assistant or mentor to a disabled veteran, and an adult with a junior hunter. There are other situations that the Department is looking at that include a family fee, something for special events, and the Seligman community.

Commissioner Davis asked if the fee would be applied to an individual per hunt.

Mr. Hovatter stated that it would be applied per hunt.

Commissioner Davis suggested that it would be a good idea to have an annual fee rather than a fee per hunt.

Commissioner Davis and Mr. Hovatter further discussed where the permit would be purchased and that it needs to be easily accessible to people. The Department is looking into possibly using the Department's website at some point in the future.

Commissioner Mansell confirmed with Mr. Hovatter that the ranch supports predator hunting.

Mr. Hovatter informed the Commission that the Department would likely have a signed agreement within the next couple of weeks.

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Meeting recessed for a break at 10:26 a.m.

Meeting reconvened at 10:45 a.m.

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6. Developing a Commission Policy Statement on Travel and Access to Arizona's Public Lands

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

Mr. Riley presented the Commission with a final proposed Commission Policy Statement establishing the Commission's position regarding access upon public lands held by the USDA Forest Service and USDOJ Bureau of Land Management.

The Commission has expressed its concern regarding the effects of public land access restrictions on wildlife-related recreation and other activities under their jurisdiction. During a Commission workshop in November of 2012, the Commission explored issues regarding travel management planning on the National Forests in Arizona. At their regularly scheduled December 2012 meeting, the Commission directed the Department to facilitate the development of a policy statement that would express the Commission's concern and position. The Policy Statement would provide an overarching perspective on the part of the Commission and provide guidance to the Department in its interaction with Federal Land Managers regarding travel management. The Commission reviewed alternative approaches to providing the Department with its guidance on travel management during its January and February meetings. Based upon

Commission guidance, a revised statement was developed in Department consultation with Commissioners Mansell and Davis.

The Department presented the following proposed Commission policy for approval:

Proposed Commission Policy

A 2.xx. Travel Management and Access upon Arizona's Public Lands for the Enjoyment of Arizona's Wildlife Resources and Outdoor Recreation

Effective:xx/xx/2013

Policy Process Owner: Habitat Branch Chief

The Arizona Game and Fish Department is responsible for management of all wildlife on public lands. Wildlife is held in trust for the public and access should not be denied or restricted without cause.

The Arizona Game and Fish Commission recognizes and promotes multiple use on public lands managed by the US Forest Service and the Bureau of Land Management. Every citizen should have access to their multiple use public lands unless there are reasons to deny access founded in sound science and affirmative analysis, and not a presumption of harm.

It is the policy the Arizona Game and Fish Commission to place a high priority on conserving existing access and modes of access for hunting, fishing, trapping, shooting, wildlife watching, OHV use, dispersed camping and other responsible forms of outdoor recreation; and to place a high priority on improving access upon such lands in areas of the State where access is currently difficult or nonexistent.

It is unacceptable for a federal multiple use land management agency to establish regulations that the public cannot understand; that the federal land manager cannot effectively enforce; or that the land manager imposed upon state and local enforcement authorities an unreasonable and unenforceable mandate that denies reasonable and sufficient access to citizens. The Department will actively advocate for access issues and seeks to maintain the Commission's legal standing to seek remedies for decisions that injure the Department's ability to meet the Commission's strategic objectives for wildlife management or management of recreational activities under the Commission's jurisdiction.

The Commission discussed the Department implementation of this policy with Director Voyles.

Director Voyles stated that this policy statement falls within and does not alter the Director's Enforcement Directive to Department staff. There are a number of steps that need to be taken in the implementation to obtain a level of consistency and one of the most significant will be to develop training for the Department's habitat evaluation program on how to input into the federal land management planning processes.

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE A FINAL PROPOSED COMMISSION POLICY STATEMENT ESTABLISHING

THE COMMISSION'S POSITION REGARDING ACCESS UPON PUBLIC LANDS HELD BY THE USDA FOREST SERVICE AND USDOJ BUREAU OF LAND MANAGEMENT.

Vote: Unanimous

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7. Commission Strategic Budget Priority Discussion

Presenter: Lizette Morgan, Chief Financial Officer, Business & Finance

This item was a roundtable workshop session between the Commission and Department staff. The purpose of this item was to provide an opportunity for the Department to understand where the Commission's priorities are on a number of items. The Department will use that foundational information before it moves forward in building a budget. The budget will then be brought back to the Commission for discussion and/or approval.

Assistant Director Ty Gray facilitated discussion and an exercise that teased out Commission priorities from a list provided by the Department and from input by the Commission. Ms. Morgan calculated the priority level of each item according to the exercise with the following results:

Employee Related Costs	9%
Access/Landowner Relations	6%
Sportfishing Opportunities	11%
Facility Maintenance and Improvements	4%
Habitat Improvements	7%
Comprehensive Game Management	9%
Shooting Ranges	6%
Increase Law Enforcement Presence	9%
Customer Service/Technology Improvements	10%
Hunter and Angler Recruitment and Retention	3%
Support Costs	3%
Legal Capacity	11%
Research and Development (Products and monetized Services)	9%
Public Information	3%

FY15 Proposed Budget Priority Evaluation Criteria

- Health/Life Safety
- Asset Protection
- Preserve and/or enhance revenue generating functions
- Maintain appropriate fund balance reserve of \$15 million to ensure Agency sustainability and flexibility
- Sustain base funding for Department properties/wildlife areas
- Maintain Commission priorities
- Maintain/increase outreach capability to improve effectiveness and reach a diverse customer base.

* * * * *

8. Executive Session (continued)

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

Vote: Unanimous

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9. Litigation Report

There were no comments or questions on the Litigation Report.

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10. Approval of Minutes and Signing of Minutes.

Motion: Harris moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM FEBRUARY 1-2, 2013 AND FEBRUARY 21, 2013.

Vote: Unanimous

The Commission signed the minutes following approval.

* * * * *

11. Director’s and Chairman’s Reports

Motion: Harris moved and Madden seconded THAT THE COMMISSION VOTE TO DISPENSE WITH THE DIRECTOR’S, CHAIRMAN’S AND COMMISSIONER’S REPORTS.

Vote: Unanimous

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12. Commissioners' Reports

The Commission voted in the previous agenda item to dispense with the Commissioner's Reports.

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13. Future Agenda Items and Action Items

Assistant Directors Ty Gray and Larry Riley captured the following action/future agenda items:

- At a future Commission meeting, highlight the WAFWA Western Grasslands Initiative. Have Bill VanPelt report to the Commission
- Executive Staff deliberate, purchase of advertising space for key upcoming meetings (i.e., Commission Order, HPC, etc)
- Recognize Jay Cook, IESR, Anthony Chavez and SSDV for progress on Tri-State Range
- Provide either through informational memo or at future Commission meeting a more in depth briefing on Sierrita Pipeline (Region 5 and Habitat)
- At a future Commission meeting, provide more in depth briefing for Commission regarding HR 687 – SE Arizona Land Exchange (Resolution Copper). Legislative and Habitat
- Regarding Conservation Education Center and solicitation policy, Regarding DOM G2.2 reference sponsorships...in Paragraph 14.h strike “or alcohol” and afford the Commission the opportunity to review such sponsorships on a case-by-case basis; In Paragraph 2, make the Commission the authorizing entity and evaluate on case-by-case basis; Return for 2nd read in April
- Continue the revocation case for Jory D. Wright to April Commission meeting
- Backbone infrastructure investment should be an agenda item for the Commission (i.e., capacity for throughput)
- Regarding online applications: Invest seriously; Seek alternatives for return on investment; Anticipate paperless system; We will need a more robust system
- Verify/ensure that we memorialize the ‘translational value’ of leveraged research (meeting multiple needs) in the prioritization of Management Information Needs
- MOU with USFWS regarding Apache Trout Eggs; Table until April
- Rogers Lake MOU and supplemental agreement; Move to Consent agenda in April
- Move the June Commission Meeting to June 14-15
- Move the Commission-Staff retreat to June 17-19 (Work Session)
- Develop a catchy marketing slogan for Dydimio; Rock Snot. Tom McMahon.
- Share McDowell Mountain Survey analysis with Commission; See in context with other similar habitats/areas
- In negotiation with the Big Boquillias during this ‘experimental program’, push in the direction of an annual pass rather than or in addition to a per hunt access permit/fee.; Consider things like a ‘family fee’ as alternative approaches to structure of access permits fees; With regard to Points of purchase, investigate alternative locations for points of

purchase, including Seligman community businesses and on-line; Predator hunting – encouraged

- Approved Commission Policy on Travel Management; Communicate to Habitat Program staff; Develop training, including lesson plan development; Develop, as necessary, more detailed guidance to Department staff; Share, as appropriate, with Arizona Congressional Delegation and State Legislative leaders.

* * * * *

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

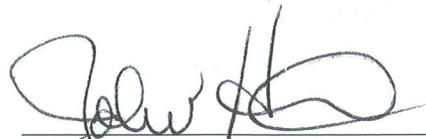
Vote: Unanimous

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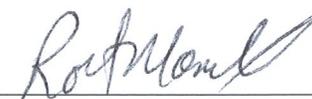
Meeting adjourned at 4:27 p.m.

* * * * *

Jack F. Husted, Chairman



John W. Harris, Vice Chair



Robert E. Mansell, Member

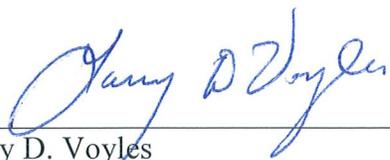


Kurt R. Davis, Member



Edward "Pat" Madden, Member

ATTEST:



Larry D. Voyles
Secretary and Director

**Game and Fish Litigation Report
Presented at the Commission Meeting
March 8-9, 2013**

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. ***Center for Biological Diversity et al. v. United States Forest Service***, CV-12-8176-PCT-SMM. Plaintiffs filed an action in the U.S. District Court for Arizona on September 4, 2012. The lawsuit alleges the U.S. Forest Service ("USFS") is violating the Resource Conservation Recovery Act ("RCRA") by allowing the disposal of lead ammunition on the Kaibab National Forest, and the disposal results in significant harm to the California condors and other avian wildlife. Plaintiffs are seeking declaratory and injunctive relief requiring the USFS to abate the harm.

