

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, May 10, 2013, 8:00 a.m.
Saturday, May 11, 2013, 8:00 a.m.
Mohave County Board of Supervisors
Auditorium
700 W. Beale Street
Kingman, Arizona 86401

PRESENT: (Commission)

(Director and Staff)

Chairman John W. Harris
Vice Chairman 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

1. Kingman Community Forum

Presenter: Tom Finley, Kingman Regional Supervisor

Mr. Finley facilitated an informal forum and workshop to discuss current and future matters involving the Arizona Game and Fish Department and the Kingman community. Department staff presented an overview of ongoing collaborative work with community leaders and members of the public, and then facilitated an open discussion between participants. Topics of discussion included:

- Habitat Improvements (Grassland Habitat, Water Development & Access)
- Pronghorn & Bighorn Sheep Transplants, Wildlife Areas, Species Updates
- Outreach Activities
- Human Wildlife Conflicts
- Customer Service
- Fisheries Conservation/Mitigation Program
- Region III Law Enforcement Updates (OUI Checkpoints, LE Cases, Watercraft)

Participating community members raised several additional topics of discussion that included:

- Feral hog issues and hunting (requested the Department work with the federal agencies to look into hunting feral hogs - Tom Finley will coordinate a meeting; Director Voyles requested this topic be discussed at the Annual Coordination Meeting)
- Requested opening the Bill Williams Wildlife Area to archery deer hunting
- Burro issues (requested the Department work with BLM to not remove corrals and to assist with burro management)
- Issues related to full day dove hunts (hunters sit on waters all day and keep cattle away; dove hunts should be split and not all day; the Department is looking into the issues and will consider whether the Landowner Compact might work for this situation)
- Mountain lion studies and issues; the Department's depredation policy; issues with depredation by feral dogs

- Bear pursuit season in spring and alternative management plan for deer (the Department encouraged the community to get involved with the hunt guidelines meetings on these and other hunting related items).

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The regular Commission meeting began at 10:30 a.m.

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. This meeting followed an agenda revision #1 dated May 8, 2013.

Chairman Harris requested a moment of silence for the following: DPS Officer Tim Huffman, a 14-year veteran of the DPS Yuma Office, who was killed May 6, 2013 while investigating an accident on Interstate 8 near the Yuma foothills; the victims of the tragedy at the Annual Boston Marathon in Boston, Massachusetts; and Brian Pinney, who recently died as the result of a tragic hunting accident.

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2. Awards and Recognition

Director Voyles recognized the following individuals:

- Jim Smith for his recent induction as a “Legendary Communicator” into the Freshwater Fishing Hall of Fame
- Julie Carter and the Fisheries Branch for their exemplary service related to the Whitewater-Baldy complex fire in New Mexico and the rescue and preservation of the important lineages of Gila trout from the Gila Wilderness in western New Mexico
- Mike Rabe, in recognition of his years of service on the National Flyway Council, the Pacific Flyway Council and the North American Wetlands Conservation Council.

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3. Call to the Public

Steve Bell, President, Mohave Sportsman Club, thanked Department staff Jay Cook and Anthony Chavez for all their work on the Seven Mile Shooting Range, and thanked the Commission for all they do.

Don Martin, representing himself, expressed his appreciation to the Commission for scheduling and holding this meeting in Kingman; also expressed appreciation for the Department’s Region III office staff.

George Luther, Government Liaison, Mohave Sportsman Club, expressed his appreciation for the Commission and the Department, and for them bringing their meeting to Kingman.

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4. Consent Agenda

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

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.

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.

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 U.S. Fish and Wildlife Service

Presenter: Chris Cantrell, Fisheries Branch Chief

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 has received Apache trout eggs from U.S. Fish and Wildlife Service (USFWS) Williams Creek National Fish Hatchery (WCNFH) for many years. The Department began rearing Apache trout in the early 1990's using eggs supplied by the only brood stock source available at WCNFH. The Department had a previous Memorandum of Understanding (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 Department recommends THAT THE COMMISSION VOTE TO APPROVE THE MOU BETWEEN THE COMMISSION AND THE U.S. FISH AND WILDLIFE SERVICE FOR THE PURPOSE OF EXCHANGING APACHE TROUT EGGS FOR WEED HARVESTING SERVICES ON THE WHITE MOUNTAIN APACHE TRIBE WATERS.

f. License Agreement with the City of Show Low

Presenter: Jon Cooley, Regional Supervisor, Pinetop

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 to 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.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE A LICENSE AGREEMENT WITH THE CITY OF SHOW LOW FOR OPERATION AND

MAINTENANCE OF THE COMMISSION OWNED SHOW LOW LAKE PROPERTY, 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.

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

Presenter: Jon Cooley, Regional Supervisor, Pinetop

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 Department recommends THAT THE COMMISSION VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE ARIZONA GAME AND FISH COMMISSION AND WHITE MOUNTAIN YOUTH CORPS.

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

Vote: Unanimous
4 to 0

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5. Nongame Subprogram Activities Briefing; November 1, 2012 through March 31, 2013

Presenter: Michael Rabe, Nongame Branch Chief

Mr. Rabe provided the Commission with a PowerPoint presentation on Nongame Subprogram activities from November 1, 2012 through March 31, 2013. The presentation highlighted several

items including: Endangered species in Arizona, the listing process, multi-district litigation regarding USFWS work plan to decide on over 450 ESA candidates (22 in Arizona), species that will be considered for listing in 2013, and Nongame Branch activities. A written report was provided to the Commission prior to this meeting and was available to the public.

Commissioner Davis commented that the name "Nongame" does not reflect the work done by this Branch and he would like to discuss and consider a more appropriate Branch name.

Chairman Harris commented on the success of the Department regarding endangered species in Arizona and agreed with Commissioner Davis regarding the name of the Nongame Branch.

Director Voyles stated that the Department will bring this back to the Commission for discussion.

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6. 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 classifications, fees

- Signed by the Governor on May 7

SB1469: applying aquatic poisons

- Signed by the Governor on April 16

HB2551: S/E (NOW: off-highway vehicles; use; authority; enforcement)

- 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 ONLY enforce this article ON LAND THAT IS EITHER OF THE FOLLWING:

1. SOLELY UNDER THE JURISDICTION OF THIS STATE OR A COUNTY OR MUNICIPALITY OF THIS STATE.
2. OPEN AS INDICATED BY FEDERAL LAW.

Other Legislation 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 licenses

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

HB2172: ADOT administration (SLIF)

- Governor Signed 4/11

HB2299: all-terrain vehicles; definition

- Signed by Governor on 4/11

SCR1013 : endangered species act

Sponsor: Sen. Griffin, Hereford

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

Congressional Legislation

- Senate, House and Executive Budgets on the table, awaiting compromise
- Sikes Act is up for Reauthorization in 2014, initial hearings on the legislation held in the House
- H.R. 1825 Recreational Fishing and Hunting Heritage and Opportunities Act
 - To direct Federal public land management officials to facilitate use of and access to federal public lands for fishing, sport hunting, and recreational shooting, and for other purposes.
 - Initial Hearing held May 9, 2013

Newly Introduced Legislation by Arizona Delegation

Grijalva Public Lands Legislation

- H.R. 1348 To establish the Great Bend of the Gila National Monument in the State of Arizona, and for other purposes - Creates a National Monument
- HR 1799 Sonoran Desert Heritage Act – designates NCA, Wilderness & special management areas

Gosar Public Lands Legislation

- H.R. 1495 Arizona Sovereignty Act to exempt AZ from Antiquities Act Designation of National Monument without express authorization from Congress

H.R. 687 Southeast Arizona Land Exchange & Conservation Act

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 tailing deposit area yet to be identified; possible locations include old mine sites and State trust lands
- Jointly owned by Rio Tinto and BHP Billiton – both Australian with Headquarters in London

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 - 2.5% State Severance Tax
- \$220 Million in Annual Wages
- Full 66 year impact of the project is estimated to be \$61.4 Billion

Bill Provisions:

- Transfers of 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

Environment Compliance:

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

Bill Process:

- February 14, 2013 – Bill Introduced
- March 21, 2013 -Bill Heard in House Natural Resources subcommittee
 - Testimony included: Steve Miller, Pinal County Supervisor; Town of Superior; San Carlos Indian Tribe; National Mining Association
- Markup to be held May 15, 2013 10am EST
- Identical Senate Bill S. 339 (McCain), At this date, no hearings held

The Department recommended that the Commission vote to take a position on H.R. 687.

