

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, June 14, 2013
Saturday, June 15, 2013
Mazatzal Hotel & Casino
Highway 87, Mile Marker 251
Payson, Arizona 85541

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

Chairman Harris called the meeting to order at 8:00 a.m. This meeting followed an agenda revision #2 dated June 12, 2013.

1. Payson and Mogollon Rim Community Forum

Presenter: Rod Lucas, Mesa Regional Supervisor

Mr. Lucas facilitated an informal forum and workshop to discuss current and future matters involving the Arizona Game and Fish Department and the Payson/Mogollon Rim community. Department staff, along with community involvement, presented an overview of ongoing collaborative work to the Commission, community leaders, and members of the public, and then facilitated an open discussion for the same. PowerPoint presentations were provided for review and discussion on the following topics:

- Mogollon Streams Restoration Project (East Verde River, Tonto, Christopher, Haigler and Canyon Creek's)
- Mogollon Rim area Chiricahua Leopard Frog Project
- Mogollon Rim area Rocky Mountain Bighorn Sheep (Mazatzal and Hell's Gate Area's)
- Bear Safety and Bear Proof Dumpster Update
- State Route 260 Wildlife Crosswalk and Crossings
- Tonto National Forest Travel Management (Neil Bosworth, Forest Supervisor)
- Mogollon Sporting Association (Dedicated to Rim Country's Youth and Wildlife)

Public Comment

Dennis Pirch, Payson resident, commented on the East Verde River and the Department's efforts to restore it. He also thanked Department staff in regards to allowing the Payson Education Center to work on restoring Tonto Creek. Regarding trout, Mr. Pirch encouraged the Department to work on establishing natural reproducing populations of trout and not just stocking hatchery bred trout.

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Meeting recessed for a break at 10:00 a.m.

Meeting reconvened at 10:30 a.m.

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Chairman Harris called the meeting back to order and led those present through the Pledge of Allegiance. The Commission introduced themselves and Director Voyles introduced his staff.

Chairman Harris requested a moment of silence for the following: U.S. Army Second Lieutenant Justin L. Sisson who died on June 3, 2013 from injuries sustained in Afghanistan; Memorial Day in honor of all the men and women who have died while serving in the U.S. military; Phoenix Police Officer Daryl Raetz, who was killed when he was struck by a hit-and-run driver during the processing of a suspected impaired motorist; Phoenix Firefighter Bradley Harper, who was killed while battling a mulch fire; In observance of Arizona Peace Officers Memorial Day on May 15, 2013; Wildlife Officer Joel Campora and Sheriff Cody Carpenter, of the Scott County Sheriff's Office, who drowned while assisting victims of an overnight flash flood along the Fourche Lefave River near Y City, Arkansas; And Conservation Officer Justin Knackstedt of the Saskatchewan Environment and Resource Division who was struck by a vehicle and killed while assisting with traffic control for an accident that occurred Saskatoon, Saskatchewan.

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2. Awards and Recognition

Director Voyles presented Wildlife Manager Tim Holt with the 2012 Shikar Safari Wildlife Officer of the Year Award. Each year this award is presented to conservation officers in all 50 states, and the Canadian Provinces and Territories. The award recognizes officers for their outstanding performance and dedication to protecting and preserving wildlife. In addition to the award the Safari Club provided Mr. Holt with a \$20,000 life insurance policy to help protect his family.

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2. Consent Agenda (pulled from Saturday's agenda)

Chairman Harris requested that the Commission look at the consent agenda items and decide today if they want to pull any items for discussion. This would allow Department staff that didn't need to be present to be released.

The only item selected to be pulled for discussion was item p, Fiscal Year 2014 Modified budget for Wildlife and Sport Fish Restoration (WSFR) grants and the Federal Assistance Funds Budget Request for Fiscal Year 2015.

Motion: Madden moved and Mansell seconded THAT THE COMMISSION VOTE TO PULL ITEM P FROM THE CONSENT AGENDA FOR DISCUSSION AND ALL OTHER CONSENT AGENDA ITEMS WILL STAY ON THE CONSENT AGENDA.

