

Minutes of the Meeting of the  
Arizona Game and Fish Commission  
Friday, April 12, 2013  
Saturday, April 13, 2013  
Arizona Game and Fish Department  
5000 West Carefree Highway  
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director and Staff)

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

Director Larry D. Voyles  
Deputy Director Ty E. Gray  
Assistant Attorney General Jim Odenkirk  
Assistant Attorney General Linda Pollock

Vice Chairman Harris called the meeting to order and led those present through the Pledge of Allegiance. The Commission introduced themselves and Director Voyles introduced his staff. Chairman Husted was not present. This meeting followed an agenda revision #1 dated April 10, 2013.

Vice Chairman Harris requested a moment of silence for Chief Petty Officer Christian Michael Pike, who died March 13<sup>th</sup> in Landstuhl, Germany as a result of combat-related injuries; Special Warfare Operator Chief Brett D. Shadle, a member of Navy SEAL Team 6, who was killed on March 28<sup>th</sup> during a parachute training exercise in southern Arizona; and also for recently retired Arizona Game and Fish Department Regional Supervisor Ron Sieg, who died April 1<sup>st</sup> after a courageous battle with cancer.

#### Agenda Review and Approval

Vice Chairman Harris requested that agenda items 2a and 2b be pulled from the Consent Agenda for discussion, and asked the Commission if there were any other changes or requests. There were no other requests, so Vice Chairman Harris asked that the agenda be approved as amended.

**Motion:** Madden moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE THE AGENDA AS AMENDED (ITEMS 2a AND 2b PULLED FROM THE CONSENT AGENDA FOR DISCUSSION).

**Vote:** Unanimous  
4 to 0

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#### 1. Call to the Public

There were no requests to speak to the Commission.

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#### 1A. Executive Session

The Commission voted to meet in Executive Session in accordance with A.R.S. § 38-431.03 (A)(3) and (4) for the purpose of discussion and consultation with legal counsel.

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

**Vote:** Unanimous  
4 to 0

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### Announcement of Chairman Husted Resignation

Vice Chairman Harris announced that the Commission received a copy of a letter this morning from Chairman Husted to Governor Brewer. Vice Chairman Harris read the letter into the record as follows: “Dear Governor Brewer: Having served in a volunteer capacity on several appointed boards and commissions in Arizona, I have enjoyed my public service opportunities and in particular my service on the Arizona Game and Fish Commission. I have worked hard over the past four years as a commissioner to strengthen the department’s role and responsibilities in managing and conserving our state’s wildlife, which is held in trust for our citizens. It has been humbling to stand alongside other commissioners and departmental staff to strengthen the governing pillars of wildlife management and conservation in our nation – the North American Model for Wildlife Conservation. However, I have come to the realization that it is time to embark on a new chapter in my life, as a private citizen, with time to focus on my family, my faith and my professional endeavors. So with this letter, I tender my resignation as a commissioner on the Arizona Game and Fish Commission effective immediately. I am grateful and honored to have had the opportunity to serve your administration as a commissioner and sincerely thank you for the confidence you showed in appointing me. Respectfully, Jack Husted.”

Vice Chairman Harris stated that he will be acting as Chairman until the Commission is able to go through the process of selecting a new Chairman.

The Commission expressed their appreciation for Chairman Husted’s time and hard work for the people of Arizona as an Arizona Game and Fish Commissioner.

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### 2. 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 except for items “2a and 2b” which were removed for discussion at the beginning of this meeting. The following consent agenda items were presented for approval:

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. Memorandum of Understanding with members of the Southwestern Bald Eagle Management Committee

**Presenter:** Lawrence M. Riley, Assistant Director

The purpose of this Memorandum of Understanding is to establish a framework for collaboration and cooperation between the Department and members of the Southwestern Bald Eagle Management Committee to conserve and manage the bald eagle population in Arizona. Conservation and management of bald eagle population will be accomplished through implementation of the strategies outlined in the "Conservation Assessment and Strategy for the Bald Eagle in Arizona" and through the continued partnerships of the Southwestern Bald Eagle Management Committee. This agreement will facilitate the collaboration, cooperation, and exchange of expertise, labor, and materials and funding between the members of the Southwestern Bald Eagle Management Committee in the conservation and management of bald eagles in Arizona.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE MEMORANDUM OF UNDERSTANDING WITH THE MEMBERS OF THE SOUTHWESTERN BALD EAGLE MANAGEMENT COMMITTEE FOR THE PURPOSE OF SOLIDIFYING A LONG STANDING COMMITTEMENT BETWEEN PARTNERS FOR COLLABORATION AND COOPERATION TO CONSERVE AND MANAGE THE BALD EAGLE POPULATION IN ARIZONA, AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL

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

**Presenter:** Craig McMullen, Flagstaff Regional Supervisor

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 Department recommends THAT THE COMMISSION VOTE TO APPROVE THE ROGERS LAKE SUPPLEMENTAL AGREEMENT IN PARTIAL FULFILLMENT OF THE MEMORANDUM OF UNDERSTANDING ADOPTED OCTOBER 16, 2012, WITH COCONINO COUNTY FOR COOPERATIVE DEVELOPMENT OF A ROGERS LAKE COUNTY NATURAL AREA RESOURCES MANAGEMENT PLAN.

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

**Vote:** Unanimous  
4 to 0

Commissioner Davis commented on consent agenda item e regarding the MOU related to Southwestern Bald Eagle Management. Commissioner Davis had discussed with Mr. Riley the MOU preamble language, which lays out who the partners are, and requested that the MOU use the Department's standard language that is very clear about the Game and Fish Department's preeminent role in management of Arizona's wildlife. Mr. Riley agreed to make that change and Commissioner Davis wanted to let the Commission know.

The Commission was in consensus for the change in the preamble to the Department's standard language.

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.

Mr. Cook provided the Commission with an update using a PowerPoint presentation. The update was in regards to two shooting ranges, the Grand Opening of the Chino Valley Shooting Range on April 6, 2013 and the Dedication Ceremony for the Tri-State Shooting Range, which was attended by Governor Brewer, on March 13, 2013.

Vice Chairman Harris expressed his appreciation for Governor Brewer attending the Tri-State Dedication Ceremony and also recognized the Department's Statewide Shooting Range Administrator Anthony Chavez for all his efforts and hard work.

#### b. Information, Education and Wildlife Recreation Activities Briefing

**Presenter:** Ty Gray, Deputy Director

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.

Mr. Gray provided the Commission with an update on the 2013 AGFD Outdoor Expo held on March 23-24, 2013. The update included information and statistics on attendees and activities. A short video clip of the Expo was also provided. The Expo was a successful event again this year, however, attendance was down a little, presumably because it was spring break week and because of extremely windy conditions on Saturday that shut down a couple events for a few hours. The dates for the 2014 Outdoor Expo have been set for March 29-30.

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#### 3. 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 and action taken by the Commission:

##### Commission Supported Legislation

SB1223: license classification; fees:

- Passed Senate 26-2
- Passed House Energy and Environment Natural Resources Committee 8-0
- Passed Rules and placed on consent calendar
- Stricken from consent and then placed back on consent after a few questions were answered
- Final vote could happen Monday, April 15

SB1469: applying aquatic poisons:

- Passed Senate 17-11
- Passed House 41-17
- Transmitted to Senate on April 8

HB2551: S/E (NOW: off-highway vehicles; use; authority): Senate Floor Amendment to address Title 17 concerns:

- 17-457 Enforcement of article - All peace officers of the state, counties and municipalities and other duly authorized state and federal employees ~~shall~~ MAY enforce the provisions of this article.
- 28-1173 Enforcement - All peace officers of this state and counties, cities or towns MUNICIPALITIES OF THIS STATE and other duly authorized state and federal employees shall enforce this article ONLY ON LAND THAT IS SOLELY UNDER THE JURISDICTION OF THIS STATE OR A COUNTY OR MUNICIPALITY OF THIS STATE.

The Department recommended that the Commission take a position to support the new language as presented.

**Motion:** Davis moved and Mansell seconded THAT THE COMMISSION VOTE TO SUPPORT HB2551 WITH THE AMENDED LANGUAGE AS PRESENTED FOR 28-1173 ENFORCEMENT AND 17-457 AS PRESENTED WITH THE “MAY” PROVISION.

**Vote:** Unanimous  
4 to 0

The Commission discussed that it is important to help educate people on the Commission’s intent with this legislation.

### Bills of Interest

HB2468: discounted hunting licenses for veterans; soldiers

- Assigned to Public Safety, Military and Regulatory Affairs
- Did not receive a Hearing

HB2654: full-time students; hunting license

- Passed House 52-4
- Held by Chairman of Senate Natural Resources and Rural Affairs

HB2172: ADOT administration (SLIF)

- Governor signed on April 11

HB2299: all-terrain vehicles; definition

- Governor signed on April 11

SCR1013: endangered species act

- Passed Senate 17-11
- Passed House 38-20
- Transmitted to Senate

### Congressional Legislation

H.R. 687: Southeast Arizona Land Exchange & Conservation Act:  
(Related to Resolution Copper Project)

#### Facts and Figures:

- Largest copper resources ever found in North America and possibly in the world at an estimated 1.34 billion tons
- Mining depth: 7,000 feet at 185 degrees F. using a ‘block caving’ mining method as opposed to ‘open pit’ mining
- 40-year mining operation
- Mine tailings planned to be deposited in one or more former open pit mines that will be reclaimed.

#### Economic Impact:

- Will produce approximately 600,000 tons of refined copper each year, 20% of U.S. annual demand for refined copper
- 3,700 jobs
- \$20 Billion in Tax Revenues
- \$220 Million in Annual Wages
- Full 66 year impact of the project is estimated to be \$61.4 Billion.

#### Environmental Compliance:

- Upon passage, exchange to happen within 1 year
- NEPA required prior to commencing production in commercial quantities
- 3 Years from passage an Environmental Review under NEPA shall be prepared.

#### Bill Provisions:

- To facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes
- Transfers over 5,500 acres of conservation lands to the US Government
- Transfers approximately 2,400 acres of National Forest lands to Resolution Copper to facilitate the extraction of mineral resource.