Mr. Guiles noted that in the past the Commission has taken a position to support Resolution Copper, and that Representative Gosar has asked that the Commission support the bill.

Commissioner Mansell commented that it will take ten years just to do the drilling and that there will be multiple obstacles and challenges to overcome in order to implement the project.

Motion: Mansell moved and Davis seconded THAT THE COMMISSION VOTE TO SUPPORT THE RESOLUTION COPPER MINING PROJECT, H.R. 687.

Vote: Unanimous
4 to 0

The Department will keep the Commission informed as this legislation moves forward.

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6A. Request for the Commission to Approve a Conservation Land Use Agreement and an In-Lieu Fee Enabling Instrument

Presenter: Tim Wade, Wildlife Contracts Branch Chief

Mr. Wade provided a PowerPoint presentation regarding an In-Lieu Fee Enabling Instrument and Conservation Land Use Agreement to allow the Department's current In-Lieu Fee Program to come into compliance with the US Army Corps of Engineers' April 2008 Rule governing the operation of In-Lieu Fee programs and mitigation banks. The Department has been operating an In-Lieu Fee Program (ILFP) since the late 1990s and formalized the program in a 2006 Memorandum of Understanding with the US Army Corps of Engineers (USACE). The program allows the Department to sell compensatory mitigation credits to Corps of Engineers Clean Water Act Section 404 permittees to offset unavoidable adverse impacts to wetlands, streams and other aquatic resources from activities involving dredged or fill material into waters of the United States. In April of 2008, the USACE issued a final Rule (*Compensatory Mitigation for Losses of Aquatic Resources*; 33 CFR Chapter II) that outlines new, stricter requirements for operating an ILFP or mitigation bank. It gave existing programs three years to come into compliance with the provisions of the Mitigation Rule. Subsequently an amendment was issued providing an extension of two more years, thus requiring existing programs to be approved by the USACE by June 9, 2013.

The Department had to prepare two major documents, a program Prospectus and an In-Lieu Fee Enabling Instrument (ILFEI). In September 2012 the Department submitted its Prospectus to the USACE, which was approved by the Corps' Interagency Review Team (IRT) and USACE in November 2012 with no changes. The Department then submitted its draft ILFEI in October 2012 and since that time negotiations, have been ongoing between the Department and the USACE regarding several provisions in the ILFEI. The final draft will be submitted to the IRT for an abbreviated comment period and must be signed by the Game and Fish Director, USACE and the Environmental Protection Agency by June 9, 2013, to enable the Department's ILFP to continue. An additional document, a template Conservation Land Use Agreement, is an attachment to the ILFEI. The USACE requires ILF project sites receive long-term protection through recorded real estate instruments, such as conservation easements or other mechanisms such as transfer of title to a resource agency. The Department declined to allow recorded easements on Commission-owned property. However, because the Commission may access its holdings at will, the Department proposed the Conservation Land Use Agreement as a mechanism to provide that long-term protection required in the USACE Mitigation Rule for those Commission-owned lands which receive habitat or water resource enhancements funded by the Department's sale of mitigation credits to Section 404 permittees.

The USACE's 2008 Mitigation Rule imposed many new complex and exacting requirements. As a result, several past ILF sponsors, such as the Nature Conservancy and the National Audubon Society, dropped out of the program. If this Instrument is approved and signed by all parties, the Department will be the only state-wide ILF sponsor in Arizona for those permittees who need 404 permits and who are unwilling or incapable of executing compensatory mitigation projects to the USACE's high standards.

Commissioner Davis questioned the permanent prohibition of centerfire firearms on these properties.

Mr. Wade stated that the prohibition of centerfire firearms was part of the negotiation and was only on the project site. Originally, the negotiations started with no hunting at all on the project site.

The Commission discussed with Mr. Wade that the project size could become larger, at the Commission's discretion, but not smaller, and that the prohibition on centerfire firearms would be established and unchangeable for 100 years.

Motion: Madden moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE CONSERVATION LAND USE AGREEMENT AND THE IN-LIEU FEE ENABLING INSTRUMENT AS PRESENTED TO ALLOW THE DEPARTMENT'S CURRENT IN-LIEU FEE PROGRAM TO CONTINUE.

Commissioner Davis expressed his concerns about entering into agreements with the federal government in which certain rights and practices are given away.

Ms. Pollock stated that the Commission has the option to approve the In-Lieu Instrument contingent upon an amendment to the agreement that allows hunting in all forms on the In-Lieu Fee project sites.

Commissioners Madden and Harris agreed to amend the motion.

Amended Motion: Madden moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE CONSERVATION LAND USE AGREEMENT AND THE IN-LIEU FEE ENABLING INSTRUMENT AS PRESENTED TO ALLOW THE DEPARTMENT'S CURRENT IN-LIEU FEE PROGRAM TO CONTINUE CONTINGENT UPON AN AMENDMENT THAT ALLOWS HUNTING IN ALL FORMS ON THE IN-LIEU FEE PROJECT SITES; AND THAT THE DIRECTOR HAS THE AUTHORITY TO SIGN THE DOCUMENTS WHEN THE NEGOTIATIONS ARE SUCCESSFULLY RESOLVED.

Vote: Unanimous

4 to 0

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7. Temporary Removal of Bag and Possession Limits on Trout at CC Cragin (Blue Ridge) Reservoir

Presenter: Chris Cantrell, Fisheries Branch Chief

Mr. Cantrell briefed the Commission on the impending lake level draw down of CC Cragin Reservoir and the Department's request for immediate removal of the bag and possession limits on trout (effective 10 days from approval) until August 31, 2013.

The Salt River Project (SRP) plans to draw down CC Cragin Reservoir this summer to perform necessary dam inspections and maintenance of waterworks during the fall of 2013. This inspection and maintenance is critical to the planned delivery of water to the Town of Payson in 2015. Currently, the Department does not intend to stock rainbow trout during the spring and summer of 2013. It is anticipated that any trout remaining in the drawn down of CC Cragin will perish over the winter. We propose the removal of any restriction on take of rainbow and brown trout until August 31, 2013, during the draw down of this reservoir. Current Special Regulations for CC Cragin include: 1) unlimited daily bag and possession limits of rainbow and brown trout from September 1 through March 31 annually, 2) unlimited daily bag and possession limits of largemouth and smallmouth bass year round, and 3) unlimited daily bag and possession limits of channel and flathead catfish year round. In addition, the Department plans on restocking CC Cragin with rainbow trout in the spring of 2014 and to return to the current Special Regulations at that time.

The Commission has authority under A.R.S. 17-234 (Open or closed seasons; bag limits; possession limits) to open, close or alter seasons and establish bag and possession limits for wildlife, but a Commission order to open a season shall be issued not less than ten days prior to such opening date.

Proposed Regulation Change: Unlimited daily bag and possession limits for rainbow and brown trout from date of enactment of this regulation change through August 31, 2013. Thereafter, current Special Regulations provide for the unlimited daily bag and possession limits of trout until March 31, 2014. Year-round unlimited daily bag and possession limits of smallmouth and largemouth bass; unlimited daily bag and possession limits of channel and flathead catfish.

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE REMOVAL OF TROUT LIMITS ON CC CRAGIN RESERVOIR EFFECTIVE IMMEDIATELY (10 DAYS FOLLOWING APPROVAL) THROUGH AUGUST 31, 2013.

Vote: Unanimous
4 to 0

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Meeting recessed for lunch at 12:00 p.m.

Meeting reconvened at 1:30 p.m.

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10. Coconino County Sheriff's Proposal for a Search & Rescue Bonus Point

Presenter: Ben Alteneder, Community & Congressional Relations and

Bill Prible, Coconino County Sheriff

Sheriff Bill Prible of Coconino County addressed the Commission regarding a proposal to award individuals with a bonus point who purchase a retail discount card that benefits an Arizona county search and rescue organization. Several other County Sheriffs and representatives were present in support of the proposal. The proposal concept is a project that they have been working on for several years. Search and rescue is a responsibility of the 15 County Sheriffs by statute and each county funds their search and rescue operations in different ways. With the downturn in the economy since 2008, funding sources have been drying up, so the County Sheriffs have been looking at other potential funding sources to support their search and rescue operations.