On November 4, 2012, the State of Arizona, on behalf of the Arizona Game and Fish Commission, filed a limited motion to intervene for the sole purpose of filing a motion to dismiss on the grounds that the State of Arizona is a required party but joining the State is not feasible due to sovereign immunity. Because the State is a required party that cannot be joined, the case must be dismissed. Plaintiffs filed a response to the State's motion on November 20, 2012. Plaintiffs did not object to the State's intervention but argued that the State does not meet the requirements of a required party.

The National Rifle Association (NRA) and Safari Club International (SCI) filed motions to intervene on November 21, 2012. The State filed a reply on December 4, 2012, to the Plaintiffs' response to the State's motion to intervene. The USFS filed a motion to dismiss on December 14, 2012, on the basis the Court lacks jurisdiction. Plaintiffs filed a response to NRA's motion to intervene on January 4, 2013. On January 22, 2013, the National Shooting Sports Foundation (NSSF) filed a separate motion to intervene.

On February 5, 2013, the plaintiffs filed a response to the USFS' motion to dismiss. On February 22, 2013, the District Court issued an order granting the USFS until March 25, 2013 to file a reply in support of its motion to dismiss.

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. *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 Wilderness Society appealed to the Ninth Circuit. Briefs have been filed. One of the issues raised by the Wilderness Society is whether BLM's resource management plan failed to protect ruins, wildlife and other monument objects by allowing motor vehicle use on unmaintained routes that don't qualify as "roads".

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.

On May 6, 2011, the Commission 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 Commission's 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 Commission filed its Answer on July 25, 2011, to the First Amended Complaint.

The Court issued a ruling on January 31, 2012, affirming the Commission's license revocation and civil assessment decisions. The Court entered a judgment for the Commission on February 15, 2012. The plaintiffs filed with the Court a motion to vacate and for rehearing on February 28, 2012.

The Court denied the plaintiffs' motion to vacate on March 22, 2012. The plaintiffs filed a notice of appeal on April 20, 2012. The Reed's opening brief to the Arizona Court of Appeals was filed on August 15, 2012. The Commission's filed its answering brief on October 15, 2012, and the Reeds filed a reply brief on November 5, 2012.

The court of appeals issued a memorandum decision on January 24, 2013, affirming the trial court's decision upholding the Commission's license revocation and civil assessment actions. **On February 8, 2013, the Reeds filed a motion for reconsideration of the memorandum decision. The Court denied motion on February 20th. The Reeds have until March 7, 2013 to file a petition for review with the Arizona Supreme Court.**

4. *WildEarth Guardians v. James Lane, 12-00118 (LFG-KBM).* Plaintiff challenges New Mexico's failure to regulate trapping in the Mexican wolf occupied range to avoid take of any wolves. The Commission authorized the filing of an amicus curiae brief in support of New Mexico. The Court granted the Commission's motion for leave to file an amicus brief and on September 19, 2012, the Commission filed its amicus brief. Plaintiff filed a response on October 9, 2012, and the Commission filed a reply on October 30, 2012.

The Court issued an order on December 3, 2012, granting Defendants' motion to dismiss for failure to state a claim. Plaintiff filed a notice of appeal on December 28, 2012. The Tenth Circuit issued a briefing schedule on January 3, 2013, ordering Plaintiff to file an opening brief within forty days.

On February 12, 2013, WildEarth Guardians filed an opening brief. On February 15, 2013, the Tenth Circuit issued an order extending the time to file an answering brief until April 17, 2013. The Commission's amicus brief is due seven days after the date the answering brief is filed.

Lands Update
For the Arizona Game and Fish Commission
March 1, 2013
Phoenix, Arizona

U.S. FOREST SERVICE LAND AND TRAVEL MANAGEMENT PLANNING

General Planning Status – Please see attached worksheet.

Apache-Sitgreaves National Forest

The Proposed Plan and Draft Environmental Impact Statement are currently available for review during a 90 day public comment period. The Department is currently reviewing the plan and will provide a formal response in May 2013.

Coconino National Forest

The Forest continues internal development of its Revised Land and Resource Management Plan (LRMP). Release of the Draft Environmental Impact Statement (EIS) is expected in March 2013.

The Forest is in the implementation phase of its Travel Management Plan (TMP).

Flagstaff Watershed Protection Project

Planning for the Flagstaff Watershed Protection Project (FWPP) has started and the Department is serving on the Interdisciplinary Team for this effort. FWPP is a voter-approved, \$10 million bond to reduce fire risk on the steep slopes of Mt. Elden and the Dry Lake Hills above Flagstaff. Helicopter and cable logging will be employed. Impacts to Mexican spotted owls and prime mule deer habitat are the focus of the Department's project evaluation. Given the need to protect the community, and the political backing to this project, the Department will make this a priority project.

Coronado National Forest

The Draft Travel Management Plans are being developed for each District and will be released successively for public comment beginning in 2013.

The Draft Land and Resource Management Plan and EIS are currently in internal review and are expected to be available for public input in late fall of 2013. The Department was allowed to view the plan at the Coronado office in February but the Forest will not allow the plan to leave the building, citing Public Records Request concerns. The Department is compiling notes and potential issues with the plan and soliciting input from field personnel on potential impacts.

Kaibab National Forest

The Forest continues to work toward release of a Final EIS for its Land and Resource Management Plan (LRMP). Preliminary indications are for a release in early March 2013.

The North Kaibab Ranger District released its Record of Decision for their TMP, and the Department subsequently appealed the Forest's Decision (see attached appeal). The appeal addressed two main issues: 1) the omission of Motorized Big Game Retrieval (MBGR) for deer, and 2) the inadequate provision of dispersed camping in the pinyon-juniper habitats.

The Department received a 'final administrative determination' from the Deputy Regional Forester denying the Department's appeal on the TMP. As it stands, MBGR will be allowed for bison and elk, 1 mile from designated system roads (except where prohibited). Motorized dispersed camping will be allowed 300 feet from either side of 99 miles of specified roads and 100 feet from either side of 104 miles.

Prescott National Forest

Public comment period on Draft LRMP ended November 12, 2012.

Motorized Big Game Retrieval

Motorized big game retrieval will be allowed one mile from designated roads for elk only.

Tonto National Forest

Land and Resource Management Plan (LRMP) has been under internal revision and is anticipated to be out for scoping in 2014 with a 4-6 year timeline for the final LRMP and EIS. The LRMP process will take on a more collaborative approach, beginning with a workshop to define partner roles and responsibilities, etc. The intent is to have Department involvement early and throughout the process.

The Forest has determined the need for elevation of the NEPA process (from EA to EIS) for the TMP that would allow for the further coordination and potential for additional alternatives to be developed. The notice of intent to prepare an EIS has been released for review and comment. The Department is currently reviewing the notice and will provide comments by the deadline in March. The proposed action changes include, but are not limited to:

- Big game retrieval limited to one mile of either side of all open roads for elk and bear (Units 21, 22, 23, 24A and 24B).
- One vehicle length, or up to 30 feet from the edge of the designated road or trail for dispersed camping.

The annual coordination meeting in March will include an afternoon breakout session on the TMP to identify further identify concerns.

U.S. FOREST SERVICE - General

Four Forest Restoration Initiative-4FRI

4FRI is a 2.4 million-acre initiative to reduce fire risk and restore forest health in the ponderosa pine ecosystem of northern Arizona. It is a collaborative effort between the US Forest Service and a group of roughly 40 diverse stakeholders. The Department has been involved since its inception in 2009, recognizing the critical need for forest restoration to reduce the risk of uncharacteristically large and severe wildfire. The USFS is in the midst of DEIS planning for the first project area, which is roughly 990,000 acres on the Coconino and Kaibab National

Forests. As a stakeholder, the Department has been provided the opportunity to preview the Draft Environmental Impact Statement (DEIS) prior to the onset of the formal 60-day comment period. The formal comment period will begin when the DEIS is published in the Federal Register, anticipated in late March. The USFS has also issued a Stewardship Contract for 330,000 acres of mechanical treatment across all four National Forests to Pioneer Industries, however the contractor has requested an extension to meet performance benchmarks established with the Forest Service. Concerns remain as to whether Pioneer will be able to secure funding and permits needed to open the planned, multi-product processing facility in Winslow. Planning for the second EIS (A-S and Tonto NFs) is expected to kick off soon. This initiative has the potential to positively impact wildlife populations and our constituents at the landscape scale, and as such it requires significant Department investment to ensure that it is founded on the best available science.

Coconino and Kaibab NF Pronghorn Permeability

The Department has been working with both the Kaibab and the Coconino National Forest to increase permeability for pronghorn across several highways including Hwy's 89, 180, and SR 64. The goal is to assess where Right of Way fence may be precluding animal movement across these roadways and either remove or push back these fences at least .10 of a mile. This distance has been shown by Contracts Branch Research to increase the willingness of pronghorn to cross. The Coconino will begin work on a stretch of Hwy 180 near Kendrick Park this summer with hopes that the Kaibab stretches of highway can follow next summer.

Apache-Sitgreaves National Forest

Apache-Sitgreaves (A-S) Forest Plan Revision

The A-S has released for public review/comment the Proposed Land and Resource Management Plan for the Apache-Sitgreaves National Forests and the Programmatic Draft Environmental Impact Statement. The final land management plan will replace the current plan, written in 1987, and provide guidance for managing the A-S for the next 10 to 15 years. Three open houses are scheduled to be held by the A-S (Show Low - February 26, Springerville - February 27, and Duncan - February 28). The Department is currently in the process of reviewing these documents.

Wallow Fire Motorized Closure Order

On December 31, 2012, Wallow Fire Motorized Order #01-11-533 amendment #3 expired. With the expiration of this Forest Order, cross-country motorized use within the area affected by the Wallow Fire is no longer prohibited and forest users are allowed to park greater than 30' from a designated motorized rout. Some areas, however, still remain closed to camping, but open the entry and travel. See attached map reference.

Coronado National Forest

Rosemont Copper Project

The Department met with representatives from the Rosemont Copper Project to discuss the potential for the Department to take ownership of one property which may provide mitigation credits for the Army Corps of Engineer's Clean Water Act compliance and enhance habitat for federally listed species. The property was visited by Department personnel who are evaluating

potential benefits to wildlife. The property was originally proposed to the Coronado Forest as important wildlife habitat needing protection and of high interest to the Department as a compensatory mitigation property. The property comes with water rights which may be used for native fish and wildlife habitat enhancement purposes, and is in a high value habitat connectivity corridor modeled for the Department between the Patagonia and Santa Rita habitat blocks.