Vote: Unanimous
4 to 0

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3. Call to the Public

There were no requests to speak at this time.

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4. State and Federal Legislation

Presenter: Anthony Guiles, Assistant Director, Information and Education Division

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:

State Legislation:

- The Legislature adjourned last night from a 3-day Special Session and went *sine die* from the regular session
- The Legislature passed the budget and it is now on the Governor's desk
- HB 2551, OHV Legislation, was transmitted last night and is on the Governor's desk

Congressional Legislation:

- Sikes Act is up for Reauthorization in 2014 - looking for potential amendments to strengthen state authorities under subchapter 2
- Farm Bill – passed the Senate awaiting movement in the House
- Spotlighted Legislation:
 - HR 638 National Wildlife Refuge Review Act - to require that any new national wildlife refuge may not be established except as expressly authorized by statute (Franks cosponsor)
 - HR 1799 Sonoran Desert Heritage Act – designates National Conservation Areas, Wilderness & special management areas (Grijalva)

Potential Legislation for Commission Support

- H.R. 1495 Arizona Sovereignty Act (Gosar)
 - to exempt Arizona from Antiquities Act Designation of National Monument without express authorization from Congress
 - Disposition: 4/11/13 Bill introduced.
- H.R. 1825 Recreational Fishing and Hunting Heritage and Opportunities Act (Benishek)
 - 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.
 - Disposition: 6/12/13 Passed House Natural Resource Committee
 - Supported by a variety of Wildlife Groups including the Association of Fish and Wildlife Agencies.

The Department recommends that the Commission vote to support H.R. 1495 and H.R. 1825.

Motion: Davis moved and Madden seconded THAT THE COMMISSION VOTE TO TAKE A POSITION TO SUPPORT H.R. 1495.

Vote: Unanimous

4 to 0

Motion: Madden moved and Mansell seconded THAT THE COMMISSION VOTE TO TAKE A POSITION TO SUPPORT H.R. 1825.

Vote: Unanimous
4 to 0

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5. Inter-Governmental Agreement between the Arizona Game and Fish Commission and the White Mountain Apache Tribe

Presenter: Shawn Wagner, Wildlife Manager III, Pinetop

Mr. Wagner briefed the Commission on an Inter-Governmental Agreement between the Arizona Game and Fish Commission and White Mountain Apache Tribe to enter into mutual agreement to facilitate coordination between the parties in addressing nuisance bear responses along the Fort Apache Indian Reservation northern boundary (primarily involving urban interface between Highway 73 and Highway 60). The Pinetop Region of the Arizona Game and Fish Department (Department) fields hundreds of bear calls annually along the Fort Apache Indian Reservation (Reservation) boundary, primarily adjacent the communities of Pinetop/Lakeside and Show Low. In many instances, the bears are spending the days bedded on the forested lands on the Reservation and foraging at night in the urban areas on the State side of the boundary, which creates difficulties when mobilizing efforts to capture and remove target animals. A major issue has been the inability to attract bears to Department operated culvert traps placed in the urban areas off the Reservation, which presents inefficiencies in successfully and promptly capturing offending bears. The extended exposure to the urban area and inability to remove problem bears has potential to reduce their fear of humans and increase risk toward public safety. In an effort to become more effective in implementing capture operations along the Reservation boundary for areas impacted by bears that exhibit nuisance behavior in residential areas of Pinetop/Lakeside and Show Low, the Department has pursued development of an Inter-Governmental Agreement (IGA) with the White Mountain Apache Tribe to provide for improved coordination between the parties. Any bears captured or handled on the Reservation by Department personnel, pursuant to this IGA, would continue to be handled in accordance with the Department's Nuisance Wildlife Policy. The White Mountain Apache Tribe and the Department desire to work more closely for the common purpose of providing increased efficiency in apprehending nuisance bears for improved public safety of the citizens of Arizona.