#### Process/Status:

- February 14, 2013 – Bill introduced
- March 21, 2013 -Bill heard in House Natural Resources subcommittee
- Identical Senate Bill S. 339 (McCain); no hearings held to date

**Motion:** Madden moved and Mansell seconded THAT THE COMMISSION VOTE TO SUPPORT H.R. 687.

Commissioner Davis stated that he doesn't feel he has enough information to take a position today. He would like to have more interaction and discussion with Department staff about the bill and its impacts to wildlife and wildlife conservation.

Mr. Guiles stated that the Department can work with the Commission as well as Resolution Copper to provide more information.

**Commissioner Mansell withdrew his second.**

**Motion died for lack of second.**

**Motion:** Mansell moved Madden seconded THAT THE COMMISSION VOTE TO TABLE THIS ITEM UNTIL THE MAY COMMISSION MEETING.

**Vote:** Unanimous  
4 to 0

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#### 4. Proposed Revisions to Commission Policy A2.4 - Donations

**Presenter:** Ty Gray, Deputy Director

Mr. Gray presented the Commission with an updated version of Commission Policy A2.4 for consideration as it relates to negotiating and accepting donations of money, goods, services, sponsorships, or property for Commission and Department projects such as the Wildlife Conservation Education Center, as follows:

##### **Commission Policy A2.4 –Donations**

The Commission authorizes the Department to accept donations of money, goods, services, advertisements, sponsorships, or property provided the gifts support Department activities and mission. Donations of \$10,000 or greater in value will be reviewed by the Director. The Director may elect to approve the donation or consult with the Commission prior to acceptance.

The Department shall not accept a donation if any of the following exists:

1. The donation obligates the Department to act unlawfully or perform duties that it cannot fulfill within the terms and conditions of the donation.
2. The Department is not capable of administering the donation within the Department's normal budget and resources.
3. The benefit of the donation is outweighed by the risk due to environmental or health and safety issues.
4. In addition, the Department will not accept donations from any entity:
  - a. that is in active litigation against the Department;
  - b. that promote false, misleading or deceptive messages;
  - c. that promote unlawful goods, services or conduct;
  - d. that imply an endorsement by the Department, unless the Department has provided prior written authorization;
  - e. that promote obscenity, nudity, appeals to the erotic interests, or "adult"

- oriented goods or services;
- f. that promote libelous speech or copyright infringement;
- g. that relates to tobacco or tobacco-related products;
- h. that advocate or promote political views or individuals;
- i. that advocate, promote, or oppose religions; or
- j. that reflect negatively on the State, Department, or Commission.

**Motion:** Davis moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE THE UPDATED COMMISSION POLICY A2.4 AS PRESENTED.

**Vote:** Unanimous  
4 to 0

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#### 5. Memorandum of Understanding with U.S. Fish and Wildlife Service

**Presenter:** Lawrence M. Riley, Assistant Director

Mr. Riley briefed the Commission on a Memorandum of Understanding (MOU) 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. Apache trout are endemic to Arizona and listed as a Threatened species, but managed under a 4-D Rule which allows Arizona to establish sport fishing opportunities while implementing conservation actions to delist the species. The Department began rearing Apache trout in the early 1990's using eggs supplied by the only brood stock source available at Williams Creek National Fish Hatchery (WCNFH). The Department had a previous MOU with U.S. Fish and Wildlife Service to exchange Apache Trout eggs for Weed Harvesting Services on White Mountain Apache Tribe waters. The previous MOU expired in 2006, but was a long-standing mutually beneficial conservation exchange to provide Department weed harvesting services on White Mountain Apache Tribe (WMAT) waters in exchange for Apache trout eggs from WCNFH. The Apache trout eggs are hatched and raised in Department hatchery facilities, and used to maintain sport fishing opportunities for Apache trout in several State waters in east-central Arizona. This MOU shall replace the expired MOU.

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

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#### 6. Acquisition of Right-of-Way Easements to Secure Public Access on Frye Mesa Road near Thatcher and Through the 76 Ranch near Bonita

**Presenter:** Raul Vega, Tucson Regional Supervisor

Mr. Vega briefed the Commission on two access projects that will secure public access to landlocked State Trust Lands, private lands and U.S. Forest Service lands in Region V through the acquisition of perpetual right-of-way easements.

The first project will secure access to Frye Mesa Road just outside the town of Thatcher. This is a collaborative project involving the Yamaha Motor Corporation, the City of Thatcher, two landowners, the U.S. Forest Service and the Department. By securing these right-of-way easements, the Department ensures that the Frye Mesa area will be available to hunting deer, bear and turkey, provide access to world class fishing for Apache and Gila Trout, provide OHV recreational opportunities, and allow wildlife viewing, hiking and other outdoor activities on the forest. Yamaha Motor Corporation is providing \$20,000 in funding to purchase the right-of-way easement from one landowner, and the National Wild Turkey Federation, the Rocky Mountain Elk Federation and the Department together are providing the \$20,000 in funding to the second landowner. The U.S. Forest Service will provide construction equipment and materials to improve the road along these right-of-way easements, and has agreed to hold the easement and provide road maintenance into the future. This project will ensure in perpetuity public access to over 18,000 acres of U.S. Forest Service and State Trust Lands.

The second project is the acquisition of a movable right-of-way easement on the 76 Ranch near town of Bonita. An added benefit to this project is that all funding provided to the landowner will be used to improve his water system to provide year round water accessibility for wildlife. This project will cost \$52,000 for the easement, and will provide critical access for desert mule deer, javelina, scaled quail and Coues whitetail hunting opportunities. This project is a new and innovative approach to securing perpetual right-of-way easements that will allow the private landowner the flexibility to move the location of the easement, at their expense, at any point in the future as long as the access to the landlocked state and federal lands are maintained in the new location of the easement. This flexibility in the location of an easement will provide the Department with a new message to send to landowners considering working with the Department on a right-of-way easement in that the landowner can change land use on their private land as long as access from the point a road enters the private land and the point a road exists the private land is maintained for public use. This project will ensure in perpetuity public access to nearly 10,000 acres of U.S. Forest Service and State Trust Lands.

**Motion:** Madden moved and Mansell seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO MOVE FORWARD WITH NEGOTIATIONS OF THESE EASEMENTS WITH THE PROPERTY OWNERS.

**Vote:** Unanimous  
4 to 0

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#### 7. Agreement for Boat Storage at Page Maintenance Camp, Glen Canyon National Recreation Area

**Presenter:** Lawrence M. Riley, Assistant Director

Mr. Riley briefed the Commission on an Agreement for boat storage at Page Maintenance Camp, Glen Canyon National Recreation Area. Since 1987, the Commission has had an agreement with the Arizona Department of Transportation (ADOT) for use of property known as the Page Maintenance Camp, located on the Glen Canyon National Recreation Area. The agreement

authorized the Department to store boats and other vehicles within the ADOT storage facility. The property the Commission uses is actually leased by ADOT from the National Park Service (NPS). Recently, it was determined that the lease does not allow ADOT to sub-lease the property. Therefore it is necessary for the Commission to enter into an agreement directly with the NPS. This MOU authorizes the Department to construct an overhead steel shade structure and storage shed for the purpose of storing boats and other vehicles on the NPS property leased to ADOT. The storage is necessary for the Department to conduct required resource management and boating enforcement activities within the Glen Canyon National Recreational Area. This Permit will replace the one previously issued by ADOT that is no longer valid.

**Motion:** Madden moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE AN AGREEMENT FOR BOAT STORAGE AT PAGE MAINTENANCE CAMP, GLEN CANYON NATIONAL RECREATION AREA, AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT, AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

**Vote:** Unanimous  
4 to 0

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8. License Agreement with the City of Show Low for Operation and Maintenance of the Commission owned Show Low Lake Property.

**Presenter:** Dave Cagle, Region I Wildlife Program Manager

Mr. Cagle briefed the Commission on a License Agreement with the City of Show Low for operation and maintenance of the Commission owned Show Low Lake Property. In 1990, the Commission received a Quit Claim Deed from Phelps Dodge Corporation for 8 acres of land at Show Lake for the purpose of providing fish and wildlife recreation opportunities. At the time, Navajo County (County) managed a campground adjacent the Show Low Lake property and the Commission entered into a Management Agreement with the County authorizing their management of the property. In 2005, management of the Show Low Lake property was transferred to the City of Show Low (City) through a Cooperative Agreement. At this time, the Department and the City desire to enter into this License Agreement that designates the City as responsible for the operation, maintenance and repair of the property and allowing for them to contract with an on-site concessionaire for routine operation and maintenance of the property. The Department will maintain responsibility over upkeep and capital improvement of public parking areas, roadways, boating/fishing piers, boat ramp and public restroom building on our property. The Agreement would remain in effect until 2023.

Commissioners Madden and Davis expressed concern over liability for the concessionaire.

Mr. Cagle stated that the License Agreement is between the City of Show Low and the Department, and then the City has another agreement with the concessionaire, so the Department is one step removed from that association.

Assistant Director Jim Hinkle added that the agreement with the City of Show Low indemnifies and holds harmless the State of Arizona.

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

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9. Request for the Commission to Approve a Memorandum of Understanding between the Arizona Game and Fish Commission and White Mountain Youth Corps

**Presenter:** Dave Cagle, Region I Wildlife Program Manager

Mr. Cagle briefed the Commission on a Memorandum of Understanding (MOU) between the Arizona Game and Fish Commission and White Mountain Youth Corps to enter into mutual Collection Agreements to assist each other on various wildlife habitat improvement projects. In the tradition of the Civilian Conservation Corps, the White Mountain Youth Corps (WMYC) was created to act as an independent 501(c)(3) not-for-profit organization whose mission is to empower youth and young adults by engaging them in meaningful community service, job training and education, environmental stewardship, and adventure experiences.

WMYC trains and operates work crews of local individuals to execute work projects for various federal, state, and tribal land/resource management agencies throughout the state of Arizona. WMYC and the Department have identified several areas of mutual benefit for both organizations. WMYC can provide trained labor to carry out management/conservation projects identified by the Department. WMYC would like to provide educational/training opportunities to local youth in partnership with the Department. WMYC seeks to expose local young adults to potential employment and internship opportunities made available by the Department as well as other management agencies. Finally, the local/state community and economies are strengthened when local youth are trained and employed according to standards set by the Department. Due to its proximity to the Fort Apache Indian Reservation, WMYC plans on employing both Tribal and Non-Tribal members. WMYC will work closely with project managers and personnel from the Department to closely monitor and approve the execution of any and all projects partnered with the Department.