The Department met with the Coronado Forest, U.S. Fish and Wildlife Service, and consultants for Rosemont Copper on Conservation Measures for federally listed species relative to section 7 of the Endangered Species Act. The Department provided technical input to all parties on the draft and final versions of the Biological Opinion. The Department was named as a potential receiver of lands used for implementation of Conservation Measures and as a potential implementer of Conservation Measures involving research and monitoring of wildlife.

Santa Catalina Bighorn Sheep Reintroduction

The Department is studying possibility of reintroducing bighorn sheep into the Santa Catalina Mountain Ecosystem Management Area. The current strategy under consideration would include a translocation of thirty bighorn sheep from the Chocolate and Trigo Mountains to an area near Finger Rock Canyon within the Pusch Ridge Wilderness in November. Each would be fitted with a GPS satellite collar to monitor their movements and detect mortalities.

The need for prescribed burns in the sheep habitat, and predation concerns, are among factors being weighed by the Department in developing the reintroduction strategy. The Department is carefully considering the importance of managing predation by mountain lions as well as additional habitat requirements to achieve the optimal results from the translocation. Although the Aspen and Bullock fires decreased brush and increased the habitat rating of the area, much of the best sheep habitat on Pusch Ridge remains unburned.

Redington Pass Informational Kiosk

On February 1, 2013, an informational kiosk was installed in Redington Pass. The kiosk was part of a collaborative effort between the Arizona Game and Fish Department, United States Forest Service, and Pima County Parks and Natural Resources. The kiosk is located on the north side of Redington road at mile marker 3.9 and serves as an information tool to provide the public with OHV, target shooting, hiking, hunting, fire restrictions, and overall recreation information in the pass.

Kaibab National Forest

North Kaibab Cheatgrass

Cheatgrass and other invasive annuals have become widely established on the Kaibab Plateau and adjacent areas, reducing habitat quality for mule deer and other wildlife, and setting the stage for unnatural, high-frequency fires which will cause further ecosystem degradation. In response, managers have applied a variety of treatments, including “hands-off” management with hopes that native plants will eventually prevail, herbicide application, and seeding of native grasses and shrubs. Results to date have not met expectations. New approaches are needed, particularly means for breaking up continuity of fuels at a landscape-scale, and limiting fire spread when ignitions occur. Efforts to address this issue are a priority for the Region and the following approach is being considered:

Phase I-- A firescape analysis of the westside of the Kaibab. The goal of the analysis is to look at cheatgrass fuel loading across the westside, potential wildfire spread across the landscape, and strategic placement of fuel breaks (greenstrips/brownstrips/existing roadways, etc) to reduce fire spread and protect previously unburned core areas of mule deer habitat. It should be noted that is more than an academic analysis, ie, results will feed directly into Phase II which is on the ground work.

Phase II-- Results from Phase I will feed into implementation of a fuel break in a strategic location(s). These fuel breaks would be achieved by using plant materials covered under the Westside EA (native plants only). There are several species such as Lewis's flax, pennstemon spp, and western wheatgrass that show promise. In addition to the "native green strips" there is some interest in using non-native species but these would likely need to be embedded as small experimental trials, contingent on approval by USFS.

Tonto National Forest

The annual coordination meeting with the TNF, AGFD, and the USFWS will be held in March.

Red Creek

The Forest has scoped a proposal to improve ecological conditions and to authorize continued livestock grazing on the Red Creek, Six Bar, and Skeleton Ridge allotments (Allotments) in the Cave Creek Ranger District. The Department provided preliminary comments and recommendations for preparation of an Environmental Assessment (EA). Primary interests are opportunities to develop water and infrastructure improvement projects, management of the Verde River Wild & Scenic and other riparian systems, native fish stocking actions, address resource impacts from the Cave Creek Complex wildfire and considerations for Special Status Species and Arizona's Species of Greatest Conservation Need (SWAP). The Department remains in coordination with the forest and is waiting for the draft EA to come out for review

SR6

The Forest continues to develop an EIS to analyze management strategies that maintain and improve ecological conditions on six grazing allotments along the Salt River corridor, between Roosevelt Lake and the Fort Apache Indian Reservation. Draft Specialist Reports were released to permittees this fall. The Habitat Optimization Alt. 4 has been drafted. The DEIS is nearly complete and anticipated release is in January for 45 day review period. The Department has requested copies of the Specialists Reports. The Department has not yet received the DEIS for review.

Sustainable Recreation Program

The Forest has initiated review of its developed recreation program and is currently hosting several public open house meetings. From the input at these meetings, the Forest will be putting forward a proposal which could result in changes to the operation and maintenance of recreation sites on the forest and potential fee modifications. The second round of public meetings will be hosted in fall of 2013 to share the proposal and capture additional comments. The Department attended and participated in one or more of the open house meetings. The Department continues to coordinate and will be reviewing the documentation when it becomes available.

BUREAU OF LAND MANAGEMENT (BLM)

Hassayampa Field Office

The draft EIS/draft RMP amendment has been prepared to provide analysis for the potential impacts of granting a right-of-way to Arizona Public Service (APS) for the purpose of constructing and operating a 500/230kV overhead transmission line from the Morgan Substation to the planned Sun Valley Substation. The location for the proposed project includes BLM managed lands, Arizona State Trust lands and private lands in northern Maricopa County. Under the preferred alternative, the BLM would approve a 200-foot wide ROW within the existing designated utility corridor northeast of the Sun Valley Substation. The corridor would be either single use (north of SR74) or multiple use (south of SR74). DEIS/DRMP amendment is currently out for public comment. The Department has been involved with the project since the certification process was undertaken for the original corridor through the Corporation Commission in 2007. The Department reviewed the DEIS and provided comments to conclude the proposed action alternative would have the most potential for impacts to wildlife resources and recreational uses due to the location, types of uses and wildlife habitat quality. The proposed action alternative includes areas north of SR74 transecting OHV areas of high use and in areas of higher quality habitat for things like desert tortoise.

Lake Havasu Field Office

Lake Havasu Field Office released the Draft EA for the North Havasu Travel Management Plan. The Department attended a public meeting in Lake Havasu City for the Draft EA on February 6, 2013. The area includes GMU's 16 A and B and the southern portion of 18B. The Department has been and will continue to be an active partner in the planning process.

Lower Sonoran Field Office

Sonoran Desert National Monument-Temporary Route Closures

BLM continues to work to reopen the routes. The project has been delayed by retirements and budget cuts. BLM assures the Department they are committed to reopening the routes.

Tucson Field Office

Madrean Archipelago Rapid Ecoregional Assessment (MAREA)

The Department continues to participate in the Madrean Archipelago Rapid Ecoregional Assessment (MAREA) for the Sky Island region located in Arizona and New Mexico. The MAREA is intended to identify, assemble, synthesize, and integrate existing information about the native species, aquatic and terrestrial resources, and environmental change agents to provide information that will help BLM land managers in the ecoregion understand resource status and the potential for change of this status from a broad landscape viewpoint. This information will be used by the BLM to assist with its land management responsibilities, including Resource Management Plans (RMP's), developing best management practices (BMP's), authorizing uses, and establishing conservation and restoration priorities.

Ironwood Forest National Monument Record of Decision

The BLM issued a Record of Decision (ROD) on the Ironwood Forest National Monument Resource Management Plan (RMP). The Approved RMP is the same as Alternative C (preferred alternative) in the Proposed RMP, with minor modifications made in preparing the Approved RMP. The BLM received eight protest letters on the Proposed RMP/Final EIS, including a protest from the Arizona Game and Fish Department regarding the closure of the monument to dispersed recreational firearm use. The BLM Director denied all protest issues. The Bureau's Protest Resolution Report can be accessed at the BLM website.

Yuma Field Office

The Yuma Field Office plans to release a Draft EA and hold a public meeting in Quartzsite for the La Posa Travel Management Plan in late February 2013. The area includes portions of GMU's 43A, 44A and 45A.

NATIONAL PARK

Petrified Forest National Park (PFNP)

Due to staff illness, the annual coordination meeting between the Department and PFNP, which was to occur on February 6, has been rescheduled for March 7.

Expansion of Petrified Forest National Park (PFNP)

On January 31, 2013, the Conservation Fund, in partnership with the National Parks Conservation Association, purchased 4,265 acres (see map below) within the expanded PFNP boundary set forth by the Petrified Forest National Park Expansion Act of 2004. The Petrified Forest National Park Expansion Act of 2004 (Public Law 108-430), passed by Congress and signed by President George W. Bush, expanded the authorized PFNP boundary by approximately 125,000 acres from 93,533 acres to approximately 218,533 acres. The Conservation Fund will hold the land, known as the McCauley Ranch, until it can be purchased and transferred to the National Park Service, which is expected to occur later this year. See attached map reference.

GENERAL UPDATES

Coconino County – Rogers Lake

Working with USDA-NRCS, the Department recently completed a range inventory of Coconino County's Rogers Lake County Natural Area. The inventory provides baseline plant community information and will allow for monitoring of changes in the plant community. Monitoring sites have been established on comparable locations grazed and ungrazed by livestock to assess the impact of livestock grazing on the lake's value as wildlife habitat.

Natural Resource Conservation Service (NRCS)

The Department is leading efforts to restore an additional 7500 acres of grassland restoration on Hopi Three Canyon Ranches' Clear Creek ranch. The planned restoration work will remove invading juniper and pinyon pine from former grassland and savannah areas on the ranch. The goal of this restoration work is to remove fragmentation of the grassland habitat in the area. This planned work comes on the heels of the recently completed 7,500 acres of grassland restoration work, on the Clear Creek Ranch on the east side of highway 87. The Department is working

with the Hopi Tribe, USDA- Natural Resources Conservation Service, and Arizona State Land Department on the project.

Potash Mining-Prospect Global/American West Potash

Prospect Global submitted an Air Quality Permit with Arizona Department of Environmental Quality (ADEQ) that will be going through ADEQ's review process and which will include a public meeting. This is a first step in their permitting process with ADEQ. Prospect Global plans on submitting an Aquifer Protection Permit in the second quarter of this year. Others required permits are: Arizona Pollutant Discharge Elimination System (AZPDES) Permit, and Waste Disposal Permit.