Motion: Davis moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE AN INTER-GOVERNMENTAL AGREEMENT BETWEEN THE ARIZONA GAME AND FISH COMMISSION AND WHITE MOUNTAIN APACHE TRIBE AS PRESENTED.

Vote: Unanimous
4 to 0

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5A. Request for Commission to Approve a Special Use Permit with Apache-Sitgreaves National Forest and a Separate Agreement with the Arizona Department of Transportation.

Presenter: Jay Cook, Shooting Sports Branch Chief

Mr. Cook provided a PowerPoint presentation and briefing on the potential acquisition of a Special Use Permit from the Apache-Sitgreaves National Forest for development of the Second Knoll Shooting Range and a separate agreement with the Arizona Department of Transportation authorizing their continued access to the site for removal of stored cinders. The development of a local shooting range in the Show Low/Pinetop-Lakeside area would serve to promote opportunities for safe, educational, and family-oriented public shooting while minimizing vandalism on public lands. The shooting range would include general shooting long-range bays, general purpose bays, and close-range pistol bays. Related structures and facilities would include publicly accessible portable restrooms, potential mobile meeting rooms/administrative offices, and outside improvements including canopies for overhead cover. The 80-acre site is an inactive cinder pit currently used by the Arizona Department of Transportation (ADOT) for storage of cinders. ADOT would cancel their existing Special Use Permit (SUP) to allow for authorization of a new SUP for the development of the shooting range. The Commission would enter into a separate agreement with ADOT to allow their continued access to the site for removal of cinders.

Public Comment

Seth Nadel, President, White Mountain Shooters Association, addressed the Commission in support of the Second Knoll Shooting Range, and asked the Commission to support this SUP and agreement.

Pascal Berlioux, Executive Director, Eastern Arizona Counties Organization, addressed the Commission in support of the Second Knoll Shooting Range and asked the Commission to support this SUP and agreement.

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE ACQUISITION OF A SPECIAL USE PERMIT FROM THE APACHE-SITGREAVES NATIONAL FOREST FOR DEVELOPMENT OF THE SECOND KNOLL SHOOTING RANGE, AND TO ENTER INTO A SEPARATE AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION AUTHORIZING THEIR CONTINUED ACCESS TO THE SITE FOR REMOVAL OF STORED CINDERS, AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE ALL DOCUMENTS ASSOCIATED WITH THE SPECIAL USE PERMIT, AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous
4 to 0

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6. Landowner-Lessee/Sportsman Relations Committee Appointment

Presenter: Mark Weise, Development Branch Chief

Mr. Weise briefed the Commission on filling the vacancies on the Landowner-Lessee/Sportsman Relations Committee. The Department's Landowner Relations Program has received nominations for three individuals to fill the vacant spots. The three individuals are Ms. Peggy Ingham, Mr. Dan Rodriguez, and Mr. Chris Mitchell. All three are interested in helping to improve access issues. Currently the committee is short two landowner-lessee representatives and one sportsman representative. The Commission was provided with biographies of each nominee to exhibit their qualifications prior to this meeting for review and consideration.

Motion: Madden moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE THE NOMINATIONS FOR THREE INDIVIDUALS AS PRESENTED TO FILL THE VACANT SPOTS ON THE LANDOWNER-LESSEE/SPORTSMAN RELATIONS COMMITTEE.

Vote: Unanimous
4 to 0

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7. Land Exchange at the Page Springs Fish Hatchery Property, Yavapai County, Arizona.

Presenter: Joyce Francis, Habitat Branch Chief

Ms. Francis provided a PowerPoint presentation and briefing on a potential exchange of a portion of the Page Springs Fish Hatchery property for an adjacent riparian area. The Department was approached by an adjacent landowner at the Page Springs Hatchery (Hatchery) to purchase approximately 9.13 acres of upland Hatchery property for vineyard cultivation at the southwest end of the Hatchery. The Department would acquire approximately 10.22 of lands adjacent to the Hatchery within the riparian area in Oak Creek. The Department has determined that this exchange is consistent and compatible with the operations of the Hatchery and that the exchange will significantly benefit the wildlife values of the property. Department funds would need to be used for due diligence in the exchange. Since the Hatchery was included in the Federal Aid Program in 1993, the exchange must also be approved by the U.S. Fish and Wildlife Service.