WMYC and the Department, particularly the Pinetop Region, desire to work more closely for the common purpose of providing wildlife habitat improvements and maintaining and enhancing wildlife resources for the best interests of the citizens of Arizona.

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

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10. Request to Approve the Final Notice of Exempt Rulemaking to Amend R12-4-802 and 803

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

Ms. Stewart first provided the Commission with a rules overview and update. The update included the status of CY 2012 and CY 2013 rules packages and the rules process and schedule. Following the update, Mr. Stewart presented the Commission with the final Notice of Exempt Rulemaking amending rules within Article 8, addressing wildlife areas and Department property. The Department proposes to amend Article 8 rules, addressing wildlife areas and Department property, to implement recommendations resulting from data and research gathered during the previous year. The Department proposes the following substantive rule amendments:

R12-4-802 Wildlife Areas and other Department Managed Property Restrictions:

- Cibola Valley Conservation and Wildlife Area is amended to establish additional legal weapon restrictions, based on an agreement between the Department and the Bureau of Reclamation, who cooperatively manage and restore the wildlife area.  
Raymond Ranch Wildlife Area is amended to require members of the public to sign-in, where posted, to access and use the area to minimize disturbances to the buffalo herd.

R12-4-803 Wildlife Area and Other Department Managed Property Boundary Descriptions:

- The rule is amended to revise several boundary descriptions to reflect newly acquired property in the Arlington, Base and Meridian, and Upper Verde River wildlife areas.

The Final Notice of Exempt Rulemaking was provided to the Commission prior to this meeting for review and consideration, and was also made available to the public. The Commission approved the draft Notice of Exempt Rulemaking at its January 2013 meeting. The Department posted the draft Notice of Exempt Rulemaking to the Department's Internet site for a period of 30 days and no public comments were received.

If approved by the Commission, the Department will file the Notice of Exempt Rulemaking with the Secretary of State's Office for publication in the Arizona Administrative register. The rules will become effective 60 days from publication.

**Motion:** Madden moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE THE FINAL NOTICE OF EXEMPT RULEMAKING TO AMEND ARTICLE 8 RULES ADDRESSING WILDLIFE AREAS AND DEPARTMENT PROPERTY.

Commissioner Davis commented that he is uncomfortable with the proposed additional limitations for sportsmen at Cibola Valley, however, he understands the historic relationship with the community there and the comments and feedback received.

**Vote:** Unanimous  
4 to 0

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#### 1A. 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  
4 to 0

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

Meeting reconvened at 2:00 p.m.

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

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

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

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Meeting recessed for a break at 3:21 p.m.

Meeting reconvened at 3:37 p.m.

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13. Rehearing Request Regarding Previous License Revocation/Civil Assessment.

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

Mr. Elms briefed the Commission regarding the rehearing request by James R. Shaff for the Arizona Game and Fish Commission to grant a rehearing regarding the lifetime revocation of his license. On August 8, 2012, Mr. Shaff was convicted in the Flagstaff Justice Court on three counts of Take Wildlife While Revoked and three counts of Taking Wildlife Without a Valid License. On January 11, 2013, the Commission revoked Mr. Shaff's hunting, fishing and trapping licenses permanently, and imposed a civil assessment of \$150.00. Mr. Shaff requested a rehearing of this matter and decision because he felt the lifetime revocation was excessive. Mr. Shaff was notified of this hearing by certified mail.

Commissioner Mansell asked if there was any new evidence to be presented, to which Mr. Elms stated that there was no new evidence.

Mr. Shaff was present and addressed the Commission stating that he was unable to attend his initial hearing because of health reasons. He stated that he believed there were mitigating circumstances to the procedures and that the Commission should grant him a rehearing. He has hunted for 45 years in Arizona and has always bought a license. In this case, he suffered short-term memory loss and didn't realize he didn't buy a license. Mr. Shaff brought a letter from his doctor and provided that to the Commission as proof that he suffers short-term memory loss.

**Motion:** Madden moved and Davis seconded THAT THE COMMISSION VOTE TO AFFIRM ITS DECISION AND DENY MR. SHAFF'S REHEARING REQUEST.

Commissioner Davis stated for the record that the decisions made at the January meeting were not made simply regarding six doves, but were made from a series of actions and cases in their entirety over a period of time, and continued actions that occurred directly with Department officers.

**Vote:** Unanimous  
4 to 0

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Meeting recessed for the day at 3:50 p.m.

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Meeting reconvened Saturday at 8:00 a.m.

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Vice Chairman Harris called the meeting back to order followed by a Presentation of Colors provided by Department Law Enforcement Officers and the Pledge of Allegiance. The Commission introduced themselves and Director Voyles introduced Department staff.

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Awards and Recognition

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

30 Year Service Pin  
Stewart Kohnke

25 Year Service Pin  
Carl Lutch  
Madelynn Fenske  
Chris Bagnoli

20 Year Service Pin  
Sandra Helle  
Richard Keller  
Scott Rogers  
Rosemary Lopez  
John McGehee  
Ty Gray  
Susan Boe  
Kirby Bristow  
Ken McGown  
Wade Zarlingo  
Melvin Underwood

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Meeting recessed for a break at 8:50 a.m.

Meeting reconvened at 9:05 a.m.

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1. Call to the Public

Mike Sorum, representing himself, addressed the Commission in opposition to the Commission's discussion and actions taken at its March 20, 2013 meeting. Mr. Sorum felt that the Commission did not give adequate public notice for the meeting. Mr. Sorum provided the Commission with a letter stating his opposition to the Commission's position regarding the Mexican grey wolf and the Commission's support of HB2551 regarding off-highway vehicles as presented and discussed at the March 20, 2013 meeting.

Maureen Jones, a resident of Carefree, representing herself, submitted a Speaker Card but was not present. Vice Chairman Harris read Ms. Jones comments which stated her opposition to hunting in residential areas and suggested restricting hunting to within one-half mile from any residence.

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## 2. Consideration of Proposed Commission Orders 2, 5–10, and 26 for 2013–2014 Hunting Seasons.

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

Mr. Wakeling presented the Commission with a Power Point presentation that included charts and graphs of survey data, historical data and scientific data related to the Department's recommendations for Commission Orders 2 (deer), 5–10 (turkey, javelina, bighorn sheep, buffalo, bear, and mountain lion), and 26 (population management) establishing seasons and season dates, bag and possession limits, permit numbers, and open areas for the 2013–2014 seasons. A detailed description of these proposals were available for public review at Department offices and were provided to the Commission prior to this meeting for review.

The Department is recommending seasons, season dates, bag and possession limits, permit numbers, and open areas for Commission Orders 2 (deer), 5–10 (fall turkey, fall javelina, bighorn sheep, fall buffalo, fall bear, and mountain lion), and 26 (population management seasons) for 2013–2014 according to hunt guidelines approved by the Commission in August and December 2011. The current hunt guidelines were approved by the Commission for a 2-year period that extends through spring 2014. Public meetings to discuss harvest prescriptions for the 2013–2014 seasons were held in each Region prior to meeting with the Game Branch. Each Region also hosted an open house prior to the April Commission meeting where final recommendations were available for public review and discussion. At the 6 public meetings, we had 25 attendees.

The Commission has provided the Department with direction through the hunt guidelines to offer specific hunting opportunities. Specifically, the Department was to allocate at least 5% of the general deer permits to juniors-only seasons, and units with multiple deer hunts will have stratified 7-day seasons and each Region will offer a late mule deer season. Statewide, white-tailed deer hunting opportunity in December is limited to 5% of the total white-tailed deer permits, although alternative white-tailed deer units (Units 6A, 23, 30B, 31, and 36C) will be structured to harvest up to 30% of the expected take for that unit during December. Units 3A, 3C, 12A, 12B, 13A, 13B, 45A, 45B, and 45C are managed according to the alternative deer guidelines for mule deer. Archery deer seasons are recommended for season length adjustments or permitting to attain 10–20% of the total deer harvest by archers. Units 12A, 12B, 13A, and

13B have had permitted archery seasons for a few years; the archery hunt in Units 3A and 3C is recommended for permitting for the second time this year to meet alternative management objectives regarding hunter density in that unit.

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

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

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

Daylong seasons are recommended to continue for mountain lion seasons in specific areas and during specific periods as adopted in December 2011, although some adjustments to open areas are recommended. Mountain lion seasons within the minimal occurrence zone are again recommended with a liberal bag limit to meet management objectives. The Department recommends the minimal occurrence zone to be expanded by one unit that was inadvertently excluded last year.

Hopi tribal members will be allocated a previously agreed upon small portion of deer tags in Units 4A and 4B (9 permits) and Units 5A and 5B (26 permits) according to the Hopi Trust Land allocation authorized through the hunt guidelines.

### Commission Order 2 – Deer

The Department is recommending 42,315 general deer permits in 2013, a decrease of 355 permits statewide from 2012. Archery deer seasons in Units 3A and 3C, 12A and 12B, 13A, and 13B for 2013 are recommended at 955 permits, no change from 2012. Permit recommendations in Unit 12A are designed to maintain a 5–7% adult population growth. The 10% cap on nonresident participation applies to draw hunts.

Several changes are recommended for standard deer seasons. White-tailed deer permits are recommended for an increase of 30 permits. Antlered mule deer and any antlered deer permits are recommended for a decrease of 348 statewide. Juniors permits are recommended at 2,225 (5.3% of general), an increase of 100 from 2012. This recommendation includes a 250-permit (increase of 150 from 2012) antlerless deer hunt for juniors-only in Unit 12AW, which allows for a greater than 7% adult population growth on the Kaibab as described in the hunt guidelines. December general mule deer hunts are recommended in Units 6A, 17B, 23, and 27. Muzzleloader permits are recommended at 1,130 permits, a decrease of 70 from 2012. December

any antlered deer muzzleloader seasons are again recommended in Units 35A and 35B, 39, 40A, 40B, 41, and 42. The December archery deer and general deer seasons are recommended to begin on December 13, 2013.