City of Winslow

On February 13, Department personnel met with Winslow city officials, including the town manager, chief of police and a citizen's development committee, to discuss programs, products and services available from or through the Department, such as grant and technical assistance to develop a local shooting range, conservation and environmental education programs, and wildlife viewing information, products and programs. The group noted that one of their priority interests was developing a local shooting range. They plan to meet among themselves in the near future to review the information Department staff presented and determine priorities and methods to move forward in partnering with the Department to assist with developing and implementing their specific interests. Department staff committed to be available and help however requested with programs and services.

Wildlife Areas

Horseshoe Ranch

The Department continues to develop plans for signage, ADA compliance solutions, revegetation plans for the pond, NRCS soil surveys and prioritizing water rights recommendations.

Mittry Lake

The Bureau of Land Management has proposed the restoration and improvement of approximately 256 acres of wildlife habitat within the Mittry Lake Wildlife Area (MLWA). The proposed activities would set aside 5-10 acres for an annual youth dove hunt while the remaining 246 acres would be used to create waterfowl ponds, cottonwood-willow habitat, and mesquite habitat. A new irrigation channel would connect to an existing channel and pump located on the southwest side of the proposed project that pumps water from Mittry Lake using the BLM Yuma Field Office Colorado River water allocation.

Coordinated Resource Management Plans (CRMP)

Horseshoe

The Department continues to coordinate and participate on the CRMP for the Horseshoe and Copper Creek Allotments. Information is provided to the public via an updated web-site and the agencies are utilizing the services of a facilitation group. Progress continues as the group is finalizing shared goals and objectives while working into strategies. Parallel to the administrative processes, field work has been conducted utilizing a new range and upland evaluation technique piloted by the BLM Assessment Inventory Monitoring Strategy (AIMS) for integrated renewable resources management. This work was completed over the summer. Riparian monitoring is being scheduled. The Department's statewide fisheries management assessment tool as is being utilized as a tool for aquatic management on a sub watershed scale for this process. The aquatic assessment sub-team is in the initial phase of gathering data. All of the sub teams continue to meet and work through the goals and objectives, along with development of strategies. A sub team recently met with Mr. Holbrook to discuss potential water projects on the allotments. The CRMP is currently being drafted in sections. The desire to ensure the federal agencies can utilize the CRMP process as their NEPA for formal decision and implementation has affected the timelines somewhat, but will greatly enhance the ability to conduct management actions under one NEPA umbrella at process completion. The anticipated plan document completion will be in 2013.

RENEWABLE ENERGY DEVELOPMENT

WIND

Boquillas Wind Energy Project

A Boquillas Wind Project Eagle Conservation Plan (ECP) meeting occurred in February 2013 between the project proponents, the AZGFD, USFWS and Western EcoSystems to discuss the second draft changes to the ECP. Agency concerns and issues include fatality estimates and GOEA risks, survey areas, turbine setbacks from Aubrey Cliff rim, and the next steps regarding uncertainty in calculating eagle risk for the project.

Mohave County Wind Farm Project

Revisions for the Final EIS chapters are being reviewed and responses to comments finalized. The Final EIS will be released once these revisions are completed.

Dolan Springs Wind Energy Project

The proponent of the Dolan Springs Wind project, Iberdrola Renewables, had an introduction meeting in Kingman in November 2012. The meeting covered the intent and pre-application overview of the proposed project. Agencies in attendance included the BLM, FWS, AZGFD, Western, Mohave County, Hualapai Tribe, Fort Mohave Indian Tribe, USFWS and the NPS. Agency concerns included eagle nesting areas, foraging areas for bats, open mines, wildlife migration, and historical cultural issues. No further meetings or information have occurred since the initial proponent meeting in November 2012.

Mohave Wind

BP Wind Energy has made a request to allow for a wider temporary road bed to accommodate collector lines. BP clarified that roads within the turbine corridors would not need to be wider,

but they are limited on how many collectors lines can be buried in a single trench. As more MW are pooled and the collector lines approach the substations, multiple trenches would be needed, which would result in a wider area of temporary disturbance. The EIS text description should explain that roads connecting the turbine corridor will be limited to 56-foot-wide temporary roads, where possible, but could expand to 75-foot-widths where necessary. These revisions were sent to the BLM for a one-day review period so revisions could be reviewed before being incorporated into Chapter 2 of the final EIS. Based on these changes the preferred alternative is currently under review, and will be incorporated into the document text prior to solicitor review.

To keep the Final EIS on schedule for a release date to the public in late December 2012, BLM and Reclamation agreed to a five-day agency review time for the EIS sections. The Department of Interior will have a solicitor review when the entire document is completed. The BLM recommended electronic filing of the Final EIS for the EPA to be completed at least 10 days prior to the EPA publication date in the Federal Register.

The ROD will be jointly filed by the BLM and Bureau of Reclamation. Western is currently preparing a separate ROD. Currently the ROD is scheduled for early 2013.

SOLAR

Fort Mohave Solar Project

Tribal Solar, on behalf of the Bureau of Indian Affairs presented a project overview of the Fort Mohave Solar project on February 12, 2013. The project will occur on tribal lands in Mohave County, which borders both California and Arizona near Fort Mohave. The project consists of a 310 mega-watt facility on 3600 acres near the Colorado River. The environmental analysis work is currently being conducted and construction is scheduled to begin mid 2014. The project will connect with the Mohave generating station switchyard Northwest of Kingman, with the final transmission route to be determined through the EIS alternatives process. Edison of California expects to file an interconnection agreement for transmission by mid April 2013.

TRANSMISSION LINES

SunZia Transmission Line Project

The Bureau of Land Management continues to work on the Final Environmental Impact Statement for the SunZia Transmission Line Project. The preferred alternative for the project includes a route segment through the San Pedro River Valley. The project proponent's preferred route, as well as one potentially favored by the Department of Defense, includes a route that fragments the unfragmented habitat between the Aravaipa and Galiuro Wildernesses. The Department is concerned that any route through this area would impact bighorn sheep and other species, and may have cumulative effects that include the potential for other infrastructure to co-locate along this route. Proposed infrastructure under consideration for this area includes the Interstate 10 bypass, a project which the Commission voted to unanimously oppose via resolution during project development.

SunZia NEPA Process Timeline:

May 25, 2012

Release of the DEIS

<u>Mid June</u>	Cooperator Meeting – Discuss comments that have not been resolved/incorporated & discuss upcoming public meetings
<u>Late June/July</u>	Public Meetings
<u>Mid August</u>	Conference Call with Cooperators – Opportunity for additional conversation & discussion with Cooperators
<u>August 22, 2012</u>	End of 90 day comment period
<u>Early 2013</u>	Projected release of final EIS

NON-RENEWABLE ENERGY DEVELOPMENT

Sierrita Pipeline Project (formerly the Sasabe Lateral Natural Gas Pipeline)

Sierrita Gas Pipeline LLC (formerly Kinder Morgan/EPNG) filed their formal application for a Certificate of Public Convenience and Necessity and application for a Presidential Permit and Authorization for a New Border Crossing Facility between the United States and Mexico on February 7, 2013. Resource Reports addressing existing conditions and expected construction and operation impacts to cultural and natural resources within the project area were also submitted at that time. The Department is currently reviewing these documents.

Eastern and western route alternatives have been proposed, with the eastern route primarily co-located along the existing State Highway 286. This route would go through the Buenos Aires National Wildlife Refuge (BANWR). The BANWR, in coordination with regional and national management levels of the National Wildlife Refuge System has indicated it will not find Sierrita's project compatible with the mission of the refuge. As a result, Sierrita has selected the western route as the preferred alternative. The western route would introduce an approximately 100-foot wide disturbance through much of the Altar Valley not currently containing any infrastructure for roughly half of its total 59-mile distance.

TRANSPORTATION

Arizona Passenger Rail Corridor Study

The Federal Transit Administration and Federal Railroad Administration, in cooperation with the Arizona Department of Transportation (ADOT) are preparing a Tier 1 Environmental Impact Statement for the ADOT Passenger Rail Corridor Study. This study will investigate potential high-capacity transportation corridors, which could include intercity rail service between Tucson and Phoenix. The Department has participated in the preliminary stakeholders meetings and has accepted the role as a participating agency on the Project. The Department has provided preliminary input at the various meetings to ensure consideration is given to wildlife connectivity, and minimization of impacts to wildlife and habitat through alternative evaluation. The Department is providing data to assist in the development of criteria for the evaluation of the alternatives and Tier 1 analysis process. The Department is concerned about the high number of alternative corridors in the east valley, undeveloped areas that seem to be favored throughout the process due to anticipated development. The Department submitted comments on the draft concept alternatives for the study and continues to provide support to the project team. The Department recently met with members of the project team for status updates and shared the draft Pinal County wildlife linkages data with the project leads to ensure consideration through the process.

North/South Corridor Study

The purpose of this project is to provide a connection between US 60 and I-10 through identifying and evaluating various proposed routes. The study also has now included the reinitiation of the SR24 study area that crosses the North/South study area (from east to west). The studies will be combining efforts to determine the alternatives to be carried forward for the tier 1 EIS analysis. We have reviewed and provided comments on the draft alternatives selection report that will help to inform those alternatives being carried forward into the Draft Design Concept Report and DEIS. The Department remains consistent in support of those alternative routes west of the CAP canal, along existing infrastructure and minimizing potential impacts to environmental resources. We continue to provide information to assist in the development of analysis process as it moves forward. The Department shared preliminary Pinal County wildlife linkages data with the project leads to ensure consideration through the process. The study is currently on hold.

Sonoran Valley Parkway (SVPP)

The Bureau of Land Management (BLM) invited the Department to become a formal Cooperating Agency for the project's Environmental Impact Statement (EIS). This parkway will be aligned north/south through Rainbow Valley, between the Sierra Estrella Mountains and the Sonoran Desert National Monument in southwest Maricopa County. BLM, AGFD, City of Goodyear and project consultants met on November 15, 2012 to follow-up on Department comments to Chapter 1 & 2 of the project EIS. Since then, all cooperating agency comments on Chapter 1 & 2 have been addressed. Comments and resolutions will be circulated in January to Cooperating Agencies and consultants are developing Chapters 3 & 4 of the ADEIS. Consultants plan to submit ADEIS to BLM late January. Complete ADEIS will be submitted to cooperators in mid-February. The Department has not received the ADEIS at this point.