The program would be a partnership with private businesses. The private business sector would benefit by having people drawn into their businesses and the search and rescue organization would benefit by receiving funding as a result of the program. This would be a web based discount program and the people who want to contribute to the search and rescue program would receive discounts to businesses that participate in the program. The idea is to get big businesses like Target, Walmart and sporting goods stores to participate. The Game and Fish Department is a key component of this. A majority of people that need rescue are outdoor recreationists and sometimes they are hunters. The County Sheriffs are asking the Commission to consider granting a bonus point to people who have a hunting license and would contribute to the search and rescue program. There would be a lot of exposure for the Game and Fish Department and it would be an opportunity as well to get other outdoor enthusiasts, besides hunters, to contribute to both search and rescue and the Game and Fish Department.

The Commission discussed with Mr. Prible that the discount card would be on an annual basis and need to be renewed once a year. The cost of the card would be about \$25 and the discounts would be worth threefold.

Commissioner Davis stated that he appreciates what the County Sheriffs do in search and rescue and he understands the request, but that there are also other very worthy endeavors that could be related to a bonus point. If that door was opened, it could become very difficult. With the new legislation that just passed giving the Commission a little more leeway, he would like to look at something like a discount on hunting/fishing licenses. There may be a broad spectrum of ideas to look at and discuss including volunteer related programs if the Sheriffs are interested in going in that direction.

Mr. Prible stated that they would be happy to explore different opportunities to partner with the Game and Fish Department for this program.

Commissioner Mansell commented that he believed there would be a lot of opposition to the idea of a bonus point related to the discount card and that he agreed with Commissioner Davis' idea of looking at other opportunities.

Chairman Harris stated that using the bonus point as a reward is not a new idea. There have been other requests such as the Conservation Bonus Point proposal a couple years ago. The Commission is going to look at the bonus point and have a broader discussion on how they are administered at their next workshop. The Commission/Department will get back with Mr. Prible following the workshop on their thoughts and ideas.

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14. Petition by David Silvia for the elk tag he was drawn for and then rejected due to the failure of the credit card to process.

Presenter: Lizette Morgan, CFO, Business & Finance

Ms. Morgan briefed the Commission on Mr. Silvia's petition. Mr. Silvia used a prepaid visa card to apply electronically for the 2013 elk draw. This card processed successfully for the application fee of \$7.50, but failed when the Department attempted to charge it for the elk permit fee when Mr. Silvia was drawn. Mr. Silvia has provided documentation from the bank indicating that sufficient funds were available on the card for the transaction at the time it occurred. Mr. Silvia applied for the 2013 elk draw on January 31, 2013 and his application and payment were accepted without any issues. When the draw occurred, Mr. Silvia's application was drawn for hunt number 3178, unit 27 antlerless elk and when payment was attempted with the card on file, two attempts by the Department Internet vendor failed. The Department has received documentation from the Wells Fargo Bank indicating that sufficient funds were and continue to be available on this card. Based on the evidence, the Department has concluded an error occurred either at the Bank or through the Department's payment processor. Insufficient information exists to determine exactly where or how this error occurred. Regulations state that if the Department does not believe or know that a Department error occurred, then the Department can not take any action to correct it.

Mr. Odenkirk added that regulations allow for the Director to take action, such as reinstate bonus points or issue tags, if he determines that a Department error occurred. The Commission is also restricted by the regulation and can only take action if they believe a Department error occurred.

The Commission discussed the situation and determined that while no clear fault existed, the Department could be in error and has some liability in this case.

Mr. Silvia was present via video teleconference from the Department's Mesa Regional Office.

Motion: Davis moved and Madden seconded THAT THE COMMISSION VOTE TO DETERMINE IN THE CASE OF MR. SILVIA'S TAG THAT THE DEPARTMENT IS RESPONSIBLE FOR THE ERROR AND THAT THE DIRECTOR, UNDER HIS AUTHORITY, IS ABLE TO ISSUE A TAG.

Commissioner Mansell asked if there would be any biological impact by issuing the tag.

Ms. Morgan stated that the Department has determined that there would be no biological impact.

Vote: Unanimous
4 to 0

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11. 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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9. Call to the Public

Don Martin, representing himself, addressed the Commission on a situation occurring between Arizona and Nevada regarding guides, specifically fishing guides on Lake Mead. The Nevada Department of Wildlife is planning to no longer recognize an Arizona guide's ability to fish on the Nevada side without a Nevada guide license, which cost \$2,100. Arizona recognizes Nevada guides on Arizona's side and so this is very unfair and restrictive. If this goes through, he will be out of business, and he is the only Arizona guide for a significant portion of the lake.

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8. Statewide Shooting Range Grant Requests for FY 2014

Presenter: Anthony Chavez, Statewide Shooting Range Administrator

Mr. Chavez briefed the Commission using a PowerPoint presentation on the Department's Shooting Range Grants Program and grant applications for fiscal year 2014. Seven grant applications were received and the Department is asking the Commission to approve six of the applications for a total of \$87,299.00. The following is a summary of the grant applications received and the Department's recommendations:

Granite Mountain Archery Range - Granite Mountain Archers (Prescott): Requested \$4,141.00 to construct and upgrade the Ramadas and to provide seating for classroom meeting areas at the archery range. Recommend funding total amount requested.

Town of Chino Valley Police Department Shooting Range (Chino Valley): Requested \$50,000.00 to begin the next phase of the master plan and begin construction of a 200 yard rifle range. Construction includes but not limited to site leveling, berm construction, shade structures and developing shooting positions. Recommend partial funding of \$15,000 to conduct construction and facility improvements.

Lake Havasu City Sportsman's Club (Lake Havasu City): Requested \$23,475.00 to construct handicap accessible restrooms and sidewalks. Recommend full funding \$23,475.00 to conduct construction and facility improvements.

Town of Oro Valley Archery Range (Oro Valley): Requested \$35,000.00 to develop and install shade structures on the fixed distance shooting range. Recommend partial funding of \$15,000.00 of total amount requested.

Tucson Trap and Skeet Club (Tucson): Requested \$15,232.00 for the construction and replacement of aluminum wiring electrical lines to meet safety code at the Tucson Trap and Skeet Club. Recommend partial funding of \$10,000 of total amount requested.

Globe/Miami Gun Club (Globe): Requested \$19,683.00 to construct and install a new trap field and supporting equipment to expand shooting opportunities. Recommend full funding \$19,683.00 to conduct construction and facility improvements.

7-Mile Shooting Range-Mohave Sportsman's Club (Kingman): Requested \$9,800.00 to construct shade canopies and outdoor tables at the trap range. Recommend not funding.

Motion: Madden moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE SHOOTING RANGE GRANT APPLICATIONS FOR THE FY14 GRANT CYCLE AS PRESENTED FOR A TOTAL OF \$87,299.00.

Vote: Unanimous
4 to 0

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8A. Draft Commission Policy for License Classifications and Fees

Presenter: Ty Gray, Deputy Director

Mr. Gray presented the Commission with a draft Commission policy (attached) on establishing future license classifications and fees as authorized by the passage of Senate Bill 1223. The Commission was provided with a copy of the draft policy prior to this meeting for review and consideration. Copies were also available to the public.

Commissioner Davis stated for the record that there is a time crunch to meet in order for this to be effective by January 2014, but that this is going to be a multi-pronged approach over time. There is a much larger series of iterations to go through as the Commission modifies and approaches these issues.

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

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12. Petition by Brett Roehr and Rollin Garard for bonus points.

Presenter: Lizette Morgan, CFO, Business & Finance

Ms. Morgan briefed the Commission on Brett Roehr and Rollin Garard's petition for bonus points. Mr. Roehr and Mr. Garard submitted paper applications for elk and antelope for the 2013 draw. One check was submitted for both applications. In the Petition, Mr. Roehr indicates that neither the applications nor the Hunt Draw Information Guide detail that one check cannot be used to pay for two genus. According to Mr. Roehr, in speaking to the Department, the application used to say that separate checks must be used for each genus. This apparently was removed by mistake. It appears from the instructions that one check can be used for both elk and antelope and his application was in compliance with both the instructions and Information guide. It is explained in several places that you must use a separate application and a separate envelope for each application. Page 8 of the 2013 Elk/Antelope booklet specifically states: Use a separate form, payment and envelope for each genus of wildlife you wish to hunt. More than one (1) application in an envelope may result in rejection of all application. The Department recommends that the Commission deny Mr. Roehr and Mr. Garard's petition for points.

Motion: Davis moved and Madden seconded THAT THE COMMISSION VOTE TO DENY BRETT ROEHR AND ROLLIN GARARD'S PETITION FOR BONUS POINTS.

Vote: Unanimous
4 to 0

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13. Petition by Eric Broadston for a tag in one of the five choices he believes he submitted an application for.