The archery deer over-the-counter nonpermit tag season in Unit 29 is recommended for removal from the January 13–31 timeframe because archery deer harvest is greater than 20% of the total harvest in Unit 29.

In accordance with recently adopted changes to R12-4-308, archery deer hunters will no longer be required to report their archery deer harvest to the Department. Archery deer hunters will continue to receive a hunter questionnaire in the mail.

A 10-permit CHAMP hunt is again recommended for Unit 12AW for 2013.

Total permits for general (including Hopi), muzzleloader, CHAMP, and juniors-only seasons are 45,760, which is a decrease of 310 permits from 2012 levels. Total permits for archery deer draw permits are 955, no change from 2012.

Commissioner Mansell stated that he has always advocated for children and he believes youth hunts are very important for recruitment and retention, but in regards to the Units 3A and 3C hunts, he believes this is not an appropriate place to have a youth hunt. He would like to see those tags to be spread out to other hunts.

Vice Chairman Harris suggested that those 25 tags could be spread out to one in every other junior hunt.

Commissioner Mansell asked if the 25 junior tags in 3A and 3C could be replaced in those units in the general hunt October 25-November 4.

After checking with Game Specialist Rick Langley, Mr. Wakeling stated that this would be appropriate.

Commissioner Davis commented on a discussion he had this past week with Mr. Wakeling and Regional Supervisor Rod Lucas regarding Units 25M and 26M, and the urban interface issues in those units. These are complicated issues in wanting to maintain as much recreational opportunity for our constituents as possible and to deal with the urban interface issues. He would like to look at the boundaries for Units 25M and 26M, so that it is clear to the public and so that a clear decision is made that shows the Commission recognizes the difficulties of some of the urban interface issues. He would like to look at Unit 25M through the Article 1 process, which will first come before the Commission in June, to delineate more clearly a boundary within which most hunting would be precluded, and at the same time delineate an area for Unit 26M, perhaps a donut around Unit 25M, where intermediate levels of hunting, such as shotgun shooting shotgun and archery is appropriate. Parts of the McDowell Sonoran Preserve may ultimately remain in Unit 25M, but parts of it may be in Unit 26M. This would be a more permanent solution as opposed to dealing with it every time the Commission looks at Commission Orders.

Mr. Wakeling stated that some of this can be addressed in Commission Order by describing open areas and being creative, but it may be confusing to the public. The benefit to doing this in rule is that it would allow the Department to look at it effectively rather than try to do something rapidly today. What the Department is proposing to do today is to not open any firearms seasons within those areas. The Department is proposing a restriction on open areas for archery hunting, similar to what has been adopted within 11M and 38M, so it does not introduce anything new.

Commissioner Davis stated that it makes sense to do this through the rule process for a permanent solution related to Units 25M and 26M. This would also send a message that we are not going to get into a creep of reducing opportunity over time, but are going to definitively lay out the map where there may be reduced opportunity in some areas and increased opportunity in other areas.

### Public Comment

David Schwan, Mayor of Carefree, stated that he is concerned about hunting close to homes and he has received many comments with similar concerns from Carefree residents in the area of Unit 26M. He requested that the Commission vote today to remove hunting from close to homes in this area.

Maureen Jones' comments from agenda item #1 were intended for this agenda item, to restrict hunting to within one-half mile from any residence.

Jay Treadwell, homeowner in Carefree, expressed concerns and relayed negative experiences with hunters too close to his residence.

Kroy Ekblaw, Preserve Director, City of Scottsdale, expressed appreciation for the Department and working with the Department on these issues. In regards to Commissioner Davis' comments, his ordinance allows archery hunting per Game and Fish regulations, but does not allow firearm hunting. The recently acquired state land is slated for 140 miles of trails for the Preserve and for recreation. The nature of these areas is different than what it has been historically as well as the encroachment of homes in the area. This is something that he will speak to in future meetings held on this subject.

Michael Mayer, representing himself, expressed his opposition to hunting in the Sonoran McDowell Preserve. He believes there is not enough wildlife in the Preserve and it hurts the economy.

Mary Gosule, Carefree resident, representing herself, did not speak, but submitted a Speaker Card with statement that she supports the Department recommendation on hunting in Carefree.

John Koleszar, representing himself, supports hunting in the Sonoran McDowell Preserve. He believes the concerns about hunting are unfounded. There have been no hunting accidents in the Preserve.

**Motion:** Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 2 – DEER AS PROPOSED WITH THE FOLLOWING AMENDMENTS: REMOVE THE JUNIORS ONLY DEER HUNT IN UNITS 3A AND 3C

AND ADD AN ADDITIONAL 25 TAGS TO THE GENERAL HUNT IN UNITS 3A AND 3C; AND IN ADDITION, ADD ONE PERMIT TO ALL OTHER JUNIOR HUNTS CURRENTLY BEING OFFERED INCLUDING THE MUZZLELOADER JUNIORS ONLY HUNTS WHICH WOULD BRING THE TOTAL TO 21 ADDITIONAL PERMITS.

**Vote:** Unanimous  
4 to 0

Mr. Wakeling stated that the Department will take this input regarding concerns about having youth hunts within alternative management units into consideration for the hunt guidelines.

#### Commission Order 5 – Turkey

The fall limited-weapon shotgun-shooting-shot turkey season is recommended to run October 4–10, 2013 with 5,300 permits, no change from 2012. There are 7 units (Units 1, 4A, 4B, 6A, 12A, 23, and 27) recommended for juniors-only seasons where over-the-counter nonpermit tags will be offered (no change from 2012). These seasons will run concurrently with the permitted turkey season in the unit. The archery fall turkey nonpermit tag season is recommended to run from August 23–September 12, 2012 with no change to open units from 2012.

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

**Vote:** Unanimous  
4 to 0

#### Commission Order 6 – Javelina

For fall 2013, the Department again recommends fall juniors-only javelina seasons, with 830 permits (a decrease of 20), during season dates that coincide with a juniors-only deer season. Units within Region 5 allocate 15% of the annual permits to either an October 11–20 or a November 22–28, 2013 season. Additional units (Units 16A, 17B, 18B, 20A, 39, and 41) also offer juniors-only opportunity, with season dates typically overlapping a school holiday.

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

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

**Vote:** Unanimous  
4 to 0

#### Commission Order 7 – Bighorn Sheep

Bighorn sheep permits are recommended at 107, an increase of 12 from last year. Permit increases are recommended in Units 6A (2 permits), 15B West (1 permit), 15D (6 permits), 16B (1 permit), 24B South (1 permit), 27 South/ 28 North (1 permit), 37A (1 permit), and 40B Mohawk-Copper (1 permit). Four new hunts with 1 permit each are being recommended: Superstition Wilderness Hunt Area in Unit 24B, Mineral Mountains in Unit 37B, Unit 39 East, and Big Horn Mountains in Unit 42. The Bear Canyon and Foote Creek hunt areas in Unit 27 are being combined and renamed as the Upper Blue River Hunt Area; it is recommended for 2 permits which is a decrease of 2 permits. Permit decreases are recommended in Units 31/32 (1 permit), 40B Tinajas Altas (1 permit), 41 East (1 permit), and 41 West (1 permit). Unit 15A/15B East is recommended for closure, a decrease of 1 permit. Units where recent declines have been detected or suspected, specifically 15A, 15B, 15C, 15D, 45A, 45B, and 45C, are surveyed annually or bi-annually and hunt recommendations are based on these data.

### Public Comment

Chad Jones, President, Arizona Desert Bighorn Sheep Society, addressed the Commission in support of the Department's recommendation on bighorn sheep.

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

**Vote:** Unanimous  
4 to 0

### Commission Order 8 – Buffalo

One adult bull hunt and 3 adult cow hunts for 2 permits each are recommended for the Raymond Wildlife Area herd in Units 5A and 5B. This is an increase of 4 permits. The adult bull hunt is recommended to run October 4–6 and the adult cow hunts are recommended for September 6–8, November 8–10, and December 6–8.

No general fall hunts are recommended on the House Rock Wildlife Area herd; structured hunts have been ineffective in harvesting buffalo during the fall. In accordance with the 2011 hunt guidelines, the Department is again recommending the firearms deer hunters in Units 12A West and 12A East and the archery deer hunters in Units 12A and 12B be provided with the opportunity to purchase over-the-counter "companion" tags for buffalo, which must be authorized within Commission Order 26.

Flagstaff Regional Supervisor Craig McMullen discussed with the Commission the continuing issues with the House Rock buffalo going up onto the Grand Canyon National Park where they cannot be hunted. The Department is currently looking at ideas to keep them off the Park and move them back to House Rock.

Commissioner Davis asked Ben Alteneder, the Department's Congressional Legislative Liaison, about some potential legislation regarding this issue.

Mr. Alteneder stated that Senator McCain's office has asked about this ongoing issue and it is his understanding that they may take some action if needed.

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

**Vote:** Unanimous  
4 to 0

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Meeting recessed for a break at 10:47 a.m.

Meeting reconvened at 11:05 a.m.

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### Commission Order 9 – Bear

During 2013, fall bear seasons are recommended to occur during August 9–22, from August 23 for up to 38 days, or October 4 through the end of the 2013 calendar year. The season in Units 4A and 5A is recommended to begin on November 1 and run through the end of the calendar year. Units 7 and 9 will be separated with female harvest objectives of 3 and 1, respectively. The late Unit 27 hunt is recommended for stratification (October 4-31 and November 1-December 31) with female harvest objectives of 5 and 10, respectively. General seasons may occur during any of these season dates and archery seasons may occur during the 38 day season beginning on August 23, 2013. This structure maintains open seasons while allowing Regions to manage female harvest and maintain sites to relocate nuisance bears if necessary. The 2013 recommendation is for a cumulative female harvest limit of 99 for general and 21 for archery seasons, which is an overall increase of 7 female bears from 2012. The recommendation includes an increase to individual general season hunt female harvest limits in Units 4B, 9, and 27, and an increase to the individual archery season hunt female harvest limit in Units 35A and 35B, which is a new open area.

The annual female harvest limit will again apply to fall seasons. Annual female harvest limits were established in August 2012 for the units with 2013 spring hunts. Those units that have both spring and fall hunts were considered in the spring 2013 hunt formulation. Harvest that applies to annual female harvest limits includes any take by a hunter or Department action that occurs within a calendar year. Implementation of the annual female harvest limit may result in the closure of a hunt before it opens if the annual female harvest limit is reached before the start of a season. Annual female harvest limits are recommended for no change from 2012.