I-11 Phoenix to Las Vegas Project

U.S. Congress in the 2012 Surface Transportation Act designated Interstate 11. The first phase of the project is from Phoenix to Las Vegas. ADOT and Nevada Department of Transportation are partnering to conduct a two year of study of potential corridors for the proposed Interstate. The Department participated in a stakeholder's meeting and expressed that the study should include impacts to wildlife, hunting opportunities and stressed the economic importance of hunting and wildlife-dependent recreation for the region. It should be noted that one of the ideas "being kicked around" is using Carefree Highway as part of the corridor. This proposal would impact Department headquarters and Ben Avery Shooting Range.

The Department met with ADOT and consultants to discuss impacts to wildlife for a proposed multi-modal corridor along Interstate 10 from Phoenix to the California border and raised concerns about wildlife movement and impacts to wildlife from associated development.

The Department recently participated on the sub team for natural resources and provided comments during the web meeting.

SR 303

The ADOT Loop 303 Feasibility Study Team is continuing to develop and evaluate the alternative corridors for Loop 303 expansion to create a north/south link between I-10 and the future proposed Hassayampa Freeway. SR 303 is proposed to run through Rainbow Valley just west of the Sierra Estrella Mountains in western Maricopa County. Based upon coordination

with the Bureau of Land Management and the Federal Highway Administration, additional research, coordination, and analysis needs to be conducted regarding cultural resources in the study area including the proposed Rainbow Valley Road and Cotton Lane corridors. This additional evaluation will begin in early 2013 and, upon its conclusion; a final report will be prepared. The final decision regarding the preferred alternative will be deferred for approximately one year, the results will be documented in a Planning and Environmental Linkages document. This document will be approved by the agencies involved and will be used in the future as input into an Environmental Clearance for the preferred alternative.

US 60 Superior to Globe

This project is to provide more efficient travel to meet the demand on US 60 from Superior to Globe. We remain on the environmental and core teams and have reviewed and provided verbal comment on the purpose and need. The few previous meetings were cancelled. Currently, ADOT is revising the work plan as FHwy has instructed they do a Tier 1 EIS. The work plan will be out for review in the fall. The biological overview, Queen Creek assessment will be out this month, however, has not been seen yet. The meeting for September has been cancelled.

This presents opportunity for further research, wildlife designs, incorporation of linkages and mitigation for loss of habitat. Currently, ADOT is revising the work plan as FHwy has instructed they do a Tier 1 EIS. The work plan will be out for review in the fall. The biological overview, Queen Creek assessment is scheduled to be available this month. The meeting for August and September has been cancelled. We did not provide any additional comments on the revised purpose and need. The October and December meetings were also canceled. The core team met this month for a progress update. The engineering work is still on hold due to Tier 1 environmental impact statement decision and development. The work plan associated with this Tier 1 EIS has been developed but not approved and will be coming out for review by the cooperating/participating agencies. Once the work plan is approved, development of the Tier 1 EIS commences and Notice of Intent to prepare an EIS will be issued through the federal register. The Department is a participating agency and continues to be involved throughout the process including review of the work plan and development of the analysis for the EIS. It is anticipated that the approval of the work plan would not be until March or later this year. The environmental overview for the Queen Creek section that includes the hedge hog cactus model and evaluation has been completed. The Department shared preliminary Pinal County wildlife linkages data with the project lead and Tonto National Forest to ensure consideration through the process.

US 60, Silver King and Superior

The project is to widen the existing US60 to a four lane rural and urban fringe cross section. The Department is currently working with the team to incorporate wildlife friendly specifications into the culvert and bridge designs, along with updating the environmental documentation. This project includes several drainage, bridge structures and lighting that will provide opportunity for wildlife friendly retrofitting. In addition, several wildlife linkages/corridors will need to be considered.

The Department continues to coordinate and provide information for the biological evaluation and NEPA process. The recent meeting resulted in positive responses to our comments in addition to ensuring our participation within the design group. The project looks good overall,

and with the right structure specifications (they appear to be there for the most part) and the inclusion of some funnel fencing this could be a very wildlife friendly road that would promote both driver safety and wildlife connectivity. Because of the structures already included and the prime location relative to species distributions and habitat, this could be a shining example of permeability with relatively little added effort. The recently submitted comments reflect the specifications denoted in the AGFD Guidelines for Wildlife Friendly Fencing, the USFWS's 2005 Recommended Specifications for Desert Tortoise Exclusion Fencing, and the 2010 ATRC report (SPR-650) that reported on the effectiveness of desert tortoise mitigation measures relative to highways.

The recent meeting confirmed the 60% design stage will be completed by April. The Department continues to work with the consultants on the environmental documentation and will be commenting on the 60% designs for bridges and culverts. Wildlife Contracts is also involved in the current discussions and reviews of the 30% designs for the bridges. The Department shared preliminary Pinal County wildlife linkages data with the project lead and TNF to ensure consideration through the process.

Town of Buckeye

The Department is working with Town of Buckeye Planning Department (Town) to develop a workshop presentation to the Town Council in January 2013 on Wildlife Habitat Linkages: Planning and Conservation. The goal is to increase Town awareness and develop collaboration to incorporate wildlife habitat management goals for linkages and wildlife in general, into the Town's land use planning. The Town is interested in information on linkage planning and design, wildlife movement research associated with the White Tank Mountains, and ideas on what development guidelines or ordinances other communities in Arizona are using to achieve conservation of linkages. The Department recently provided the presentation to the council and was well received.

Central Arizona Association of Governments

The Department has been invited to speak to the Executive Director early next year, along with the Pinal Partnership Open Space and Trails Committee for discussion on opportunity for presentation of the Pinal County Linkages Assessment (in draft) and the Open Space and Trail's Committee annual report. The meeting has not yet been scheduled and coordination continues to occur.

Maricopa Association of Governments (MAG)

The Department presented the Maricopa linkage assessment to the Population Technical committee and the Planners Stakeholder Group workshop this past December. Purpose of the workshop was to provide a forum to learn about the Department's linkage planning and to share efforts at the local level to implement the program through public planning. The Department provided some outreach materials for planners to learn about linkages planning and design. This is assisting the Department, not only outreach, but also insight into the various processes and scales our tools should be incorporated, in addition to prioritization and identifying needs for future refinement efforts. The Department provided a presentation to the Transportation and Engineering Committees.

City of Peoria

The City Planning and Community Development Department has initiated the development of a comprehensive open space program within the City and its Planning Area (General Plan). Previously the City implemented regulatory tools including Hillside Development Overlay (HDO) and Desert Lands Conservation Overlay (DLCO) as a means to guide development in these sensitive areas. The Open Space Preservation Program will be designed to work in concert with these tools. The City provides a presentation on their program to the Department and key governmental/agency partners to introduce the plan, discuss the modeling process behind the plan, goals and objectives, and to initiate lines of communication and collaboration on the vision and implementation of the plan. The Department continues to work with the City and project consultants to provide feedback on the open space model and priority projects align with wildlife and outdoor recreational priorities for the planning area. The Department conducted a review of the Peoria Open Space Master Plan and provided substantive recommendations on the content of the draft plan including hunting, fishing, camping and OHV recreation as valued uses within the planning area the Master Plan because portions of the planning area include BLM, BOR, County and State land jurisdictions and many important access routes lie within the planning area. The Department also provided updated information on Special Status Species and SGCN species; and substantive review of wildlife information in the plan. The recent meeting with the city and consultants included modifications to the model.

Maricopa County Parks and Recreation Department (MCPRD)

The Department met with Park Planner for the White Tanks Regional Park (WTRP) to discuss linkage goals and designs for the White Tank Mountains and future plans for the update of the WTRP Master Plan update. The existing plan was written in 1964. The management themes for the WTRP are education and nature (2009 Parks and Recreation Strategic Master Plan). There is interest in working with the Department to incorporate a 20+ year vision of biological resources and their management needs into an updated Master Plan for WTRP. Planning process timelines are to kickoff a Stakeholder Advisory Group early 2013, followed by public meetings and a draft plan released summer 2013 and a final plan to the MCPRD Parks Commission by December 2013. The Department continues coordination with the MCPRD.

Pinal Partnership Open Space and Trails Committee

The Department remains in the discussions for implementation of the master plan and participates on the subcommittee for drainage protection. The subcommittee met recently with the County planner and Flood Control coordinator for further discussion on data needs and process to move forward with the County to identify important drainage features (for wildlife and flood control interest) through development of criteria, compilation of data and modeling exercise to produce the results. The results could then be used as another layer with wildlife linkages and open spaces to help inform where protection/acquisition could be focused, along with potential for guiding future development and development of ordinances. The open space committee is working to provide presentation of the annual report to the county manager and board of supervisors for implementation of the recommendations put forth in the report. The committee is also working toward building partnership with the Central Arizona Association of Governments. The committee remains committed to producing outreach materials and getting the products to stakeholders. The drainage sub-committee continues to work with the county flood control and public works department to share information, form partnership and continue to

research the important drainage features within the county. The county is interested in utilizing a green infrastructure layer over the regional transportation layer to further inform decisions. This green infrastructure layer would include the open space plan and county wildlife linkages. The county has made a commitment to adopt the wildlife linkages into their county comprehensive plan during the next major amendment cycle (spring). Currently, the committee is reviewing and providing comment on the Pinal County wildlife connectivity assessment.

Pinal County Wildlife Connectivity Assessment

The report on stakeholder input will be finalized this month and released to the public.

City of Wickenburg

The City of Wickenburg's General Plan 2025 is currently out for review and comment. This plan is a summary for development guidance in accordance with the city's vision for the future. In addition, the plan includes priority areas with unique goals and objectives adopted from the Strategic Work Plan. The Department is in the process of reviewing and providing comment on the plan to include wildlife linkages, incorporation of wildlife friendly planning guidelines and coordination with the Department on transportation planning.

Forest	Status	Next Step	Projected Next Step Completion
Apache Sitgreaves	The Proposed Plan/Draft Environmental Impact Statement is currently available for review in February 2013.	Review Public comments and produce final plan and EIS.	Final EIS (LRMP) End of 2013 TMP start after LRMP complete, draft out early 2014. (separate
Issues:	MBGR in preferred Alt B of previous TMP draft allows 1mile from road for elk, mule deer & bear. 658 miles of corridors for dispersed camping 300 ft off established roads.		
Coconino	TMP signed Sept 2011, MBGR appeal denied; Draft EIS(LRMP) ready. Motor Vehicle Use Maps (MVUM's) available	Draft EIS (LRMP) Out for review March 2013	Decision anticipated 7/2013
Issues:	Dispersed camping 300 ft from designated roads, else 30 ft. MBGR for elk only, 1 mile from roads except GMUs 5A & 5B.		
Coronado	Internal review of LRMP ongoing	Public Comment	Late Fall 2013
	TMP in Process in all Districts.	TMP Working Draft	Final TMP end of 2013, early 2014 Decisions by district
Issues:	Motor Vehicle Use maps show access through roads that have locked gates. Maps not enforceable.		