Commissioner Mansell raised several questions including cost estimates for conducting the due diligence and who would pay for it, the zoning status of the private property, and how the Commission ownership of the riparian section would be superior to its current status.

Commissioner Davis asked about the possibility of getting an appraisal of the long-term value of the Commission owned parcel verses the exchanged parcel.

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO TABLE THIS ITEM AND THAT THE DEPARTMENT BRING THIS ITEM BACK TO THE AUGUST COMMISSION MEETING AS FIRST READ ITEM, AND THAT THE DEPARTMENT PROVIDE ADDITIONAL INFORMATION TO ANSWER QUESTIONS RAISED DURING DISCUSSION.

Vote: Unanimous
4 to 0

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8. Call to the Public

Don McDowell, Board Member, Arizona Sportsman for Wildlife Conservation, addressed the Commission in regards to feral hogs in Arizona. He asked the Commission and Department to look into it and to establish a population management hunt for feral hogs.

Director Voyles asked Assistant Director Larry Riley to meet with Mr. McDowell to share information and discuss how we can work together in looking at feral hogs and possibly other invasive ungulates.

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10. Proposed Dates and Locations of Arizona Game and Fish Commission Meetings for 2014 and January 2015.

Presenter: Ben Altener, Community and Congressional Relations

Mr. Altener presented the Commission with dates and locations for the January 2014 Commission meetings and January 2015. The Commission discussed and agreed on the following:

<u>Date</u>	<u>Location</u>
January 10-11	Phoenix (Date set in June 2012)
February 7-8	Region IV
March 7-8	Region V
April 11-12	Phoenix (hunt orders)
May 2-3	Region III
May 16-17	Commission/Executive Staff Retreat
June 13-14	Region VI (hunt orders)
August 1-2	Region II (hunt orders)
September 5-6	Region I
November 7-8	Workshop
December 5-6	Phoenix (hunt orders)
January 9-10, 2015	Phoenix

Motion: Madden moved and Mansell seconded THAT THE COMMISSION VOTE TO ADOPT THE SCHEDULE AS PRESENTED WITH THE FOLLOWING CHANGES: MOVE THE MAY 9-10 DATE TO MAY 2-3.

Vote: Unanimous
4 to 0

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11. Update of Commission Awards

Presenter: Ben Altener, Community and Congressional Relations

Mr. Alteneder presented the Commission with a list of award categories for the 2013 Commission Awards to be presented at the January 2014 Commission Awards Banquet as follows:

AWARD OF EXCELLENCE: Any individual, group, organization, club, foundation, or agency that has excelled in efforts to benefit wildlife, wildlife habitats, or programs of the Arizona Game and Fish Department.

YOUTH ENVIRONMENTALIST OF THE YEAR: Any individual, 18 years of age or younger, who has excelled in efforts to benefit wildlife and the mission of the Arizona Game and Fish Department.

OUTDOOR WRITER OF THE YEAR: Any professional or freelance writer who has excelled in highlighting issues or activities pertaining to the welfare of wildlife and the mission of the Arizona Game and Fish Department.

MEDIA OF THE YEAR: Any media source (radio, television, magazine, newsletter, or periodical) that has published articles or materials beneficial to public interest about wildlife or wildlife related topics and the mission of the Arizona Game and Fish Department.

CONSERVATION ORGANIZATION OF THE YEAR: Any organization, group, foundation, or agency that has excelled in efforts to enhance the welfare of wildlife, wildlife related recreation, and the mission of the Game and Fish Department.

CONSERVATIONIST OF THE YEAR: Any individual, not associated with a professional agency, which has excelled in efforts to enhance, conserve, and manage wildlife or their habitats.