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

Mr. Wakeling noted an error in the hunt recommendation package. Units 7 and 9 were listed together, but Units 7 and 9 are actually separated. Unit 7 will have an annual female harvest of 4 and Unit 9 will have an annual female harvest of 2.

**Motion:** Madden moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 9 – BEAR AS PROPOSED WITH THE AMENDMENT

THAT INCLUDES A SEPARATION OF ANNUAL FEMALE HARVEST LIMITS FOR UNITS 7 BEING 4 AND UNIT 9 BEING 2.

**Vote:** Unanimous  
4 to 0

#### Commission Order 10 – Mountain Lion

The Department recommends an open mountain lion season for daylight hours from July 1, 2013 to June 30, 2014 in all open units in accordance with the hunt guidelines. Multiple bag limit seasons with daylong shooting hours are recommended for Units 13B South, Units 15B West, 15C, and 15D, Units 16A South and 18B South, Unit 22 South, Unit 28 (south of U.S. Highway 70), the Aravaipa-Galiuro Hunt Area within Units 31 and 32, and Unit 37B North. Multiple bag limit seasons with daylight shooting hours are recommended for the Upper Blue River Hunt Area in Unit 27 (the Upper Blue River Hunt Area corresponds with the larger area encompassed by bighorn sheep and replaces the Bear Canyon Hunt Area) and the Lower Blue River Hunt Area in Unit 27. In accordance with hunt guidelines and the establishment of minimal occurrence zones for mountain lions, Units 39, 40A, 40B, 41, 42, 43A, 43B, 44A, and 44B are recommended for daylong shooting hours with a bag limit of 3 mountain lions per year. Compliance with the mandatory physical check for harvested mountain lion remains high.

Mr. Wakeling noted a couple of changes not included in the original proposal. Unit 39E was added to the Minimal Occurrence Zone – it was inadvertently left off last year; Unit 28 has been added to the multiple bag limit areas; A restricted zone was added to Unit 33; Part of Unit 27 was expanded to multiple bag limit in the bighorn sheep area; The archery season quarter-mile restriction is included for Units 11M, 25M and 26M.

#### Public Comment

Chad Jones, President, ADBSS, supports the Department's recommendations.

**Motion:** Davis moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 10 – MOUNTAIN LION AS PROPOSED.

**Vote:** Unanimous  
4 to 0

#### Commission Order 26 – Population Management Seasons

Population management seasons are recommended for buffalo (designated buffalo) to be available to permitted general, CHAMP, and archery deer hunters in Unit 12A. These seasons are also recommended for javelina to be available to juniors-only muzzleloader deer hunters in Unit 16A and juniors-only general season deer hunters in Units 28, 29, 30A, 30B, 31, 32, 33, 36A, and 36B. These permits are popularly known as "companion" tags. Buffalo population management restricted nonpermit tags are recommended at 790 for general seasons, 10 for CHAMP seasons, and 700 for archery seasons. Juniors-only javelina population management restricted nonpermit tags are recommended at 575 for general and 25 for muzzleloader juniors-

only seasons. These permits will be available only to hunters that successfully draw a deer tag in the coincidental deer hunt.

Mr. Wakeling noted that because of the changes the Commission made to juniors hunts on Commission Order 2, the Department recommends that the number of tags in these units be increased by one in each unit for a total of 579 general and 26 muzzleloader for juniors-only.

**Motion:** Harris moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 26 – POPULATION MANAGEMENT SEASONS AS PROPOSED WITH THE AMENDMENT FOR 579 JUNIOR JAVELINA AND 26 JUNIOR MUZZLELOADER JAVELINA COMPANION TAGS.

**Vote:** Unanimous  
4 to 0

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### 3. Hunt Permit-Tag Application Schedule for Fall 2013 Hunts

**Presenter:** Lizette Morgan, CFO, Business & Finance

Ms. Morgan provided the Commission with a brief presentation relating to the hunt permit-tag application schedule for the Fall2013hunting seasons. The application schedule identifies proposed acceptance dates and deadline dates for all hunts associated with the draw process. In addition, the proposed dates for when hunt permit-tags and refund warrants will be mailed are also identified, along with information relating to the first-come/first-serve process for any permits that may still be available.

**Motion:** Madden moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE THE APPLICATION SCHEDULE FOR THE 2013 FALL HUNTS.

**Vote:** Unanimous  
4 to 0

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### 4. Litigation Report

There were no comments or questions on the Litigation Report.

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### 5. Approval of Minutes and Signing of Minutes.

**Motion:** Madden moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM MARCH 4, 2013, MARCH 8-9, 2013 AND MARCH 20, 2013.

**Vote:** Unanimous  
4 to 0

The Commission signed the minutes following approval.

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

Director Voyles reported the following activities:

- Traveled to Denver and met with contingent from the USFWS and the AFWA to resolve concerns between the states and the USFWS over the implementation of the USFWS's new approach towards surrogate species management to evaluate the effectiveness of landscape scale conservation efforts
- Attended the Tri-State Shooting Park dedication with a couple of Commissioners and the Governor
- Met with the Sonoran Desert Museum, along with Region V staff regarding forming a more integrated relationship between the Department and the Museum regarding endangered species, shared resources, and other potential endeavors
- Attended a breakfast meeting of the Arizona Audubon Society
- Traveled to Tucson and attended the Southeastern Arizona Land and Water Trust's Annual Saguaro Circle Event
- Had a breakfast meeting with Chairman Husted and Bill Feldmier to talk about ecosystem services on a large multi-jurisdictional ranch in northern Arizona
- Met with Kyle Weaver, Director of Operations for the National Rifle Association
- Met with Kevin Kinsall and several groups from the environmental community to talk about the develop and direction of the Natural Resource Review Council
- Traveled to Chauncey Ranch to attend the 2013 Wildlife Investigators Covert Academy graduation
- Attended the Department's Outdoor Expo
- Attended the Arizona Elk Society Fundraising Banquet
- Attended a number of meetings in association with the North American Wildlife and Conservation Conference.

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## 7. Commissioners' Reports

Vice Chairman Harris reported the following activities:

- Attended a number of meetings in Region V with a wide variety of individuals and groups to deal with the Catalina sheep transplant initiative, an adaptive management program
- Attended two shooting range dedications, the Tri-State and Chino Valley
- Met with new Assistant Director of Field Operations Jim Hinkle and had a couple meetings with the Director

Commissioner Mansell:

- Attended the Tri-State Shooting Park ceremony and commented on all the hard work and efforts
- Publicly thanked Commissioner Husted for his service and commitment to the Department and the Commission

Commissioner Madden:

- Has been working with the Coconino County Sheriff regarding the search and rescue card that they are proposing
- Attended the Department's Outdoor Expo
- Attended the Arizona Elk Society banquet
- Also thanked Chairman Husted for all he has done for wildlife

Commissioner Davis:

- Worked on issues at the Legislature
- Appreciates the deftness of the Department in working with them this past month, referring to Jim Paxon and his shop getting the word out quickly regarding the record catfish, Doug Cummings and John Bullington in draw issues or rather draw non-issues, Tony Guiles and Jorge Canaca and their handling of legislative matters, Jim Odenkirk and Linda Pollock regarding the legal matters they handle, and Ty Gray regarding the Expo and it's success.

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## 8. Future Agenda Items and Action Items

Deputy Director Ty Gray captured the following action/future agenda items:

- Add to the May Commission meeting, or sooner at a telephonic meeting, an agenda item to discuss the Commission Chair process and the selection as well as discussion of the committee assignments
- Department staff will provide the Commission with a briefing at the May Commission meeting on potential impacts of H.R. 687
- The Department will add to the May consent agenda the USFWS MOU trout eggs and weed harvesting, the license agreement with the City of Show Low, and the MOU with the White Mountain Youth Corp
- The Department will move forward on negotiations with the acquisition of perpetual public right-of-way easements in Region V
- At a future Commission meeting, probably June, as part of the regular rulemaking review, the Department will forward the considerations of Units 25 Metro and 26 Metro for long-term ways to address that issue
- Mr. Gray will work on the agenda process to address the first read issue when there are things that are time sensitive
- The Department will schedule the May Commission meeting to end by noon on Saturday.

Vice Chairman Harris requested an update on the Wildlife Rehabilitation Center.

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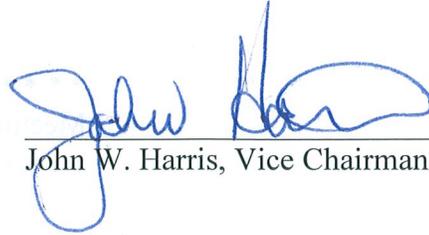
**Motion:** Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

**Vote:** Unanimous

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Meeting adjourned at 11:45 a.m.

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John W. Harris, Vice Chairman



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Robert E. Mansell, Member



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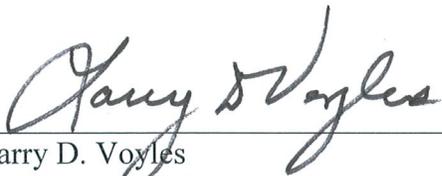
Kurt R. Davis, Member



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Edward "Pat" Madden, Member

ATTEST:



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Larry D. Voyles  
Secretary and Director

**Game and Fish Litigation Report  
Presented at the Commission Meeting  
April 12-13, 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. **On March 25, 2013, the Forest Service filed a reply in support of its motion to dismiss. The parties are awaiting an oral argument hearing on the motion to dismiss.**

2. ***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". **Oral argument before the Ninth Circuit Court of Appeals**

**is set for May 16, 2013.**

**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 20<sup>th</sup>. The Reeds have until March 7, 2013 to file a petition for review with the Arizona Supreme Court. **The Reeds did not file a petition for review. This case is now completed.**

**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  
April 5, 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. The Region is currently reviewing a pre-public draft Proposed Action. 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 as well as the Mormon Mountain area. 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.