Forest	Status	Next Step	Projected Next Step Completion
Kaibab	AGFD appeal on North Kaibab TMP declined.	Review comments \ revise EIS (LRMP)	LRMP Decision March 2013
	Tusayan & Williams TMP in implementation. MVUM's available. North Kaibab TMP completed 9/17/12	Monitoring for Tusayan & Williams, Implementation for North Kaibab.	Ongoing Monitoring for Tusayan and Williams. North Kaibab implementation to begin 1/2013.
<i>Issues:</i>	Tusayan & Williams TMP: MBGR 1 mile from road for elk in designated areas. Dispersed camping in camping corridors, or 30 feet from road. North Kaibab MBGR 1 mile off designated roads for elk and bison, dispersed camping 300 feet off 99 miles of designated roads and 100 feet off 104 miles of		
Prescott	Draft EIS LRMP in Federal Register 8/24/2012. Public input ended Nov 28, 2012.	Review and Development of final EIS (LRMP).	Final EIS (LRMP) anticipated Summer 2013. Will not initiate new TMP. Rely on 2009 updated/amended TMP
<i>Issues:</i>	Current draft advocates MBGR: Elk within 1 mile of designated open road. May be changed by amendment. Dispersed camping 300' from centerline of designated roads.		
Tonto	LRMP began 2006. Negotiating to reinstate due to rule change. TMP elevated to EIS from EA. Notice to prepare EIS has been released for review and comment.	LRMP public scoping in 2014.	4-6 years to completion of LRMP.
<i>Issues:</i>	MBGR: currently Payson and PV districts allow bear, elk and mule deer. Other districts currently do not allow cross country. Proposed Action allows elk and bear, 1 mile from road in all districts but not in wilderness or roadless areas.		



United States
Department of
Agriculture

Forest
Service

Southwestern Region
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File Code: 1570/2350

Date: December 1, 1570

Mr. Larry Voyles
Director
Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086-5000

**CERTIFIED MAIL – RETURN
RECEIPT REQUESTED
NUMBER: 70002870000011354806**

Dear Mr. Voyles:

This is my decision on the appeal (#13-03-00-0007-A215) you filed on behalf of the Arizona Game and Fish Department regarding the Decision Notice (DN), Environmental Assessment (EA), and Finding of No Significant Impact (FONSI) signed by Forest Supervisor Mike Williams for the North Kaibab Ranger District Travel Management Project on the Kaibab National Forest.

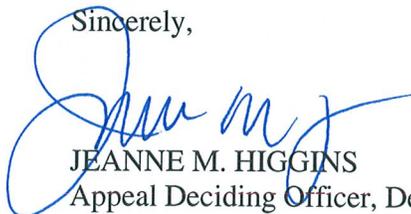
My review of your appeal was conducted pursuant to, and in accordance with, 36 CFR 215.18. My review focused on the project documentation and the issues raised in your appeal. I specifically incorporate in this decision the project record, the references and citations in the project record transmittal documentation, as well as the Appeal Reviewing Officer (ARO) analysis and documentation.

After considering your issues and the project documentation, the ARO recommends the Forest Supervisor's decision be affirmed. A copy of the recommendation and the technical review of your appeal contentions are enclosed.

Based upon a review of the project documentation provided, I find the issues were adequately considered. I agree with the ARO analysis and conclusions in regard to your appeal issues. I find the Forest Supervisor made a reasoned decision and has complied with all laws, regulations, and policy. After careful consideration of the above factors, I affirm Forest Supervisor's decision to implement the North Kaibab Ranger District Travel Management Project.

This decision constitutes the final administrative determination of the Department of Agriculture [36 CFR 215.18(c)]. A copy of this letter will be posted on the national appeals web page at <http://www.fs.fed.us/appeals>.

Sincerely,



JEANNE M. HIGGINS
Appeal Deciding Officer, Deputy Regional Forester

Enclosures (2)

cc: Mike R Williams





United States
Department of
Agriculture

Forest
Service

Coronado National Forest
Supervisor's Office

300 W. Congress
Tucson, Arizona 85701
Phone (520) 388-8300
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Deaf & Hearing Impaired 711

File Code: 1570/2350

Date: December 14, 2012

Route To:

Subject: Appeal Recommendation, #13-03-00-0005/0006/0007/0008-A215, North Kaibab
Ranger District Travel Management, Kaibab NF

To: Deputy Regional Forester, Jeanne Higgins

This is my recommendation on the disposition of the appeals filed regarding the Decision Notice/Finding of No Significant Impact (DN/FONSI) and Environmental Assessment (EA) for the North Kaibab Ranger District (NKR) Travel Management Project on the Kaibab National Forest.

BACKGROUND

Implementation of the Selected Alternative (Alternative 2) will do the following:

- Designate a road system on the NKR with approximately 1,476 miles of roads open to motor vehicle use by the public.
 - Amend the Forest Plan to prohibit motorized travel off of designated routes on the NKR, except as identified on the motorized vehicle use map (MVUM).
- Close 376 miles of system roads to motorized use.
 - Eliminate vehicular traffic on 337 miles to all traffic, including administrative use.
 - Change the use and restrict 39 miles, of the 376 miles of open roads being closed, to administrative use only (i.e., for use by permit and the Forest Service to monitor and carry out day-to-day resource management activities, as needed).
- Add approximately 16 miles of short spur roads to the designated system. These routes are user created routes and have historically provided access to the Forest for a variety of recreational activities including motorized dispersed camping.
- Allow the limited use of motor vehicles within one mile of all designated system roads (except where prohibited) to retrieve a downed bison or elk by an individual who has legally taken that animal:
 - Legally harvested elk or bison may be retrieved during the appropriate season as designated by the AZGFD, and for 24 hours following each season.
 - Only one vehicle (one trip in and one trip out) would be allowed for Motorized Big Game Retrieval (MBGR) per harvested animal (i.e., bison or elk).
 - Hunters will be required to use the most direct and least ground disturbing route in and out of the area to accomplish the retrieval.
 - MBGR would not be allowed in any existing off-road travel restricted area, or when conditions are such that travel would cause negative resource impacts.



- Designate corridors of 300 feet from either side of 99 miles of specified roads for the sole purpose of motorized dispersed camping.
- Designate corridors of 100 feet from either side of 104 miles of specified roads for the sole purpose of motorized dispersed camping.

The Selected Alternative would result in a designated road system on the NKRD with approximately 1,476 miles of roads open to motor vehicle use by the public, including the newly added 16 miles of short road segments. Thirty-nine miles of road (not included in the total miles mentioned above) will be restricted to administrative use only and closed to the public except by permit, allowing limited use for administrative purposes such as permittee access and continued administration of range permits and timber sale contracts.

Forest Supervisor Mike Williams published the legal notice of his decision on September 20, 2012. The Forest Supervisor is identified as the Responsible Official, whose decision is subject to administrative review under the 36 CFR 215 appeal regulations. Four appeals were filed as follows:

- Appeal #13-03-00-0005-A215 filed by Valerie Schoppmann on October 30, 2012.
- Appeal #13-03-00-0006-A215 filed by Harvey Schoppmann on November 1, 2012.
- Appeal #13-03-00-0007-A215 filed Larry Voyles on behalf of the Arizona Game and Fish Department on November 2, 2012.
- Appeal #13-03-00-0008-A215 filed by Cyndi Tuell on behalf of the Center for Biological Diversity, Grand Canyon Chapter of the Sierra Club, and the Grand Canyon Wildlands Council on November 6, 2012.

Pursuant to 36 CFR 215.17, an attempt was made to seek informal resolution of the appeals. The record indicates that informal resolution was not reached.

Review and Findings

As provided for under 36 CFR 215.19(c), I am consolidating the four appeals into one recommendation. My review was conducted in accordance with 36 CFR 215.19 to ensure that the analysis and decision are in compliance with applicable laws, regulations, policies, and orders. The appeal records, including the appellant's issues and requests for relief have been thoroughly reviewed. Although I may not have listed each specific issue, I have considered all the issues raised in the appeals and believe they are adequately addressed in the attached technical review and findings documents. Having reviewed the EA, DN/FONSI, and the project record file, as required by 36 CFR 215.19(b), I conclude the following:

- 1) The decision clearly describes the actions to be taken in sufficient detail that the reader can easily understand what will occur as a result of the decision.
- 2) The selected alternative should accomplish the purpose and need established. The purpose and need stated in the EA reflect consistency with direction in the Forest Plan for the Kaibab National Forest.

- 3) The decision is consistent with policy, direction, and supporting evidence. The record contains documentation regarding resource conditions and the Responsible Official's decision documents are based on the record and reflect a reasonable conclusion.
- 4) The record reflects that the Responsible Official provided ample opportunity for public participation during the analysis and decision making process. The Responsible Official's efforts enabled interested publics the opportunity to comment and be involved in the site-specific proposal.

After considering the claims made by the appellant and reviewing the record, I found that the Responsible Official conducted a proper and public NEPA process that resulted in a decision that is consistent with the Kaibab National Forest Plan. I found no violations of law, regulations, or Forest Service policy.

Recommendation

I recommend that the Responsible Official's decisions relating to this appeal be affirmed with respect to all of the appellant's contentions.

/s/ Jim Upchurch
JIM UPCHURCH
Forest Supervisor

Enclosures (4)

cc: Margaret Van Gilder

Review and Findings

Arizona Game and Fish Department, Larry Voyles

Appeal #13-03-00-0007-A215

North Kaibab Ranger District Travel Management Project

Kaibab National Forest

Overview: The appellants allege violations of the National Environmental Policy Act (NEPA). They believe that the lack of motorized dispersed camping corridors and/or adequate campsites in the pinyon-juniper portion of the North Kaibab Ranger District (NKRK) frustrates the Arizona Game and Fish Department's (AZGFD) wildlife population management and wildlife recreation objectives.

ISSUE 1: The Forest Service failed to adequately consider the Department's concerns related to effective management of mule deer populations and hunter needs.