NATURAL RESOURCE PROFESSIONAL OF THE YEAR: Any individual who through a professional agency affiliation has excelled in efforts to enhance, conserve, and manage wildlife or their habitats.

VOLUNTEER OF THE YEAR: Any individual who, as a *registered volunteer* with the Department, has excelled in efforts to support and benefit the mission of the Arizona Game and Fish Department.

EDUCATOR OF THE YEAR: Any individual whose educational activities have advanced and supported the welfare of wildlife, wildlife related recreation, or the mission of the Arizona Game and Fish Department.

MENTOR OF THE YEAR: Any individual who has acted in the role of a mentor and whose efforts have resulted in the promotion and support of future wildlife conservation efforts and the development of future wildlife conservation leaders in Arizona.

ADVOCATE OF THE YEAR: Any individual that has engaged in political advocacy for the betterment of wildlife conservation and in the support of the mission of the Arizona Game and Fish Department.

LICENSE DEALER OF THE YEAR: Any license dealer who actively promotes Game and Fish license and tag sales through innovative approaches, community involvement and a customer service focus that benefits the citizens of Arizona and supports the Game and Fish's mission of wildlife conservation.

BUCK APPLEBY HUNTER EDUCATION INSTRUCTOR OF THE YEAR AWARD: Any hunter education instructor who actively participates in hunter education activities and demonstrates the highest level of customer service, dedication and professionalism during these activities. Award category recently approved by the AZGFD Commission in honor of Buck Appleby, a long time hunter education instructor who passed away in 2010.

WILDLIFE HABITAT STEWARD OF THE YEAR: Nominations solicited by SSDV (Troy Christensen) and reviewed and ranked by LLSRC for Commission consideration.

CHAIRMAN'S AWARD: At the sole discretion of the Commission Chair. (Nominations not taken).

Commissioner Davis suggested a new award for Game and Fish North American Model of the Year Award that would be given to a selected Game and Fish employee.

Motion: Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO CREATE AN ADDITIONAL AWARD FOR GAME AND FISH NORTH AMERICAN MODEL OF THE YEAR AND FOR THIS AWARD TO BE GIVEN TO A SELECTED GAME AND FISH EMPLOYEE.

Vote: Unanimous
4 to 0

Commissioner Davis will work with the Department to establish the criteria for the award.

Motion: Madden moved and Mansell seconded THAT THE COMMISSION VOTE TO ADOPT THE AWARD CATEGORIES FOR THE 2013 COMMISSION AWARDS AS PRESENTED.

Vote: Unanimous
4 to 0

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8. Executive Session (Saturday Agenda Item #8)

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

Meeting reconvened at 1:30 p.m.

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8. Call to the Public (re-opened)

There were no requests to speak at this time.

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9. Western Association of Fish and Wildlife Agencies Grassland Initiative

Presenter: William E. Van Pelt, WAFWA Grassland Coordinator

Mr. Van Pelt provided a PowerPoint presentation and briefing on the Departments' participation in Western Association of Fish and Wildlife Agencies Grassland Initiative. The Department has been engaged in the Western Association of Fish and Wildlife Agencies (WAFWA) Grassland Initiative since its inception. In 2004, WAFWA used the renewal of the 1998 MOU for black-tailed prairie dog conservation as a vehicle to begin the transition toward an ecosystem management approach (i.e. prairie grasslands) in the Western Great Plains. In January 2006, member states within this area (i.e. parts of Arizona, Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wyoming, and Utah) finalized the Memorandum of Understanding for the Conservation and Management of Species of Conservation Concern Associated with Prairie Ecosystems (MOU). In January 2011, this MOU was extended for another five years of implementation.