Presenter: Lizette Morgan, CFO, Business & Finance

Ms. Morgan briefed the Commission on Eric Broadston's petition for a tag. Mr. Broadston alleges that he submitted an application online on the morning of February 12, 2013 for himself and Andrew Broadston for five elk hunt choices. He claims he paid with a visa that had an expiration date of March 2013 and there were no issues. Mr. Broadston states that he attempted to update his card when he received a new card and there was a problem with his application. He contacted Game and Fish and was told he would have to resolve the issue through the petition process. The Department has no record of any application being submitted. The Department has not collected any fees nor was Mr. Broadston's credit card charged. Mr. Broadston was asked to supply the Department with a copy of his receipt or confirmation of the initial application or proof that the Department charged his card for the initial application. To date we have received no documentation to support his claim nor have any fees been collected. The Department recommends that the Commission deny Mr. Broadston's request for a tag.

Motion: Davis moved and Mansell seconded THAT THE COMMISSION VOTE TO DENY ERIC BROADSTON'S PETITION FOR AN ELK PERMIT.

Vote: Unanimous
4 to 0

(The Commission reopened this agenda item following agenda item #15)

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15. Petition by Robert Kannapien and Charles Henderson for the reinstatement of bonus points and/or a refund of permit fees.

Presenter: Lizette Morgan, CFO, Business & Finance

Ms. Morgan briefed the Commission on Robert Kannapien and Charles Henderson's petition to have their bonus points reinstated and/or a refund of permit fees. Mr. Kannapien and Mr. Henderson, both non-residents, submitted a group application for 2013 elk hunts. Inadvertently they applied for an antlerless hunt by selecting the wrong hunt number. Their application was successfully drawn for hunt 3172, antlerless unit 8, September 13-26. The applicants credit card was successfully charged \$1,175.00 for two non-resident elk permits. The applicants learned of the mistake and have petitioned the Commission for either: 1) Reinstatement of points and a \$1,175.00 refund for the cow elk tags, or 2) Reinstatement of points and no refund for the cow elk tags. There is currently no provision in rule to allow the Department to provide any relief to these individuals under this circumstance. The Department recommends that the Commission deny Mr. Kannapien and Mr. Henderson's petition.

Motion: Madden moved and Davis seconded THAT THE COMMISSION VOTE TO DENY ROBERT KANNAPIEN AND CHARLES HENDERSON'S PETITION TO HAVE THEIR BONUS POINTS REINSTATED AND/OR A REFUND OF PERMIT FEES.

Vote: Unanimous
4 to 0

Commissioner Mansell commented that people make mistakes once in a while and he looks forward to the time when the Commission can talk about bonus points and having the ability to allow folks to surrender their tags and keep their bonus points. This will be a part of future discussions and if we get to that point it will solve a lot of these problems.

Ms. Morgan stated that it will be part of discussions in the Article 1 rulemaking process.

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13. (Re-opened) Petition by Eric Broadston for a tag in one of the five choices he believes he submitted an application for.

Presenter: Lizette Morgan, CFO, Business & Finance

Mr. Broadston was available and addressed the Commission from the Department's Flagstaff Regional Office via video teleconference. Mr. Broadston explained the circumstances of his online application experience that resulted in his petition to the Commission for a tag.

The Commission questioned Mr. Broadston if he had anything to provide as proof of applying online such as the online confirmation or the email confirmation, which Mr. Broadston did not have.

The Commission was in consensus to stay with their previous vote to deny Mr. Broadston's petition.

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16. Petition by Timothy Hughes for the reinstatement of bonus points and a refund of permit fees.

Presenter: Lizette Morgan, CFO, Business & Finance

Ms. Morgan briefed the Commission on Timothy Hughes' petitioning for reinstatement of bonus points and a refund of tag fees. Mr. Hughes applied online for a 2013 elk permit. Upon being drawn and charged for the \$587.50 permit fee, he discovered he had mistakenly applied for an antlerless hunt. Mr. Hughes meant to apply for a bull elk tag. In addition, Mr. Hughes has also indicated that he has a medical condition that will preclude him from participating in a hunt this year and would like a reinstatement of his bonus points and a refund of his tag fee. There is currently no provision in rule to allow the Department to provide any relief under these circumstances. The Department recommends that the Commission deny Mr. Hughes' petition.

Motion: Madden moved and Davis seconded THAT THE COMMISSION VOTE TO DENY TIMOTHY HUGHES PETITION FOR REINSTATEMENT OF BONUS POINTS AND A REFUND OF PERMIT FEES.

Commissioner Davis commented that he would like to look into the possibility of creating something like a \$1 or \$2 check off for insurance for cases where a person is drawn and then truly has a medical condition, there may be a way to provide a voucher or something in the next hunt.

Vote: Unanimous
4 to 0

* * * * *

17. Petition by David Hopkins for the reinstatement of bonus points.

Presenter: Lizette Morgan, CFO, Business & Finance

Ms. Morgan briefed the Commission on David Hopkins' petition for reinstatement of bonus points. Mr. Hopkins applied online for a 2013 elk permit. Upon being drawn he realized that he had mistakenly applied and been drawn for an antlerless hunt. Mr. Hopkins meant to apply for a bull elk tag. Mr. Hopkins is asking to have his 15 bonus points reinstated. There is currently no provision in rule to allow the Department to provide any relief under these circumstances. The Department recommends that the Commission vote to deny Mr. Hopkins' petition.

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO DENY DAVID HOPKINS PETITION FOR REINSTATEMENT OF BONUS POINTS.

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

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1. Call to the Public

Ted Roper, representing himself, addressed the Commission regarding concerns about too many people in the fields and not enough game for general deer and general elk hunts. He feels that the Department is putting too many in the field for financial purposes rather than biological purposes. He would also like to see some kind of freshwater fish program to increase the size of bass in the lakes of Arizona.

Chairman Harris encouraged Mr. Roper to participate in the hunt guidelines meetings that will be held very soon. These are the meetings where the Department looks at the type of hunts and number of tags in hunt units.

Commissioner Davis stated for the record that the Department spends countless hours in the field and in the office scientifically analyzing the recommendations related to the number of tags to issue. It is a derivative of science for the purpose of maintaining healthy populations and is not a decision made for financial reasons.

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2. FY 15 Proposed Budget

Presenter: Lizette Morgan, CFO, Business & Finance

Ms. Morgan provided the Commission with a PowerPoint presentation on the FY 15 Proposed Budget in preparation for the final budget that will be presented to the Commission for approval at the June Commission meeting. The presentation included the Department's budget modification to FY 2014 (federal revision for wildlife restoration grants) and the Department's recommendation for FY 2015. A review of the Department's budget development process and a review of Commission priorities were provided, as well as an overview of opportunities and challenges faced by the Department. Charts and graphs were used to provide a detailed review of the following Department funding sources:

- Game and Fish
- Watercraft
- Coast Guard
- Wildlife Conservation Fund
- OHV
- Capital Improvement Fund
- Game/Non Game Checkoff
- Waterfowl Conservation Fund
- Indirect
- Heritage
- Dingell Johnson (Sportfish Restoration)
- Pittman Robertson (Wildlife Restoration)
- State Wildlife Grants and Section 6 Grants

Commissioner Davis requested that the Commission talk about license dealer automation at the upcoming Commission workshop. With the license simplification legislation being passed, the Commission needs to revisit where to spend resources and time based on where the new license simplification might lead.

The Commission requested that the Department provide a breakdown of the total amount spent on endangered species including federal dollars, other funding sources, and employee time and expense, to show the significant resources that the Department expends for endangered species. The purpose is to show the Department's support and investment in endangered species and that while the federal government assists with funding, they are not footing the bill.

Director Voyles stated that the Department will provide the total to the Commission and that it will include listed species as well as species proposed for listing. Also, the Department will develop a public affairs plan for deploying the information so that the public is better informed.

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Meeting recessed for a break at 9:30 a.m.

Meeting reconvened at 9:45 a.m.

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2A. Conceptual License Structure and Fees

Presenter: Ty Gray, Deputy Director

Mr. Gray provided the Commission with a PowerPoint presentation on a conceptual hunting and fishing license structure and fees. The conceptual structure and fees will be used during an outreach effort over the next month to solicit public input through a variety of mechanisms including public meetings across the state. Public input received will be used in developing recommendations to the Commission on a new license structure and fees as authorized by the passage of Senate Bill 1223: license classification; fees.