**Kaibab National Forest**

The North Kaibab Ranger District released its Record of Decision for their TMP, and the Department subsequently appealed the Forest's Decision. 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. The Department filed a FOIA request and received the Project Record from the North Kaibab Ranger District on March 1. The Department's additional FOIA request for all communications, including emails generated and received by Forest and the Dept. of Agriculture in connection with the development of the NKRDR travel management decision has been forwarded to the Southwestern FOIA Service Center for review and final determination.

#### North Rim Corridor Management Plan

The Department has been engaged in a stakeholder process to put together a Corridor Management Plan for the North Rim Parkway (Scenic Byway) on Highway 67 from Jacob Lake to the National Park Service boundary. This corridor management does not define ADOT projects for the foreseeable future per say but serves as a guiding document for cultural, historic, recreational, archaeological, natural, and scenic qualities. The Region has been working with Contracts Branch to assure that wildlife connectivity language is in place such that as traffic volumes increase, and/or road improvements occur in the future, we are prepared to implement appropriate crossing structures.

#### **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**

The 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 will replace the existing 1985 (with amendments) version. 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 Department recently participated in the annual tri-agency coordination meeting with the TNF and USFWS at the Goldfield Administrative Site. The meeting included an afternoon working session on the TMP. The Department is being invited to participate as a cooperating agency and will sit on the ID team for the TMP. Breakout groups were organized by Ranger District, each with a map of the proposed action and list of bullets to address that included: law enforcement, habitat damage areas, recreational access, administrative access and dispersed camping. The break out exercise was intended to further the discussion, identify issues and provide input that could be used in potential development and/or modification of an alternative for the DEIS. The information from the work sessions is currently being compiled. The TNF is

currently reviewing the TMP public comments and developing responses. The analysis will be the next step in the process.

## **U.S. FOREST SERVICE – GENERAL UPDATES**

### **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 Department is currently reviewing the DEIS which encapsulates roughly 990,000 acres. The pre-release document allows the public an additional 60 days to comment, with a formal comment period beginning at the termination of these first 60 days. The Department is engaged on several subcommittees to review the EIS. 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. Related to the 4FRI, a monitoring coordinator job was just flown with the USFS which will be a crucial piece to assessing impacts on wildlife.

### **Coconino and Kaibab National Forest 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

Department personnel met with the Forest Service to discuss landscape restoration planning for the Lakeside and Springerville Ranger Districts as well as a portion of the Alpine Ranger District. Planning will include compiling past projects, projects with applicable NEPA and archaeological clearance, and projects in need of clearance(s). The Department will work with this group in an effort to tie habitat projects from private and state lands into past or future treatments on the national forest to facilitate wildlife movement corridors and maximize benefits to wildlife.

### **Coronado National Forest**

#### Rosemont Copper Project

The Department continues to work with representatives from the Rosemont Copper Project, U.S. Fish and Wildlife Service, U.S. Forest Service, Army Corps of Engineers, and other stakeholders to discuss potential state and federal trust resource impacts.

### Santa Catalina Bighorn Sheep Reintroduction

The Department continues to work with stakeholders to study the 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.

## **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.

## **Prescott National Forest**

### Agua Fria Grasslands

The Verde District of the PNF is proposing to improve wildlife habitat and watershed conditions on the Agua Fria Grasslands portion of the forest. The Department is in the process of reviewing

and providing comment to the PNF. Our overarching recommendations include taking actions for reduction of juniper and shrub encroachment, reduction of erosion and sedimentation, improvement of water infiltration, recharge and stream flows, improvement of wildlife habitat quality and connectivity, and promotion of rangeland plant community, productivity, diversity and abundance of important forage species for wildlife.

#### Prescott National Forest Annual Coordination Meeting

Department Personnel met with the Prescott National Forest on February 12, 2013 for the annual coordination meeting. Discussions were productive and focused on access issues, proposed interagency habitat improvement projects, recreational shooting, as well as changes in staff and how to effectively coordinate projects. At the meeting, the Department provided an overview of its Strategic Actions Plans (WL 2020 and SWAP) and an introduction to HabiMap. Following the meeting, it was announced that the current Forest Supervisor, Betty Mathews, has accepted a new position in Georgia and will soon be leaving service on the Prescott National Forest.

#### Wilderness Proposals and Record of Decision in September (See attached Map)

Since providing comments on the Forest's final Draft EIS and Forest Plan in November, it has come to the attention of the Department that the Forest is modifying their preferred alternative for the Record of Decision (ROD) which will be submitted in accordance with the provisions of the National Environmental Policy Act (NEPA). In its new preferred alternative (Alt. E), the Forest has reduced the number of new acres proposed for wilderness consideration from ~44,000 acres to ~23,000 acres. Of those acres that remain, the Forest has vacated its intention to designate any new wilderness areas, and will limit its wilderness proposal to only areas that are contiguous with existing wilderness. The ROD will become available to the public when it is posted in the Federal Register – likely in early September.

### **Tonto National Forest**

#### 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 and comment period.

#### 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 is currently reviewing the DEIS and will be providing comments.

#### 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. In the recent coordination meeting an update on the program was provided. The TNF received over 300 comments and preliminary findings included: increase in fees was popular, there is a need for a multi day use pass, potential removal of unused areas (downsize). The TNF anticipates the proposal out as early as this summer. The Department has requested further discussion on the proposal and will be reviewing documentation when it becomes available.

#### Little Green Valley Complex Allotments

The TNF proposes to reauthorize permitted livestock grazing on Payson, Cross V, Star Valley, Green Valley, and Indian Gardens allotments, collectively managed by one permittee. The project area is located near Payson, Arizona below the Mogollon Rim and is within the Payson Ranger District, Tonto National Forest. This action is needed to reevaluate the implemented alternative from earlier analysis and to consider other alternatives that comply with the Tonto National Forest Plan and management prescriptions for the Payson Ranger District. The proposed action is to continue cattle grazing and associated rangeland management activities on the allotments. Livestock grazing would be managed using an adaptive management strategy as described in this document, with monitoring and mitigation measures designed to maintain satisfactory rangeland conditions and improve less than satisfactory rangeland conditions. Projects to manage fuels and benefit wildlife were also considered. The Department is in the process of reviewing and providing comment.

### **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. The BLM is currently reviewing the public comments and developing the responses.

### Black Canyon Trail

The BLM has developed a DEA for the Black Canyon National Recreation Trail (BCNRT). The DEA is for the non-motorized portion of the trail only. The DEA is to identify, analyze, build, and designate new single and multi-use, hiking and equestrian routes for hikers, equestrian, and mountain bicycles that can link to other trail systems and communities; to reclaim, re-contour or design a new non-motorized single track trail within the wilderness characteristics allocation at the Slate Creek Trail; to analyze the development of parking, staging areas and trailheads suitable for facilitating responsible use, ensuring resource protection, parking and unloading of horses; to analyze for the development of at least 8 trailheads and staging or camping areas near communities with vehicle access points to serve the BCNRT and adjoining public lands; to provide an assortment of non-motorized trail links east and west of I-17; to create a ¼ mile buffer on the BCNRT for public safety and developmental concerns; and to analyze the effect of special recreation permits. The Department provided a response letter that included concerns for inconsistency in signage, recreational shooting opportunities, and further analysis of the alternative with regards to BASF and impacts due to the ¼ buffer.

### **Kingman Field Office**

#### AGFD Region 3/Kingman BLM Annual Coordination Meeting:

Regional personnel met with BLM Kingman on 2/7/13 at the Kingman Field Office for their annual coordination meeting. Discussions focused on how to better coordinate interagency activities such as rangeland and Herd Management Area monitoring, wildlife and burro surveys, Department efforts such as HPC's and access agreements, major actions such as new mining activities and special use permits, as well as the Region's NEPA needs for the upcoming year. Personnel from the Lake Havasu Field Office and Region 4 were in attendance as well.

#### Chloride Mine – Proposed Expansion of Operations

Regional personnel initiated an Environmental Review for the proposed Chloride Mine expansion (GMU 15BE). This review was initiated for the environmental contractor retained by the mine for this purpose - Rizzo Associates. BLM has instructed Rizzo Associates to evaluate migration patterns over the project area before any permits will be issued for the project. Critical habitat and species composition maps were provided to the contractor for evaluation during their project planning.

### **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 and Department staff completed route evaluations for the Imperial Hills. The Imperial Hills support a healthy, hunted bighorn sheep population that is commonly observed by the public. The area has seen a significant increase in OHV activity and illegal route proliferation over the last 10 years. A completed travel management plan will greatly improve BLM's ability to manage OHV activity in the Hills and reduce the impacts on bighorn sheep.

## **NATIONAL PARK**

### **Petrified Forest National Park**

#### Petrified Forest National Park (PFNP) Coordination Meeting

On March 7, the Department held its annual coordination meeting with personnel from the PFNP. Among items discussed was the status of public access to the private lands acquired as a result of the Petrified Forest National Park Expansion Act of 2004. These lands are still closed to the public pending completion of resource inventories. Also discussed was the maintenance of important pronghorn waters and the removal of unneeded interior fences with the PFNP expansion boundary, the status and potential management of prairie dogs, and potential future needs for elk management should resource damage become a concern, particularly within riparian areas associated with the Puerco River.

### Petrified Forest National Park (PFNP) Wilderness Stewardship Plan

The PFNP announced the release of the Wilderness Stewardship Plan and Environmental Assessment for the Petrified Forest National Park (EA). The PFNP wilderness area was designated by Congress in 1970, and includes two separate units within the PFNP boundary (see attached map). The purpose of the Wilderness Stewardship Plan is to replace the PFNP's 1979 backcountry management plan and is intended to guide the future preservation, management, and use of PFNP wilderness.

In its comment letter to the PFNP, the Department expressed its concern over the continued ability of the Department to adequately manage Arizona's wildlife as lands are moved into status that renders them inaccessible, and therefore requested that full consideration in the EA be given to, and provisions be provided, that ensure the ability of the Department to fulfill its public trust responsibilities through active wildlife management within the wilderness area. Additional comments expressed the Department's support for the EA's focus on native species such as pronghorn and prairie dogs, efforts to restore the natural fire regime in grasslands, the management of invasive plants, development of a wildlife-friendly boundary fence, and attention to regional habitat connectivity. The Department also expressed support for the PFNP's efforts to enhance opportunities for public education, backcountry camping, and improved public access to the wilderness area.