The participating states and agencies agree that cooperation is necessary to collect and analyze data on these species and their habitats, and to plan and implement conservation actions necessary to establish and/or maintain viable populations of grassland species to maintain management at the local level and to preclude present or future endangerment, within the constraints of approved budgets. To assist with coordinating these proposed conservation efforts, which in turn contribute to implementing State Wildlife Action Plans, the affected 11 states and their partners have agreed to pool resources and hire a WAFWA Grassland Coordinator (WGC). Currently, Mr. Van Pelt of the Arizona Game and Fish Department (Department) serves as the WGC. Mr. Van Pelt has been with the Department for over 20 years and served as the first WAFWA Black-Tailed Prairie Dog Conservation Agreement Coordinator.

WAFWA has a proven track record on delivering on their collaborative grassland conservation partnership. By implementing a host of conservation priority actions as identified in State Wildlife Action Plans such as reintroduction and translocation efforts, monitoring and management of diseases and populations, genetic analysis, and regulation modification, the states and their partners have been successful at addressing threats across a broad landscape and have contributed to status reviews that led to the removal of the need to list three species (black-tailed prairie dog, swift fox, and mountain plover) petitioned under the Endangered Species Act.

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9A. A Briefing on Department Missions and Challenges that Required Out-of-State Travel in FY12

Presenter: Gary R. Hovatter, Special Assistant to the Director

Mr. Hovatter provided a PowerPoint presentation and briefing on the first of a series of annual reports to the Commission on the return to Arizona for the Department's investment in Out-of-State travel. The most important objective of the Department's Out-of-State travel is to never have Arizona's chair empty at a table where issues are being decided that are strategically important to maintaining and enhancing Arizona's right and ability to manage its wildlife and wildlife related recreation future. Out-of-State travel also builds and sustains strategic relationships, and accesses skills, capabilities, expertise and training that would otherwise be unavailable. Out-of-State travel embeds Arizona wildlife issues and values into the national agenda and enables the Department to pursue strategic ends through establishing, maintaining and enhancing strategic relationships.

The following are several significant Department accomplishments resulting from Out-of-State travel:

- Provided a national voice for Arizona on:
 - Federal Endangered Species policy and practices
 - Federal lands management policy and practices
 - Federal fisheries management policy and practices
 - International conservation issues.
- Director served as Vice Chair of the Executive Committee of the Association of Fish & Wildlife Agencies (AFWA), the collective voice of state and territorial wildlife agencies in the Washington, DC, leading battles on:
 - State authorities over wildlife and state-centric legal strategies
 - Lead ammunition and fishing tackle
 - Shooting sports
 - Angling
 - Boating industry relationships
 - Federal excise tax programs – Pittman-Robertson, Dingell-Johnson
 - Sustainable Conservation Funding
 - Department led/staffed 26 of AFWA's 29 Committees/Working Groups.
- Director served as Vice Chair of the Executive Committee of the Western Association of Fish & Wildlife Agencies (WAFWA), the collective voice of for western states wildlife issues on:
 - Invasive species working group -- Chair
 - Mule Deer working group – Chair
 - Western quail working group – Chair
 - President's ESA Strategy Working Group – Chair
 - Human Dimensions – Vice Chair
 - Department led/staffed 22 of WAFWA's 26 Committees/Working Groups.
- Provided a national voice for Arizona on:
 - The Industry-Agency Coalition
 - The Wildlife and Hunting Heritage Conservation Council (WHHCC)

- Federal Aid Joint Task Force
- Joint Task Force for Endangered Species Act Administration
- The Council to Advance Hunting and Shooting Sports
- The Trilateral (U.S.-Canada-Mexico) Committee Executive Table.

Mr. Hovatter's provided the Commission with detailed information on Department travel expenses for FY12 and a breakdown of travel days for specific subject matters including:

- Training, Education & Operational Enhancement
- Game-Species
- Nongame, Threatened & Endangered Species Activities
- Fisheries & Aquatics Management
- Invasive & Aquatic Invasive Species
- Promoting & Defending Shooting Sports
- Law Enforcement & Law Training/Coordination
- Enterprise Architecture, Information Technology, & GIS
- Boating & Watercraft Activities
- Off Highway Vehicle
- International Initiatives

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

Presenter: Gene Elms, Law Enforcement Branch Chief

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

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

Meeting reconvened at 3:37 p.m.