The license simplification structure will allow the Department/Commission to operate like a business. It provides the Commission flexibility to adjust license, permit-tag structure and

pricing to meet customer demand and market conditions. The public input process and implementation timeline is as follows:

Initial concepts presented for Commission consideration	May 2013
Public input gathered on concepts (<i>meetings, web, etc.</i>)	May – June 2013
Commission reviews public input and approves draft structure/fees (<i>Rules</i>)	June 2013
Public comment period on Draft structure/fees (<i>Rules</i>)	June – July 2013
Commission reviews public input and approves Final structure/fees (<i>Rules</i>)	August 2013
New license structure/fees implemented	January 2014

The conceptual structure and fees are intended to remove barriers for recruitment of new hunters/anglers, simplify the structure, bundle privileges, and reduce the costs for youth. The presentation provided a comparison of the current and conceptual license structures and fees for fishing and hunting, and for tags and application fees. The presentation provided to the Commission is the same presentation that will be provided around the state for public input. The Department will provide the Commission with a review of public input and will ask the Commission to approve a draft license simplification structure and fees at the June 14-15, 2013 Commission meeting.

Chairman Harris stated that the Department/Commission should look at the premium hunt process.

Commissioner Davis concurred and added that discussion should start at the broadest parameters.

Commissioner Mansell stated that he plans to speak to the alternative units in August and promote the concept that every region should have an alternative unit for deer and for elk. He is not sure how this will play into the premium structures, but it should be looked at.

Commissioner Davis suggested that in the public comment phase and in conversations about application fees, it should be explained that this is part of a broader conversation in the long term. In the Phase II part of license simplification, we may do things with application fees based on customer loyalty and things of that nature.

Public Comment

Don Martin, representing himself, is a licensed guide and noted that the guide license fees for resident and non-resident are the same and suggested that non-resident should cost more. Regarding the license simplification structure and fees, he has some concerns, but overall he really likes it.

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

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 Mansell seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM APRIL 12-13, 2013 AND APRIL 17, 2013.

Vote: Unanimous
4 to 0

The Commission signed the minutes following approval.

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6. Director's and Chairman's Reports

The Commission was in consensus to suspend the Director and Chairman's reports.

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7. Commissioners' Reports

The Commission was in consensus to suspend the Commissioner's reports.

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8. Future Agenda Items and Action Items

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

- The Department will develop suggestions for changing the name of the Nongame Branch to better reflect its function
- The Department will provide the Commission with a copy of their report to Congress on expenditures for conserving T&E species

- The Department will continue to work with the Army Corp of Engineers on the Conservation Land Use Agreement for the In-Lieu Fee Program with the Director authorized to sign the agreement pending resolution of issues including the restriction on hunting
- The Department will consider an insurance program as it further develops the strategies associated with the license simplification authority
- The Department will include in the Commission workshop an item under the license simplification marketing strategies a discussion on resources and how the Department spends time and money on infrastructure
- The Department will provide the Commission with an accurate portrayal of the sources and amounts of revenues used to perform endangered species work, and will develop a public affairs strategy to inform the public of the Department's efforts in endangered species management.

Commissioner Davis added the concept of a different application fee rate for paper verses electronic for discussion at the license simplification public meetings.

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

Vote: Unanimous

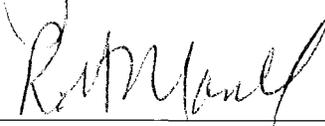
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Meeting adjourned at 12:15 p.m.

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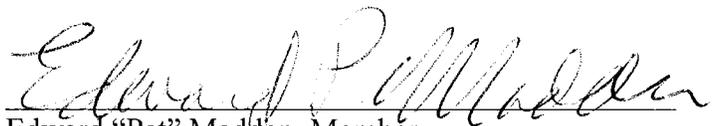
John W. Harris, Chairman



Robert E. Mansell, Vice Chair

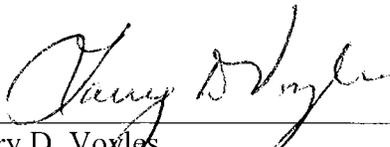


Kurt R. Davis, Member



Edward "Pat" Madden, Member

ATTEST:



Larry D. Voyles
Secretary and Director

Game and Fish Litigation Report
Presented at the Commission Meeting
May 10-11, 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. *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. **The Appellees filed the answering brief on April 17, 2013 and the State of Arizona filed an amicus curiae brief on April 23, 2013.**

Draft Lands Update
For the Arizona Game and Fish Commission
May 3, 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).

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 (NKRD) 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 Freedom of Information Act (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 NKRD travel management decision has been forwarded to the Southwestern FOIA Service Center for review and final determination.

Prescott National Forest

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

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

Tonto National Forest

The Department is currently participating in travel management meetings at the forest District level. The meetings include maps and a Geographic Information Systems (GIS) specialist to make changes on the fly. Responses have been positive from those meetings that have already taken place. The District level meetings will be concluded at the end of the month. The forest invited the Department formally to participate as a Cooperating Agency and to sit on the Interdisciplinary team for development of the travel management EIS. We have provided an acceptance response and look forward to the first meeting on May 15th. The Department will be meeting with the forest leadership next month for a routine mini coordination meeting.

U.S. FOREST SERVICE – GENERAL UPDATES

Four Forest Restoration Initiative- 4FRI

The USFS has published the Draft Environmental Impact Statement (DEIS) for 4FRI. The DEIS preferred alternative includes 587,923 acres of mechanical thinning and 593,211 acres treated with prescribed fire over a 10-year period. The DEIS incorporates modified versions of old growth tree and large tree conservation measures proposed by the 4FRI stakeholder group, as well as restoration research projects proposed by the Department, NAU Ecological Restoration Institute, and Salt River Project. The public comment period ends May 29, 2013. The Department continues to participate in the stakeholder review process and is also preparing its own individual comments. The Stewardship Contractor for 4FRI (Pioneer Industries) has reported progress toward obtaining funding for its planned multi-product mill in Winslow. The USFS has initiated pre-planning for the 2nd 4FRI EIS, which will focus on the Apache-Sitgreaves and Tonto National Forests. The first step is delineating the analysis area, which they plan to accomplish by June 2013.

Coconino National Forest

Flagstaff Watershed Protection Project (FWPP)

The Proposed Action for FWPP is out and comments are due May 13th. The Region is reviewing them now and serves as a formal member on the Interdisciplinary Team. In a pre-public draft, the most significant issues were the treatment of wet mixed conifer, maintaining denser forested patches for close canopy dependent species, aspen treatment flexibility, and the development of design criteria for mule deer fawning habitat. The Region will be doing a field trip with the Forest biologist on May 2nd to discuss some of these issues. As a reminder, 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 used, although the forest is investigating newer technology for ground based operations that would/may eliminate some acreage to be treated by non-conventional logging based operations.

Given the need to protect the community, and the political backing to this project, the Department has made this a priority project.

Coronado National Forest

Off-Highway Vehicle (OHV) Enforcement

The Department coordinated with the Coronado Forest to conduct an OHV saturation patrol over Easter Weekend in the Sycamore Canyon area in Game Management Unit 35B. Overall, there were well over 100 contacts made and approximately 15 citations issued by state officers.

Galiuro Mountain Leopard Frog Translocation

The Department surveyed stock tanks in the Galiuro mountains where, last year, the Department, Forest staff, Eastern Arizona College students, and volunteers had translocated Chiricahua leopard frog egg masses from a captive rearing facility at Discovery Park, Safford. This year's surveys documented 7 wild egg masses indicating that the translocated frogs from last year are currently persisting in the tank. This population will be monitored by the Department this summer to document dispersal to new, unoccupied locations.

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.

Kaibab National Forest

North Kaibab Ranger District (NKR) Westside Project:

The Department recently met with the USFS and the Grand Canyon Trust (GCT) to discuss planning and implementation for controlling cheatgrass on the westside of the NKR. In order to create larger fuels breaks for this fire season, the FS has incorporated strategic herbicide spraying on both sides of many FS roads running east/west across the westside. The Department and GCT are supportive of these efforts, and depending on results there may be a second spraying this fall when/if cheatgrass germinates from monsoon rain. The firescape analysis, which will define where larger scale more permanent green strips will be incorporated, will begin in August 2013 with a projection of a 6-month turn around. The FS, the Department and GCT are meeting again on May 16th to discuss other grant opportunities as well as out-year planning to continue working toward preserving and restoring quality mule deer habitat on the NKR.