Contention 1a: The appellants contend that the Environmental Assessment (EA) does not evaluate or discuss the consequences of the Department's inability to meet mule deer harvest goals in Game Management Units (GMU) 12AW and 12AE in light of limited hunter access on the pinyon-juniper portion of the NKRK and the environmental effects on natural resources (overexploitation of forage with unsustainable increase in mule deer populations). The appellants contend that the decision will deprive hunters selected for permits in the pinyon-juniper portion of the NKRK a quality hunt experience and could adversely impact local communities. They argue that the EA does not include a discussion of possible conflicts between the proposed action and the deer herd and habitat management objectives of the Department for the NKRK. The appellants also argue that in its analysis of resource impacts caused by motorized dispersed camping, the NKRK has failed to consider an important aspect of the problem, which is the impact of an uncontrolled deer herd [Appeal, pp. 4-10].

Response: The appellants contend that their mule deer management concerns were not considered and that the effects of not permitting retrieval of mule deer were not analyzed. The initial proposed action did not contain motorized big game retrieval (MBGR) for mule deer [PR 183]. The Forest Service met with the appellants and discussed MBGR for mule deer [PR 196]. MBGR for mule deer was identified as an issue and an alternative was designed to address the issue [PR 287, p. 17]. Effects of MBGR were analyzed for each resource (Recreation, Soils and Watershed, Rare Plants, Invasive Species, Wildlife, Cultural, Range, Fire and Fuels, and Vegetation) for each alternative [PR 287, pp. 26-105]. The Forest Service responded to the appellants' comments regarding mule deer management and MBGR [PR 292, pp. 145-147]. The rationale for not selecting the alternative allowing for mule deer retrieval is explained in the DN/FONSI [PR 295, p. 15].

In its comment letter to the preliminary EA, AGFD stated the following regarding dispersed camping:

“The Department supports control of dispersed camping. The AGFD also agrees there has been increasing habitat damage related to vehicular dispersed camping on the KNF and there is a need to regulate the distance a vehicle should be allowed to pull off a road. Currently, visitors camping on the KNF are using larger RVs such as campers, motor-homes and trailers which are continually moving campsites further from the main roads.

After reviewing the proposed designate routes for the purpose of dispersed camping, the AGFD wants to ensure that there are sufficient sites for the maximum number of hunter camps that could be permitted in a single hunt. The Department would like to offer our assistance in designating additional camp site locations” [PR 294, p. 175].

In its response to AZ Game and Fish comments regarding dispersed camping, the NKRDR stated the following:

“...The proposed corridors and additional spur routes were evaluated with peak hunting season in mind. Should monitoring indicate that additional camping opportunities are necessary, we will consider any future changes or proposals under a separate environmental analysis” [PR 292, p. 147].

The NKRDR identified areas and roads that historically serve as access to dispersed campsites and incorporated them into the proposed action [PR 287, p. 13]. The NKRDR was careful and thorough in evaluating potential corridors and spur routes for dispersed camping or big game retrieval; any areas of resource concern were either eliminated or would be mitigated through implementation [PR 295, p. 18; PR 287, pp. 56-61, 67, 73, 76, 89-90]. The NKRDR limited motorized dispersed camping opportunities in the pinyon-juniper portion of the District due to cultural resource concerns [PR 287, p. 89]. The 16 miles of short spur roads, along with the dispersed camping corridors, is expected to accommodate existing motorized recreation needs with little change from the current use [PR 287, p. 112]. The decision designates corridors of 300 feet from either side of 99 miles of specified roads specifically for dispersed camping, corridors of 100 feet from either side of 104 miles of road, and permits vehicles to park up to 30 feet on any open road (unless otherwise identified). It is important to note that the decision designates **corridors** (emphasis added) where motorized dispersed camping is permitted. The decision does not designate campsites within these corridors [PR 287, p. 17].

Finding: The responsible official adequately considered the AZGFD concerns related to motorized dispersed camping and big game retrieval in Game Management Units (GMU) 12AW and 12AE. The effects of including and excluding mule deer retrieval were analyzed and disclosed, and the rationale for the decision to exclude mule deer retrieval was supported by the analysis documented in the project record.

Contention 1b: The appellants contend that that restriction of motorized dispersed campsites in the pinyon-juniper to only those specified and limited locations that have been surveyed for heritage resource objects is arbitrary and capricious to the extent that many other potential campsites may be eligible for dispersed camping but for the lack of heritage resource surveys, and the decision includes no provision for including new camping sites as heritage resource inventories progress [Appeal, p. 10].

Response: Limiting motorized dispersed campsites to locations that have been surveyed for cultural resources is not arbitrary and capricious, but rather it is in keeping with federal law. Motorized dispersed camping is an undertaking that has the potential to affect cultural resources. Therefore, compliance with Section 106 of the National Historic Preservation Act (NHPA) is required to ensure cultural resources are considered early in the planning process, and that cultural resource impacts are avoided by the undertaking or the adverse effects are minimized through mitigation. The NKRD followed the process agreed to in the Southwestern Region Programmatic Agreement (PA) between the Forest Service, Arizona State Historic Preservation Office (SHPO), New Mexico SHPO, Texas SHPO, Oklahoma SHPO, and the Advisory Council on Historic Preservation, for meeting its Section 106 responsibilities [EA, PR 287, p. 88; also see reference to the PA in PR 309, p. 4]. The “Standard Consultation Protocol for Travel Management Route Designation” developed under Stipulation IV.A.4 of the PA describes the process the forests will follow in meeting their Section 106 responsibilities specifically for Travel Management Route Designation [PR 62]. The protocol clearly states that non-system routes or spurs and their associated features to access dispersed camp sites or areas, the dispersed camp sites and areas themselves, fixed-distance corridors that will be designated for dispersed camping and areas open to cross-country motorized travel are all subject to Section 106 compliance [PR 62, p. 3]. The project record indicates that the NKRD identified user generated spur routes, campsites or campfire rings along the major routes in the pinyon juniper zone and conducted surveys to determine whether cultural resources would be affected [PR 308, pp. 1-2]. The pinyon juniper zone has a high density of archaeological sites [PR 309, p. 4] and the potential to affect cultural resources in this area is high. Those locations that had cultural resource conflicts were dropped from designation [PR 308, pp. 1-2]. The Section 106 compliance report included motorized dispersed camping areas, and SHPO signed off on the report concurring with the determination of No Adverse Effect [PR 274, pp. 1-2] completing the Section 106 process. While other areas that have not yet been surveyed for cultural resources may be potential campsites, they too would need to be surveyed for cultural resources prior to designation in compliance with Section 106 of NHPA, and potential effects would need to be identified, and measures taken to avoid or reduce adverse effects. The appellant’s claim that there are no provisions for including new camping sites as heritage resource inventories progress is incorrect. The travel management protocol provides for phased cultural resource surveys over several years, so areas may be surveyed for cultural resources after the decision notice is signed [PR 62, p. 6]. Also, the motorized vehicle use map (MVUM) can be revised annually.

Finding: The decision complies with federal law and therefore is not arbitrary and capricious. The NKRD identified routes, corridors and camping locations and then they were surveyed for cultural resources in compliance with NHPA and the Region’s PA and potential adverse effects were avoided by dropping the areas from designation.

ISSUE 2: The EA lacks credible data regarding impacts of motorized big game retrieval by licensed hunters and overestimates the impacts to resources.

Contention 2a: The appellants contend that the decision to restrict MBGR to elk and bison, excluding mule deer, is not based on any objective data or studies which document that MBGR of mule deer by hunters in the NKRD has in fact resulted in damage to soils, plants, or heritage resources. They argue that general statements about the possible effects of MBGR of mule deer

on habitat or heritage resources does not constitute a “hard look” of the environmental consequences absent justification regarding why more definitive information cannot be provided [Appeal, pp. 10-15].

Response: The Travel Management Rule provides that the Responsible Official *may* allow the limited use of motor vehicles within a specified distance of certain designated routes, and if appropriate, within specified time periods solely for the purposes of...“retrieval of a downed big game animal by an individual who has legally taken that animal” [PR 46, p. 68289]. This exemption is *optional* and at the discretion of the Responsible Official. The NKR D chose not to include MBGR for mule deer in its initial proposed action [PR 183]. Since this matter was then brought up as an issue during scoping, the NKR D crafted an alternative (Alternative 4) to incorporate this use [PR 287, p. 17].

The NKR D contends that the more vehicle trips made for game retrieval the higher the likelihood for resource impacts. It estimates that 90% of hunters used motorized cross county travel to retrieve their game in the sample year 2009. During that year, 38 bison, 0 elk, and 1,020 deer were harvested. Based on these numbers, 34 trips would be made for bison, 0 for elk, and 918 for deer [PR 287, p. 10]. These numbers were used to measure the magnitude of impacts from MBGR for different types of game.

In its effects analysis, the NKR D shows that the amount or frequency and timing of vehicle passes influences the effects to soils [PR 287, pp. 57, 59], sensitive plants [PR 287, pp. 67-68], recreation and scenery [PR 287, pp. 41, 43-44], and cultural resources [PR 287, pp. 96-97].

Given that the allowance for MBGR is an optional designation according to the 2005 TMR and not a truly predominant part of the decision to be made, the NKR D provided an equally weighted analysis according to 40 CFR 1500.0 to ‘concentrate on the issues that are truly significant to the action in question’. Given that, the NKR D did not go into extensive detail about the expected effects from mule deer MBGR. The NKR D is aware that it must ‘rigorously explore and objectively evaluate all reasonable alternatives’[40 CFR 1502.14]. The NKR D asserts that the number of trips is much greater for deer and places traveled may be more sensitive than the retrieval for elk and bison. The likelihood that damage to resources may occur is much higher with deer retrieval than for elk and bison [PR 287, pp. 74, 90]. The NKR D provided the information for this analysis that was available to them, namely, the AZGFD harvest numbers and personal observation. Based on this information, the NKR D made an assumption that 90% of hunters would retrieve their game with motor vehicles and applied it evenly to elk, deer, and bison [PR 287, pp. 10, 74]. Beyond this information (which is the basis for this contention by AZGFD), AZGFD has not provided the Forest Service any other data to use in its analysis.

Finding: The NKR D has done its due diligence by using the best available science and by not using exhaustive resources on this issue because it is not ‘truly significant to the action in question’.

Contention 2b: The appellants contend that restricted MBGR will impact the Department’s lead reduction efforts in Condor Country. They argue that the analysis did not disclose potential impacts on strides made in condor conservation [Appeal, pp. 13-14].