## **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**

Southwest Transmission Partners, LLC is proposing to construct a double circuit 500kv North Gila-Imperial Hills Transmission Line from the North Gila Substation, located near the Yuma Regional Office, to Imperial Valley CA. BLM is the lead for federal agency for NEPA compliance. The Department will be invited to be a cooperating agency for the NEPA process. The line will also require approval from the Arizona Corporation Commission. Two of the six alternatives would cross the Mittry Lake Wildlife Area. The plan would be to span the water, but there would be one or more towers and an access road in the Wildlife Area. At an agency issues scoping meeting, the Department raised concerns about potential impacts to wildlife, specifically waterfowl, migratory birds and endangered species. The line may also create conflicts with hunting and habitat restoration. The Department will be actively involved, representing the Department's interests and ensuring a thorough analysis of the impacts to fish, wildlife, wildlife dependent recreation and Mittry Lake Wildlife Area.

### **Yuma East Wetlands/Headstream-McVey Property**

The Department is currently reviewing a multiparty agreement that would include the 21-acre Headstream and McVey property within the Yuma East Wetlands to become part of the Lower Colorado River Multi-Species Conservation Program. The agreement includes property owned and managed by the Quechan Tribe, City of Yuma, and the Yuma Crossing National Heritage

Area. This effort is for the restoration of approximately 350 acres of cottonwood/willow, mesquite, and marsh habitat for species such as the Yuma clapper rail, yellow billed cuckoo, and the Yuma hispid cotton rat.

### **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. The recent rangeland field trip shared results of the AIMS monitoring efforts and engaged stakeholders and education groups.

### **RENEWABLE ENERGY DEVELOPMENT**

#### **WIND**

##### **Boquillas Wind Energy Project**

The Department continues to participate in ongoing review of an Eagle Conservation Plan (ECP) for the Boquillas wind energy project being developed by the Navajo Tribal Utility Authority and project partner EDF Renewable Energy and is awaiting receipt of a new draft ECP. USFWS will evaluate the final ECP and associated biological data to help determine whether a federal eagle take permit for the project is warranted. The Department submitted written comment for, and presented testimony in support of, Coconino County Planning and Zoning Commission review of a permit request by the developers for 5 new meteorological testing towers. The developers received approval for 4 towers at a P&Z public hearing on March 26, 2013, and the County required that the fifth tower be replaced due to its greater height and FAA-required warning lights.

##### **Mohave County Wind Farm Project**

The Mohave County Wind Farm project core team members are completing revisions and updates to the final environmental impact statement (FEIS). Documents that have been addressed include the Dust and Emissions Control Plan, Mine Plan of Operations and the Transportation and Traffic Control Plan.

The Cultural Resources Ethnographic study has been completed by the Hualapai Tribe, and was forwarded to SHPO for their review.

BLM is reviewing chapter revisions to the FEIS based on responses to comments and revised project descriptions. As part of this revision, BLM and the Bureau of Reclamation have addressed comments regarding the FAA Advanced Warning System and how that is considered in the Final EIS. Chapters 2, 4 and the Executive Summary are the remaining sections of FEIS to still be addressed.

### **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 collector 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.

### **NextEra CO Bar Wind Energy Project**

The Department met with NextEra Energy and SWCA to discuss the potential CO Bar Wind Facility. This Facility lies on Babbitt Ranches northwest of Flagstaff, and at full build out a 99 MW facility (ie, roughly 60 turbines). This project was initiated a few years ago and met towers have been in place during this time collecting wind data. Most recent plans involve moving the site boundary to the west to minimize conflicts with golden eagles. SWCA has been collecting biological information for upwards of a year, and is still collecting data using the AGFD Wind Energy Guidelines to define the scope of further data collection. Depending on when (or if) permits are granted from the County, the developer would like to begin operation of the wind

farm by December 2013. Once a more complete biological data set is in hand, the Department will begin working with SWCA and the developer to draft a Bird and Bat Conservation Strategy (formally an Avian and Bat Protection Plan).

### **Redhorse Wind Project**

The Redhorse Wind Project is proposed for an area that includes the Allen Flat pronghorn population in Game Management Unit 32. Torch Renewable Energy, LLC (TRE), is proposing to build a wind-energy facility approximately 15 miles west of the city of Willcox, in Cochise County. The proposed project is called the Red Horse Wind Energy Facility. The project area encompasses approximately 5,798 acres of land, a small percentage of which would be occupied by permanent and temporary project infrastructure, including meteorological (MET) towers, approximately 21 2.4-megawatt (MW) or 28 1.6- to 1.8-MW wind turbines and foundations, buried electrical collection lines, access roads, laydown areas, a small operations and maintenance building, a switchyard at the point of interconnection, and an overhead generation tie transmission line. The route of the generation tie transmission line will be southeast of an existing 345-kilovolt (kV) transmission line, and run parallel to the existing 345-kV line to the point of interconnection at the existing Winchester Substation. The entire project area is located on private and State lands, whereas the generation tie line would likely cross State lands to reach the point of interconnection.

The Department is concerned about the impacts of this project on the already declining pronghorn population in this area. The project site is on the best remaining grassland within the Allen Flat and Steele Hills area and also has the potential to impact mule deer habitat. The Department is also concerned with hunter opportunity and access. The pronghorn habitat on State Land in this area has degraded in the last several decades. Mesquite has overtaken the grasslands in the Allen Flat and Steele Hills which are rapidly becoming a disclimax mesquite scrubland; the site chosen for the Special Use Permit is considered by the Wildlife Manager to be the best open grassland left for pronghorn in the area.

The Department is also concerned with our ability to conduct aerial big game surveys in the area if wind turbines pose a significant flight hazard.

The Department will send a representative to the County Planning and Zoning Committee meeting on April 10<sup>th</sup> to express these concerns.

## **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.

### **Sun Stream Solar**

Department staff participated in a Maricopa County Technical Advisory Committee meeting to discuss and Special Use Permit for Sun Stream Solar. The proposal is for a 2,143 acre photo voltaic facility in Arlington Valley near Old 80 Highway. There will be minimal impacts to wildlife from this project.

## **TRANSMISSION LINES**

### **SunZia Transmission Line Project**

The BLM notified Cooperating Agencies (CAs) that the Preliminary Final Environmental Impact Statement (PFEIS) would be available for concurrent review by BLM and its CAs beginning April 1, 2013. BLM has indicated comments on the PFEIS will be due April 12. The Department has requested an extension of the review period, however given the Obama administration's fast track direction on this and 6 other transmission line projects associated with renewable energy sources, it is unlikely additional review time will be granted.

The BLM has indicated it will carry forward in the FEIS the same preferred route presented in the Draft EIS (Route 4C2c which in part travels through the western portion of the San Pedro River Valley). The Department has initiated discussions with the State Land Department with regard to mitigation for temporary and permanent impacts expected from construction of the SunZia transmission line.

## **NON-RENEWABLE ENERGY DEVELOPMENT**

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

The Administrative Draft Environmental Impact Statement (ADEIS) is expected to be available for review by the Cooperating Agencies by late June or early July. The Department is currently reviewing the revised Resource Reports. The FERC has requested comments by April 12.

## **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 throughout the process.

### **Greenway Parkway**

The Greenway Parkway is identified as a necessary high capacity roadway to serve the future developments west of the White Tank Mountains. The study area is found within the southern portion of the Douglas Ranch development and will span east to west between the Hassayampa Freeway and Turner Parkway. The Department will continue to participate in the Corridor Feasibility Study by attending a series of Technical Advisory Committee/Stakeholder meetings.

### **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 study team has completed the Alternative Section Report and it is being reviewed by the consultants and ADOT. The toll feasibility study consultant is preparing a draft scope of work to submit to ADOT. The next phase of public involvement is being coordinated and anticipated for summer. The Department shared preliminary Pinal County wildlife linkages data with the project leads to ensure consideration through the process. The next meeting is scheduled for April 2<sup>nd</sup>.

### **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, but has worked with the project team on a revision to the Appendix C for mitigation recommendations for structures..

### **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 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. In addition, the Department will be utilizing the map review committee to pilot a project to help inform and provide information to this project team to ensure wildlife and recreational concerns are addressed.

### **I-15 Virgin River Gorge Bridge 6**

ADOT has completed a 30% plan for improvements to Bridge #6 and a feasibility study for improvements to a series of 7 Bridges along I-15 at Virgin River Gorge. The Department has recommended fencing and other upgrades to improve bighorn sheep permeability across the highway at existing bridge structures. Wildlife Contracts Branch is interested in conducting bighorn sheep movement studies in the project area.

### **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. The document has not yet been released for review. ADOT and the Federal Highway Administration (FHWA) are reinitiating design concept and environmental studies for the proposed Loop 303 extension. The original study was placed on hold in 2009 due to uncertain funding levels for the Regional Transportation Plan and questions concerning the location of the system interchange between Loop 303 and SR 30. An Environmental Assessment (EA) and Design Concept Report (DCR) are underway to address possible freeway improvements. Near-term improvements are planned to provide the south directional ramps from I-10 to Loop 303. The proposed ultimate improvements may include construction of four general-purpose lanes and one high-occupancy vehicle lane in each direction for Loop 303 between I-10 and SR 30, and system interchange between Loop 303 and SR 30 in the vicinity of Maricopa County Route 85.

### **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 FHWA 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. The project team is not scheduled to meet in March or April. The plan of work has not yet been approved.

### **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 12th. The Department continues to work with the consultants on the environmental documentation and will be commenting on the 60% designs for bridges, culverts and funnel fencing specifications. The

Department shared preliminary Pinal County wildlife linkages data with the project lead and TNF to ensure consideration through the process. We have requested shape files of the project and a meeting for further discussion on the 60% design.

### **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 Requested to be on the March agenda for presenting to the transportation and engineering committees.

## **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. Pending Commission approval in April, the Department will begin work on a Management Plan for the Natural Area.