Prescott National Forest

Strategic Action Planning Committee

Regional personnel have been invited to, and will actively participate in a Strategic Action Planning process with the Prescott National Forest. The Strategic Action Planning Committee has been tasked with prioritizing management actions on the Forest for upcoming years as the Forest initiates implementation of the management direction embodied in the soon to be approved Environmental Impact Statement and Forest Land and Resource Management Plan.

Tonto National Forest

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. The Department is currently reviewing the DEIS and will provide comments by the extension deadline next month. Our primary concerns include the overall readability, clarity, organization and transparency of the document. The reader is unable to determine the factual differences between alternatives and, thus, provide recommendations. The Department is unable to support the alternatives currently as written, however, will be identifying and supporting various resource goals or components of particular alternatives to assist in providing a more balanced alternative with an ecosystem approach commensurate with the original intent and to meet the purpose and need for the project

BUREAU OF LAND MANAGEMENT (BLM)

The Department recently participated in the annual coordination meeting with the Hassayampa, Phoenix and Lower Sonoran offices.

Arizona Strip Field Office

Pine Hollow Chaining Project:

Chaining in Pine Hollow is planned to improve habitat for mule deer and livestock. After the Department raised concerns about a potential substantial increase in cheatgrass as a result of burning the tree carcasses the Arizona Strip, BLM agreed to leave a portion of the chained tree carcasses unburned. Region II Habitat staff established trend monitoring transects in the Pine Hollow chaining to assess any differences over time in burned versus unburned treatments. The monitoring transects will provide a method of documenting any differences in the two treatments as well as documenting the chaining's overall impact on wildlife habitat.

Uinkaret Restoration Project:

In the past couple of weeks Region II has met with BLM management and discussed joint objectives related to a 130,000 acre planning effort on the AZ Strip District. This project encompasses a significant portion of 13A in the Mt. Trumbull/Mt. Logan area and will aim at reducing fuels, watershed health, and restoration of ponderosa pine and pinyon- juniper woodlands. Recently, we formalized our commitment to being a member of the interdisciplinary planning team and have committed to developing an EIS as a cooperating agency (pending a formal letter) to help facilitate wildlife decisions in this planning effort.

Mustang Point Wildlife Development project:

The weekend of April 19-21, Region II completed the Mustang Point Wildlife Development project in 13BS. We had 15 volunteers from the Arizona Desert Bighorn Sheep Society and had the catchment done on Sunday the 21st. At this event, we had the opportunity to discuss future planning for bighorn sheep issues on the AZ Strip with certain board members throughout the day. As a significant note to this project, it closed the loop on a 10 year planning and implementation process of redeveloping of 9 bighorn sheep waters in 13B, including 3 in designated wilderness.

Kingman Field Office

HPC - Iron Basin Mule Deer Habitat Improvement Project

Final clearances are being completed for implementation of the Iron Basin mule deer habitat improvement project that was funded in the 2011 Habitat Planning Committee (HPC) cycle. The project will utilize mechanical treatments to augment previous and upcoming fire fuels treatments in the decadent chaparral community found at the northern terminus of the Music Mountains in GMU 15A. Currently the Department is cooperating with BLM in the development of a native seed mixture that will be used to reseed the area following mechanized and fire treatments. The objective of the reseeding effort is to improve the forage component of habitat for mule deer in the project area.

NEPA Meeting

Regional personnel attended a NEPA planning meeting with BLM Kingman on 4/2/13. At the meeting, a topic of discussion was a proposed action to dismantle the horse and burro holding and shipping facility on Shinarump Road in Golden Valley. The corrals at the site are able to accommodate 400-600 horses or burros. As discussion of this proposed action unfolded, BLM staff indicated that programmatic funding for planned burro surveys and gathers in the Black Mountains (Blacks) for 2013 had been swept. In 2010, while conducting helicopter sheep surveys in the Blacks, the Department produced a double-count population estimate for burros as well. That estimate suggested that burros in the Blacks exceeded the appropriate management level (AML) that was established in interagency Black Mountain Ecosystem Plan. At that time the Department submitted a letter to BLM's State Director, urging BLM to expand the scope of a burro capture that was currently taking place in the Blacks. As a result of that letter, BLM initiated a 2010 burro survey of the Blacks, to establish for themselves a population estimate for the Blacks, upon which future management actions (captures) could be planned. The results of their 2010 survey were found to be flawed when reviewed by the USGS – resulting in a plan to re-survey the Blacks for burros in 2013, and manage burros as appropriate.

With the sweep in 2013 funding for either a burro survey or gather in the Blacks, it is likely that the burro population will continue to swell, creating increased pressure on, and competition for the forage resources in the joint management areas (JMA) of the Black Mountain Ecosystem Plan in this important bighorn sheep habitat.

It is the opinion of Regional staff that BLM, though funding priority decisions (potentially initiated by sequestration) initiated at a level higher than the Field or District Office, is not meeting management compliance objectives established in the Black Mountain Ecosystem Plan, and will be unable to honor verbal commitments relating to burro management in the Black Mountains.

Tucson Field Office

Madrean Archipelago Rapid Ecoregional Assessment (MAREA)

The Department provided input on the selection of 20 Conservation Elements (species and habitats) to be analyzed through the REA process. The next meeting of the Administrative Management Team (AMT) will be at the Region V conference room April 30 and May 1.

Ironwood Forest National Monument Water Catchment Redevelopment

The Department worked with the Arizona Desert Bighorn Sheep Society (AZDBSS) to redevelop the water catchment in the Silver Bell Mountains on the Ironwood Forest National Monument. The system was failing, so a new apron, tank, and drinker were installed and the piperail fence was removed. The AZDBSS showed up in force, with over 50 volunteers to help get the project completed.

San Pedro Riparian National Conservation Area (SPRNCA) Resource Management Plan (RMP)

The Department will be a cooperating agency for development of a Resource Management Plan and Environmental Impact Statement (EIS) for the SPRNCA. The process is expected to take several years. Memorandums of Understanding (MOUs) have not yet been sent to cooperators, but are expected within the next few weeks. The Department participated in a Jump Start Your RMP 2-day workshop and in a Strategic Planning Workshop for cooperating agencies.

WILDLIFE AREAS

Yuma East Wetlands/Headstream-McVey Property

The Director signed the Yuma East Wetlands multi-party agreement, establishing roles and responsibilities in the wetlands. The Department's Headstream-McVay property is in the Wetlands

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 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 Department participated in the recent planning team and NEPA team meeting.

RENEWABLE ENERGY DEVELOPMENT

WIND

Apache District Wind Farm Project

The Navajo County Board of Supervisors approved the Special Use Permit for juwi (pronounced Uvee), a German based company, to install a second met tower south of Holbrook for their

Apache District Wind Farm project. The met tower will be installed in May and collect a year of wind data for that area.

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.

Invenergy Wind Project GMU 37B Pinal County

The Department became aware of a wind project potentially covering 7000 acres of State Trust Land from state grazing permittees. Note that, The Arizona State Land Department (ASLD) did not notify the Department. Part of the project, if built, will occupy the Department's grazing lease for the Triangle Bar Ranch associated with the Department's Lower San Pedro property.

The current Special Land Use Permit is for two sites, one 6000 acres and another 10,000 acres on which meteorological towers will be placed for two years to assess wind speeds. Invenergy states that the project will require a minimum of 20 mph long-term yearly average speeds to be feasible. The project will consist of 80 foot tall wind turbines, a substation, and a 115-135MW transmission line interconnect. The turbines will be connected by a network of 16' wide roads within a 20-foot wide right of way. Each turbine will be approximately 10' in diameter with a 16' road around it. Project staff will be onsite and conduct daily inspections of each turbine. The turbines are expected to be constructed in a density of 6 turbines per section or 1 per 100 acres. The minimum power generation required would equal about 50MW or 30 turbines and the maximum expected would be 100MW or 60 turbines.

The project will be funded by equity investors and through power purchase agreements regulated under the Federal Energy Regulatory Commission (FERC).

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-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 will have on bats, golden eagles, and other raptors in this area. Additionally the project is being proposed in area where the pronghorn population is already declining. 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 attended the Cochise County Planning and Zoning Committee meeting on April 10th. The County approved the project 8-0 with one member abstaining. Torch has filed an application with the Arizona State Land Department (ASLD) for construction of the wind facility. The Department will be sending a letter to ASLD expressing our wildlife concerns.

TRANSMISSION LINES

SunZia Transmission Line Project

The Preliminary Final Environmental Impact Statement was released to the cooperating agencies for a two week review period. The Department asked for, and was denied, an extension on this review period due to previously calendared workload. The Department notified BLM that we would be unable to provide comments on the Preliminary Final EIS given the short, two week, review period allotted for cooperating agencies. The Department continues to work toward developing mitigation strategy for project impacts in cooperation with the Arizona State Land Department.