Response: The effects of lead ingestion on condors, and the lead reduction efforts of the Arizona Game and Fish Department, are discussed in the Biological Evaluation (BE) [PR 275, pp. 8-9], the Wildlife Specialist Report [PR 280, pp. 12-13] and in the EA [PR 287, pp. 76-77]. In addition, the Forest Service responded to the appellant's concern on this issue [PR 292, pp. 145-147].

Finding: The effects of lead ingestion and the impacts of lead reduction efforts were disclosed in the EA and supporting documents.

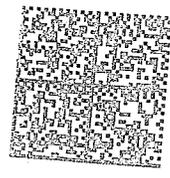
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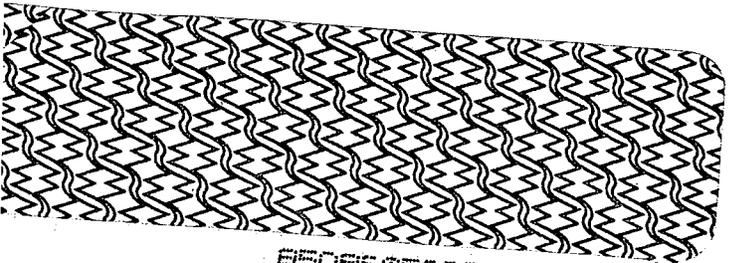
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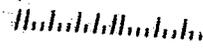
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Wallow Open Access Map

Updated February 7, 2013

Apache-Sitgreaves National Forests

All roads and trails are open within the Wallow Burn Perimeter.
 The six areas shown in brown remain closed to camping
 as well as the West Fork Dispersed Campground.
 All other areas are open to camping.

<http://www.fs.usda.gov/asnf/>

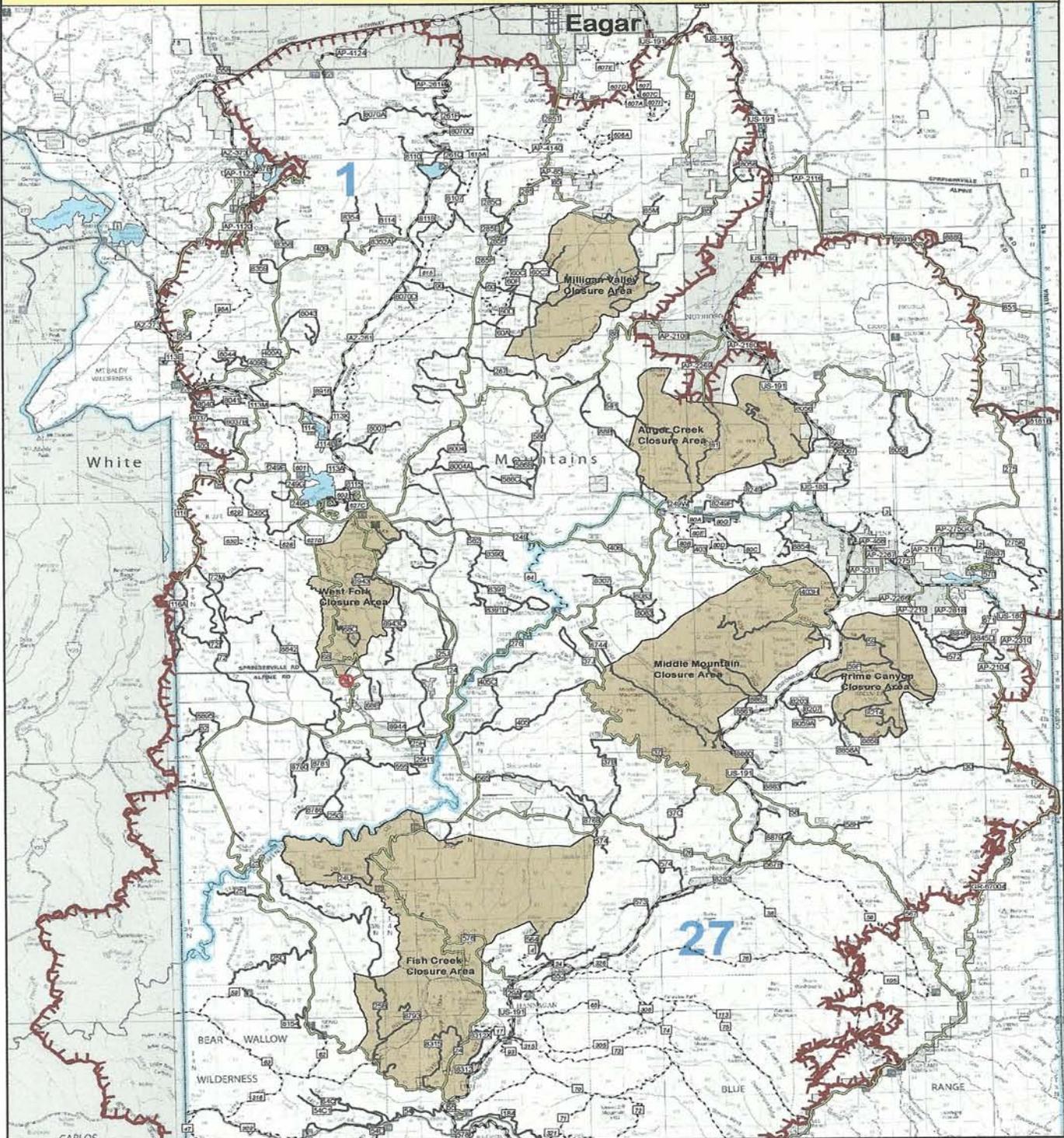
Select "Restrictions, Closures, Fires" from Quick Links on right



- Forest Service Land Open to Public
- Area Closed to Camping but Open to Entry
- Non-Forest Service Land
- Wallow Burn Perimeter
- Ranger District
- Big Game Hunting Unit
- Paved Road
- Gravel Road
- Dirt Road
- Trail
- Recreation Site Closed - West Fork Dispersed CG Only

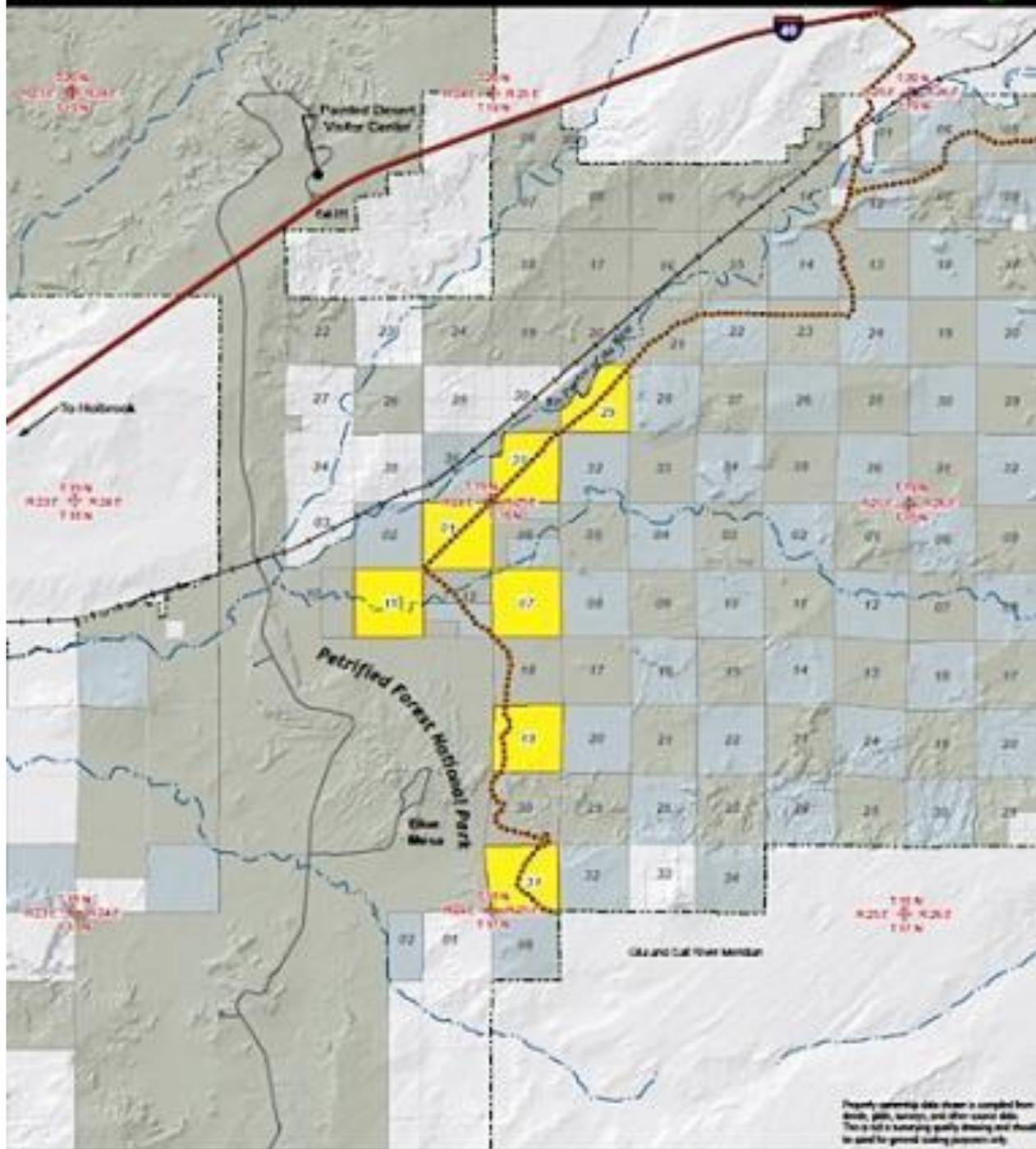
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You are responsible for your own safety. LOOK UP, LOOK DOWN, LOOK AROUND



Petrified Forest National Park McCauley Ranch

National Park Service
U.S. Department of the Interior



Property ownership data shown is compiled from deeds, plats, surveys, and other record data. This is not a surveying quality drawing and should be used for general viewing purposes only.

Lands Resources Program Center
Intermountain Region
Internal Map Exhibit
April 2012



SCALE: 1" = 10,000'
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- Access Easement
- Interscale
- National Park Service Road
- Railroad
- Legislated Park Boundary
- Private Land
- National Park Service
- State of Arizona
- McCauley Ranch, et. al
- Intermittent River or Stream