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9B. Commission Briefing on the Publication of Proposed Rules Regarding the Classification of Gray Wolf and Modification of the 10j Rule Governing the Arizona-New Mexico Population of Mexican Wolf.

Presenter: Jon Cooley, Endangered Species Coordinator

Mr. Cooley briefed the on the two proposed rules to be published this week in the Federal Register. The U.S. Fish and Wildlife Service (USFWS) recently published two separate proposed rules (Federal Register, Thursday, June 13, 2013), which directly involve the listing status and management framework of Mexican wolf. The first proposed rule is titled "Removing the Gray Wolf (*Canis lupus*) from the List of Endangered and Threatened Wildlife and Maintaining Protections for the Mexican Wolf (*Canis lupus baileyi*) by Listing It as Endangered", which seeks to: 1) delist Gray wolf at the species level (the present listed entity), and 2) maintain endangered listing status of Mexican wolf by listing it as an endangered subspecies (*C. l. baileyi*)

under the Endangered Species Act (ESA). This USFWS proposed rule notes the endangered listing for Mexican wolf is based on the newly listed subspecies continuing to be “in danger of extinction throughout all of its range due to small population size, illegal killing, inbreeding, loss of heterozygosity and adaptive potential, and the cumulative effect of all threats.”

The second rule proposed by USFWS is the "Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf", which outlines proposed revisions to the existing nonessential experimental population designation (NEP) framework that has guided Mexican wolf reintroduction efforts in the Blue Range Wolf Recovery Area since the 1998 inception of the wolf program. This proposed rule outlines and evaluates proposed revisions to the existing NEP framework, which (if finalized) will alter wolf management approaches and potentially increase the scope and scale of existing wolf management in Arizona. This proposed rule also serves to ensure the new NEP designation will be appropriately and accurately associated with the jointly proposed Mexican wolf subspecies listing.

Mr. Cooley provided a summary of the major elements tied to each proposed rule as it relates to the Mexican wolf reintroduction program in Arizona, while also providing information on actions the Department intends to pursue in developing and submitting comments on both proposed rules within the 90-day comment period.

Some highlights of the major proposed changes from existing 1998 NEP final rule include the following:

- Remove White Sands Wolf Recovery Area (NM) from the recovery area
- Remove the small strip of currently designated Mexican Wolf Experimental Population Area in west-central Texas from the recovery area
- Add Sitgreaves National Forest (AZ) to the Blue Range Wolf Recovery Area
- Add Payson, Pleasant Valley, and Tonto Basin Ranger Districts of the Tonto National Forest (AZ) to the Blue Range Wolf Recovery Area
- Add the Magdalena Ranger District of the Cibola National Forest (NM) to the Blue Range Wolf Recovery Area
- New releases would be allowed within the broader expanded Blue Range Wildlife Recovery Area, including portions proposed for expansion in Arizona and New Mexico, which, if finalized, represents an expansion beyond the existing primary area of the Blue Range Wildlife Recovery Area in a portion of the Apache National Forest in Arizona
- Mexican wolves would be allowed to disperse and establish territories within the proposed Mexican Wolf Experimental Population Area (area between I-40 and I-10 in Arizona and New Mexico).

The Department intends to launch a public engagement process that will include at least five public meetings and at least one webcast meeting, and then the Department will submit comments within the 90-day comment period.

Public Comment

Pascal Berlioux, Executive Director, Eastern Arizona Counties Organization (EACO), encouraged the Commission to support Mexican wolf recovery and to work with EACO and the USFWS on Mexican wolf recovery.

J. Steven Smith, Rancher, stated that there are already wolves in Apache Sitgreaves and they have been in the Tonto, and maybe that is why the USFWS wants the expansion.