### **Uranium**

The Department is in the early stages of working with USGS, USFS, USFWS and others to put forth a plan to collect pre-mining biological sampling at the Canyon Mine, just southeast of Tusayan. The planning and build out of this mine occurred in the 1980's however the price of uranium dropped at that time and ore was never brought to the surface. As a reminder- On July 21, 2009, the Secretary of the Interior proposed a withdrawal of about 1 million acres of Federal land near the Grand Canyon from future mineral entry. These lands were contained in three parcels: two parcels predominantly on Bureau of Land Management (BLM) land to the north of the Grand Canyon (North and East Parcels) and one predominantly on the Kaibab National Forest south of the Grand Canyon (South Parcel). The purpose of the temporary withdrawal was to examine the potential effects of restricting these areas from new mine development for the next 20 years. The Secretary also directed the U.S. Geological Survey (USGS) to conduct a series of short-term studies designed to develop additional information about the possible effects of uranium mining on the natural resources of the region. This study at Canyon Mine is intended to address these possible effects.

### **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.

The Department is working collaboratively with NRCS (BLM and TNF) through the Horseshoe CRMP process that includes soil mapping, development of the CRMP, verification and modification to ecological site information, riparian monitoring and opportunities for seeding the pasture at the Ranch.

### **Potash Mining**

American West/Prospect Global is moving forward for their permits for their potash mine in Apache County. American West has submitted an Air Quality Permit and a Mineral Extraction Permit Applications to the Arizona State Land Department for their potential potash mine in Apache County. Department personnel are currently reviewing the Mineral Extraction application and will provide a comment letter by the due date. In addition, Department personnel will be meeting and touring the Prospect Global and Passport Potash potential mine locations in order to garner more knowledge of the area and the potential impacts the mines may have on habitat and wildlife.

### **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 provide 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 that includes BLM, BOR, County and State land jurisdictions and many important access routes. The Department also provided updated information on Special Status Species and SGCN species; and substantive review of wildlife information. 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). The committee provided review and comment on the Pinal County wildlife connectivity assessment. The Pinal Partnership would like to incorporate the connectivity and drainage features, along with open space/trails/parks into the regional mapping process.

### **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 provided comments on the plan to include wildlife linkages, incorporation of wildlife friendly planning guidelines and coordination with the Department on transportation planning.

### **Maricopa County Flood Control District**

The Powerline, Vineyard Road, and Rittenhouse (PVR) Flood Retarding Structures (FRS) are located in northwest Pinal County, south of Apache Junction and parallel to the Central Arizona Project (CAP) canal between Baseline Road and Ocotillo Road. Per its agreements with the Soil Conservation Service (now Natural Resources Conservation Service, or NRCS), the District operates and maintains the structures. The FRS protect approximately 72 square miles of residential, commercial, and agricultural land in Maricopa and Pinal counties from being flooded, and protect structures such as the CAP canal, Phoenix-Mesa Gateway Airport, and the Loop 202 Santan Freeway. The Arizona Department of Water Resources reclassified the PVR

FRS as "high hazard potential, medium size structures," meaning they protect substantial amounts of infrastructure and a large population. The FFMA recommended rehabilitation of the structures which could include structural improvements to the dam or replacement of the dams with channels, basins or other flood control facilities. The District recently opened comment period for the Draft Supplemental Watershed Plan and Environmental Assessment for all three structures. The Department has been in coordination with this project over the past couple of years. The Department recently met with the District and NRCS for discussion on the project. We are in the process of reviewing and providing comment on the documentation. The Department will be continuing to work collaboratively with the District and NRCS on the final design of the project that will include the detailed mitigation measures for desert tortoise, Tucson shovel-nosed snake, burrowing owl and mesquite tall pot plantings.

#### **Yavapai Ranch PAD Recreational Access Team Meeting**

Regional personnel participated in the second Yavapai Ranch Planned Area Development (PAD) Recreational Access Team Meeting. The Team continued to work on the details of a Recreational Access Plan that is being designed to preserve the public's access to Forest Lands that might be impacted by the proposed Yavapai Ranch PAD. Region 3, PNF, TNC, AZ State Land Trust, and Yavapai Ranch Management were in attendance.

#### **Mohave County – Wildlife Escape Ramps**

The Department recently coordinated a Wildlife Escape Ramp Workshop on the Hualapai Reservation in Peach Springs. Many interested public attended, and culminated with the construction of over 80 wildlife escape ramps, which will eventually be placed in water troughs in Mohave County rangelands.

#### **Department of Defense-Barry M Goldwater Range**

The Department has received the final 5 Year review of Barry M Goldwater Integrated Natural Resources Management Plan (INRMP). The Department has been actively working with both Luke Air Force Base and Marine Corps Air Stations over the life of the INRMP. There are no significant issues for the Department in the Review.

#### **U.S. Fish and Wildlife Service- Sonoran Pronghorn Recovery Plan**

USFWS and the Sonoran Pronghorn Recovery Team are planning to revise and update the Sonoran Pronghorn Recovery Plan. Mexico will be included in the Recovery Team for this planning effort. The Department will be actively involved in the Plan development process.

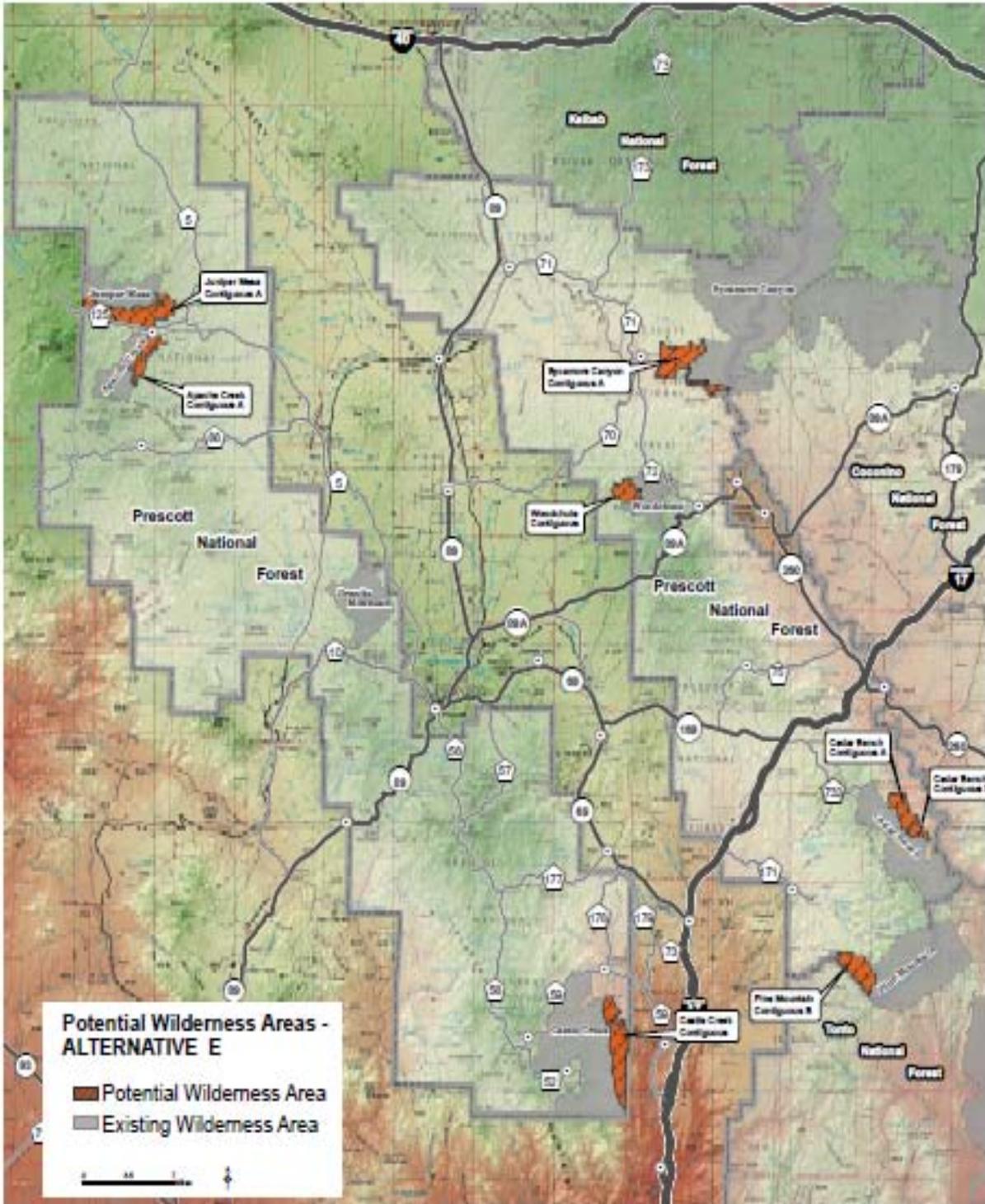
<b>Forest</b>	<b>Status</b>	<b>Next Step</b>	<b>Projected Next Step Completion</b>
<b>Apache Sitgreaves</b>	The Proposed LRMP and Draft EIS are currently available for review. End of review period 5/16/2013.	Review Public comments and produce final LRMP and EIS.	Final EIS (LRMP) End of 2013 TMP start 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.		
<b>Coconino</b>	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 20, 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.		
<b>Coronado</b>	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.		

<b>Forest</b>	<b>Status</b>	<b>Next Step</b>	<b>Projected Next Step Completion</b>
<b>Kaibab</b>	AGFD appeal on North Kaibab TMP declined.	Consultation with FWS.	LRMP Decision July 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. <i>(Based on history, North Kaibab implementation complete mid 2013)</i>
Issues:	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		
<b>Prescott</b>	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 fall 2013. Will not do new TMP. Rely on 2009 updated/amended TMP
Issues:	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		
<b>Tonto</b>	LRMP began 2006. Negotiating to reinstate due to rule change. TMP elevated to EIS from EA. Notice of intent to prepare TMP EIS has been released for review and comment. Department comments submitted 3/4/2013. AGFD request to be Cooperating Agency is viewed favorably by Forest Supervisor (3/13/13 coordination meeting).	LRMP public scoping in 2014. TMP draft anticipated June 2013	3-4 years to completion of LRMP.

3/4/2013

<b>Forest</b>	<b>Status</b>	<b>Next Step</b>	<b>Projected Next Step Completion</b>
<i>Issues:</i>	Department response to NOI: request to be cooperating agency and member of IDT. Consistency across forests, enforceability, MBGR, road closures, and Dispersed Camping all addressed in response to NOI.		

The following map shows the reduced extent of areas with wilderness characteristics that the Forest is proposing for consideration by Congress





### Wilderness Area