NON-RENEWABLE ENERGY DEVELOPMENT

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

The Department has requested El Paso/Kinder Morgan (EP/KM) host a site visit of a pipeline restoration project the company considers a success. EP/KM will host Department staff on a site visit of an existing El Paso pipeline near Nogales in April. Department staff are assembling information pertaining to restoration methods, success/failures, local expertise, and plant materials vendors and continues discussions of mitigation and restoration options with the Federal Energy Regulatory Commission (FERC) staff and Altar Valley Conservation Alliance members.

TRANSPORTATION

Deer Valley Parkway (formerly Beardsley Parkway)

Maricopa County Dept. of Transportation (MCDOT) completed the corridor feasibility study for the 6-8 lane parkway. The parkway will be along the general alignment of Deer Valley Road east/west between the US 60 and the proposed Wild Rose Parkway north of the White Tank Mountains in western Maricopa County. The Town of Buckeye will be conducting a transportation plan for portions between Wild Rose Parkway and the Hassayampa River corridor. The Final Report and detailed alignment drawings have been finalized and submitted to MCDOT. The preferred alignment was the best choice for wildlife. Next steps include adoption of parkway alignment by City of Surprise, Right of Way (ROW) preservation, preparation of the Design Concept Report for project programming, appropriation of funding for design, ROW acquisition and construction, and coordination with Town of Buckeye to extend the parkway west into Buckeye and across the Hassayampa River. It will be critical for the Department to participate in the Design Concept Report to ensure that suitable parkway crossing structures are designed at Trilby Wash, and Wash 3 to meet White Tank Mountains linkage goals as well as those the City of Surprise has adopted. Tech Memo 6 states that wildlife linkage zones (CAP) and movement corridors (adopted by City of Surprise) should be considered during final design. The Environmental Overview recommends future studies to verify that there will be no impacts to Threatened and Endangered species including Sonoran desert tortoise and Tucson shovel-nosed snake, and that impacts to other Species of Special Concern and wildlife linkages are mitigated to the extent feasible during the design and implementation phases of the project.

Dove Valley Parkway

MCDOT has initiated a Corridor Feasibility Study for another west valley parkway that will run east-west south of SR74, across US60 and west across the Hassayampa River. MCDOT has held 2 Technical Advisory Committee (TAC) meetings to date and a 3rd is scheduled for later this month. Three final reports have been completed and submitted to the TAC for final review: Existing & Future Conditions, Environmental Overview and the Drainage Overview. The Department provided review and comments on the draft reports prior to completion. The Department's main concerns are accurate descriptions of the wildlife resources in the planning area and potential impacts to special status species; wildlife habitat loss; fragmentation; and impacts to linkages, wildlife and outdoor recreation; and access to public lands. Next steps include TAC review and input on 3 parkway alignment alternatives and development of the Preferred Alignment- Final Report.

Greenway Parkway

MCDOT has initiated another parkway feasibility study for an east/west corridor between the White Tank Mountains and the Belmont Mountains, transecting the Hassayampa River corridor. Once again wildlife issues are going to include habitat loss and fragmentation, indirect effects to adjacent habitats and potential impacts to special status species. A kickoff meeting was held for the TAC in March. The first 3 technical memorandums will be sent to the TAC within the next month. Department concerns are habitat loss and fragmentation, impacts to the proposed White Tanks linkage, impacts to special status species including Desert tortoise (Sonoran population), impacts to wildlife recreation and public access to the White Tank mountains.

Hidden Waters North Parkway

MCDOT has completed the corridor feasibility study for the proposed parkway and released the preferred alignment. This future parkway will provide a north/south link between I-10 and US 60 to the north, west of the Hassayampa River corridor. The Department does not support the preferred alignment as drawn. We had made recommendations on the alignment that would minimize impacts to wildlife and wildlife habitat connectivity goals that were not incorporated into the recommended alignment as a result of various urban development constraints that took priority. The Department also raised concerns with portions of the Final Report and Environmental Overview regarding omissions, accuracy of maps and information presented on wildlife linkages that was provided by the Department. In short, linkage designs provided to consultants were not represented in their entirety, but rather truncated at the project area. The Department raised concerns to the MCDOT project manager and MCDOT has agreed to develop an amendment/attachment to the final report with corrections. We are currently waiting for response from MCDOT on whether an amendment/attachment has been completed to address AGFD concerns with accurate representation of information provided to TAC Final Report by AGFD.

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). 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 Department participated in the recent meeting and provided Pinal wildlife connectivity information to the group along with a request for the project shapefile for further analysis through HabiMap.

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. The BLM released the DEIS to the Cooperating Agencies for review and comment. The Department provided technical review and recommendations for revisions. BLM included Department wildlife mitigation strategies as an appendix in the DEIS, resulting from interagency meetings with the project proponent, Goodyear, to identify appropriate solutions to mitigate parkway impacts to the Sierra Estrella to Sonoran Desert National Monument linkage.

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.

An Environment and Sustainability focus group was held with Department participation. A focus group report was posted to the project website by ADOT. The purpose of the focus groups was to validate and add to information gathered by a study team and development of the Corridor Justification Report. Participants were asked to provide input on context sensitive solutions and information on what is important from a sustainability perspective. ADOT asked: "How can we develop a sustainable corridor that meets the aspirations of the triple bottom line?" (Environment / Social/Economic)

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. 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 Department is currently reviewing and providing comment on the 60% design submittal. These comments will again include the recommended specifications for funnel fencing, culverts and bridge design for a suite of species.

Wild Rose Parkway Feasibility Study

MCDOT has completed the corridor feasibility study for the 6-8 lane parkway. The proposed parkway will provide a north/south link between Sun Valley Parkway and US 60, north of the White Tank Mountains. Similar to all parkways proposed in western Maricopa county, MCDOT has stated that the purpose and need for action is based on the projected "build-out" transportation demands analyzed around the MAG Hassayampa Framework Study. The parkway will traverse two major wash corridors (Iona/Trilby washes) that are components of a linkage plan, and the CAP canal and ROWs which are also part of a linkage plan adopted by the City of Surprise as a Major General Plan Amendment. The preferred alignment will cross the linkages and plans are to construct a bridge crossing at CAP and use pipe or box culverts at other locations. The Final Report and detailed alignment drawings have been finalized and submitted to MCDOT. AGFD will want to revisit the proposed use of pipe or box culverts and re-evaluate preservation of a few key wash corridors and their functions for wildlife movement, in particular mule deer. Of particular importance will be linkage areas adopted by Surprise in their General Plan 2030.

Yuma Metropolitan Planning Organization YMPO

Department staff attended the 30 year anniversary celebration for YMPO, the quasi-governmental organization responsible for transportation planning for Yuma County and the incorporated municipalities. Department staff also attended the kick-off meeting for the new 25 Year Plan.

GENERAL UPDATES

Morenci Mine Sheep Mortality Mitigation

The Department met with the Arizona Department of Transportation (ADOT) and Freeport-McMoran to discuss options for mitigating the loss of Rocky Mountain bighorn sheep along Highway 191 north of Clifton in and near the Morenci Mine. The Department had developed a proposal to fence some portions of the roadway, utilize existing overpasses, develop new underpasses, establish a wildlife “crosswalk” and implement speed controls within three sections of the highway. The group has discussed the feasibility of the proposal and narrowed the options based on funding and the initiation of scoping for the realignment of Highway 191. The Department has refined the proposal and agencies and Freeport are in the process of conducting further evaluations and investigating funding opportunities.

Friends of the Agua Fria National Monument (FAFNM)

The FAFNM will be taking on wet/dry mapping within the AF watershed, formerly led by UofA and the Upper Agua Fria Watershed Partnership. The Department has volunteered to be a Team Leader once again this year for mapping to occur on June 22. The FAFNM is struggling with how to analyze and manage the data and we have offered technical assistance where possible to assist with their efforts if needed.

City of Peoria- Open Space Preservation Program

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 Department provided Peoria with Wildlife and Outdoor Recreation economic data for possible inclusion in their Open Space Plan revision and attended the third stakeholder meeting held to present the GIS based decision model that was revised and refined after stakeholder input was collected in earlier meetings.

Maricopa County Parks and Recreation Department (MCPRD)

The Department met with the 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. 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. The Department was invited to and participated in the open house the White Tanks Regional Park Master Plan.

Central Arizona Grasslands- Unit 21, Sycamore Mesa

The Department was approved for Habitat Partnership Committees (HPC) dollars for continuation of the Unit 21 juniper treatments. We are currently out for bids on the contract and anticipate implementation this summer. This means we will be able to treat ~100 acres and accomplish clearing another corridor between open mesa habitats up on Sycamore Mesa in a high priority area. The BLM is currently burning within the Unit and the PNF has budgeted for burning this year with BLM budgeted for burning next fall/winter. The Department in coordination with partner groups completed a fencing project and has identified additional fencing needs within the project area.

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 provided comments on the draft Supplemental Watershed Plans/EA's and are working to share data with the District for the development of the design plan. 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.

Department of Defense-Barry M Goldwater Range

The Director signed the 5 Year review of Barry M Goldwater Integrated Natural Resources Management Plan (INRMP), a Sikes Act document.

Aquatic Weed Control

Department personnel have been working with the local community in Pinetop-Lakeside, Navajo County, to control nuisance aquatic weeds in Rainbow Lake and Lake of the Woods. Rainbow Lake and Lake of the Woods have had chronic aquatic weed problems due to shallowness of the lakes (average 6 feet) and high nutrient loads. Herbicides and weed harvesting has been used in the past with mixed results. Current efforts are to use permitted white Amur. In this effort, the Department has approved and inspected a fish barrier that makes Rainbow and Lake of the Woods a closed system as required by the permit; organized and lead volunteers to remove over 250 illegally introduced Northern pike to minimize predation on the stocked white Amur; used the pike population data to make recommendations to the community on size and number of white Amur to stock; issued a permit for stocking of white Amur; and worked with the Department's Heritage Fund Grant program to award \$20,000 toward purchase of the fish and

construction of the barrier. The community will be stocking 1,650 13-14" white Amur in Rainbow Lake on May 2. A Chamber of Commerce ribbon cutting media event is planned at the lake when the fish are stocked, and the Department will have representatives at this event.

Fish Population Surveys

Department personnel have completed most of the annual spring fish population surveys in selected lakes in the White Mountains, Navajo and Apache counties. A winterkill was confirmed at Carnero Lake, one of the lakes targeted for addressing winterkill issues, and it will be restocked as soon as possible. Two other lakes targeted for addressing winterkill issues, Crescent Lake and Lee Valley Lake, did not have winterkills and will provide good fishing opportunities for large rainbow and brook trout (Crescent) and for grayling and Apache trout (Lee Valley). A winterkill was confirmed at Luna Lake during a survey in late March, and the lake has already been restocked with almost 5,000 catchable size rainbow trout to provide angling opportunity in time for the Town's annual fishing derby.

Forest	Status	Next Step	Projected Next Step Completion
Apache Sitgreaves	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.		
Coconino	TMP signed Sept 2011, MBGR appeal denied; Draft EIS(LRMP) ready. Motor Vehicle Use Maps (MVUM's) available	Draft EIS (LRMP) Scheduled Out for review 5/2013	Decision anticipated 10/2013
Issues:	Dispersed camping 300 ft from designated roads, else 30 ft. MBGR for elk only, 1 mile from roads except GMUs 5A & 5B.		
Coronado	Internal review of LRMP ongoing	Public Comment	Late Fall 2013
	TMP in Process in all Districts.	TMP Working Draft	Final TMP end of 2013, early 2014 Decisions by district
Issues:	Motor Vehicle Use maps show access through roads that have locked gates. Maps not enforceable.		

Forest	Status	Next Step	Projected Next Step Completion
Kaibab	AGFD appeal on North Kaibab TMP declined.	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		
Prescott	Draft EIS LRMP in Federal Register 8/24/2012. Public input ended Nov 28, 2012.	Review and Development of final EIS (LRMP). AGFD personnel invited to participate in Strategic planning . Wilderness under consideration reduced from 44,000 acres to 23,000	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.		

Forest	Status	Next Step	Projected Next Step Completion
Tonto	LRMP began 2006. Negotiating to reinitiate 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. request to be Cooperating Agency has been accepted	LRMP public scoping in 2014. TMP draft anticipated late 2013	3-4 years to completion of LRMP.
<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.	TMP planning meetings begin May 15	



A2.39 License Classifications; Fees

Effective: TBD

Policy Process Owner: TBD

Commission Policy:

- A.** In accordance with A.R.S. §§ 5-321, 5-327, 17-333, and 17-345, the Commission may establish license classifications and license, permit, tag, stamp, and watercraft fees. The provisions of this policy do not apply to retail sales authorized under A.R.S. §§ 17-231(B)(9) and 17-231(B)(13).
- B.** The Commission may establish a new product and its associated fee or increase a fee in response to anticipated social or economic indicators, such as but not limited to:
 - 1. Decreases in Department revenue.
 - 2. Increases in Department operating costs.
 - 3. Declines in hunting or angling participation.
 - 4. Increases in revenue or participation.
- C.** In addition, upon recommendation by the Director, the Commission may temporarily reduce or waive a fee as necessary to encourage increased:
 - 1. Sales,
 - 2. Revenue,
 - 3. Participation, or
 - 4. Management of the resource.
- D.** Any temporary fee reduction or waived fee shall be offered for a specific period of time. However, when the Commission determines a fee should be permanently reduced or waived, the Department shall follow the procedures established under subsection (B).
- E.** The Department shall provide compliance oversight by ensuring that the changes are completed in accordance with all legal, funding, and any other applicable criteria.

Definition:

“Temporary fee reduction” means reducing a license, permit, tag, or stamp fee by any amount established by the Commission for a specific period of time.

Procedures:

A. Temporary Fee Reduction; Enhanced Value:

- 1. The Commission may temporarily reduce a fee or enhance the value of a license, provided sufficient time exists to properly implement the fee reduction or enhancement.
- 2. Prior to the meeting where the Commission shall consider a temporary fee reduction or enhanced value for a product or service, the Department shall ensure a public meeting notice and agenda is posted in accordance with A.R.S. § 38-431.02.
- 3. The Commission may make changes to the fee schedule and establish an effective date for these

changes at the Commission meeting. Temporary changes to reduce fees may become effective either immediately or at a later date, as specified by the Commission.

- 4. The Department shall file the fee schedule with the Secretary of State's office for publication in the Arizona Administrative Register.
- B. New Product; New Fee; Fee Increase:**
 - 1. The Commission may direct the Department to prepare a draft rulemaking for the new product and its associated fee or fee increase.
 - 2. Prior to the initial meeting where the Commission shall consider establishing a new product and fee or increasing a fee, the Department shall ensure a public meeting notice and agenda is posted in accordance with A.R.S. § 38-431.02.
 - 3. The Commission may make changes to the draft rulemaking at the Commission meeting.
 - 4. The Department shall make the draft rulemaking available to the public and notify the public of any opportunities to participate in the process.
 - 5. The Department shall provide the public with a minimum 30-day comment period.
 - a. The comment period shall begin immediately after the draft rulemaking is published to the Department's Internet.
 - b. After the 30-day comment period has ended, the Department shall consider, but need not accept, all comments submitted in response to the rulemaking and revise the draft rulemaking accordingly.
 - 6. Prior to the meeting, where the Commission shall consider the final draft rulemaking, the Department shall ensure a public meeting notice and agenda is posted in accordance with A.R.S. § 38-431.02.
 - 7. The Commission may make changes to the final rulemaking at the Commission meeting and establish an effective date for the rulemaking. The effective date shall be 60 days after the date of filing the notice of rulemaking with the Secretary of State's office. However, the Commission may specify:
 - a. An effective date of more than 60 days after the filing of the rulemaking upon determining good cause exists for the later date and the public interest will not be harmed; or
 - b. An immediate effective date for any of the following reasons as prescribed under A.R.S. § 41-1032(A):
 - i. To preserve the public peace, health or safety.



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- ii. To avoid a violation of federal law or regulation or state law, if the need for an immediate effective date is not created due to the agency's delay or inaction.
 - iii. To comply with deadlines in amendments to an agency's governing statute or federal programs, if the need for an immediate effective date is not created due to the agency's delay or inaction.
 - iv. To provide a benefit to the public and a penalty is not associated with a violation of the rule.
 - v. To adopt a rule that is less stringent than the rule currently in effect and that does not have an impact on public health, safety, welfare or environment, or that does not affect the public involvement and public participation process.
8. The Department shall file the final rulemaking with the Secretary of State's office for publication in the Arizona Administrative Register.