Commissioner Davis stated that the Game and Fish Commission has been supportive of a successful and viable wolf reintroduction program. The Department will launch a public engagement process and we need to maintain communication with our constituents, but it is also important to construct and finalize a state wolf recovery plan, by which we would respond to these issues. Arizona would then have a clear voice as it responds to this multi-jurisdictional process. Now that New Mexico would also potentially house a wolf population, it would be important to explore a coordinated response with New Mexico along with our Native American Tribes and Nations who will have to play a role in this because of the land mass that is being proposed. A state wolf plan and the coordination with New Mexico and the Tribes has to be based upon the premise of a wolf population having necessary genetic integrity. Through a state plan and through our comments back to our federal partners on this issue, a clear understanding could be communicated from the people of Arizona of what geographic area that this Commission and Department think is appropriate for managing wolves in Arizona. That would include an appropriate, genetically, defensible population of wolves and would include the number of how many wolves can be sustained.

Chairman Harris agreed with Commissioner Davis' comments and added that the Commission supports Mexican wolf recovery, but not at the expense of everything else. Also, this is an international issue as well because the vast majority of Mexican wolf historical range occurs in Mexico and Arizona would, accordingly, be contributing to Mexican wolf recovery. Those areas in Mexico are going to be critical in the overall recovery of the Mexican wolf, so this is not just an Arizona or New Mexico issue.

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

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13. Field Trip

Following the meeting that recessed at 3:50 p.m., the Commission participated in a field trip along with Department staff to view SR 260 wildlife crossings, Ponderosa Campground and Tonto Creek stream restoration efforts. The field trip ended at approximately 6:00 p.m. No legal action was taken during the field trip.

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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

Steve Frazier commented from the Region 5 Office regarding the license fee structure and stated that he does not have access to a computer or a library to get access to Department information. He requested that the Department post meeting dates and times in the regulation books. He also stated that if the application fee goes to \$13 and a javelina tag goes to \$25, it will cost \$38 to hunt javelina and that is too expensive for a javelina. The prices should be left where they are. Also, the proposed premium hunts for white tail deer are too high.

Chairman Harris stated that the meeting dates were not established when the regulation books were published, but that Mr. Frazier can always call the regional office for any information regarding the Department or Commission. Chairman Harris invited Mr. Frazier to stay and comment on agenda item #7 for discussion on the license and fee structure topics.

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2. Consent Agenda

The following items were grouped together and noticed as consent agenda items to expedite action on routine matters or on items that were presented to the Commission as first read items at a previous Commission meeting. 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 as needed. The Commission voted to pull item p for discussion at Friday's meeting following agenda item #2 in order to release Department staff that didn't need to be present for the consent agenda items. 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. Flagstaff Regional Office Lease Agreement with the Arizona State Forester

Presenter: Joyce Francis, Habitat Branch Chief

Since 1978, the Commission has leased a portion of the Flagstaff Regional Office property to the Arizona State Forester for use as an Administrative Site. The current lease expires on July 5, 2013 and the State Forester has requested that this lease be renewed.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE RENEWAL OF A LEASE AGREEMENT WITH THE ARIZONA STATE FORESTER FOR USE OF A PORTION OF THE FLAGSTAFF REGIONAL OFFICE PROPERTY AS AN ADMINISTRATIVE SITE, AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT, AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

f. License Agreement with Southwest Transmission Cooperative at Willcox Playa Wildlife Area

Presenter: Joyce Francis, Habitat Branch Chief

Southwest Transmission Cooperative (SWTC) has a fifty year right of way grant from the Bureau of Land Management established in 1963. In 1971, the Commission received a patent to a portion of the Willcox Playa Wildlife Area subject to the right of way grant. The grant is expiring and SWTC has requested to continue the use of the right of way. This right-of-way is in the public interest and consistent and compatible with the operation of the Willcox Playa Wildlife Area.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE LICENSE AGREEMENT WITH SOUTHWEST TRANSMISSION COOPERATIVE FOR A 230 KV TRANSMISSION LINE AT THE WILLCOX PLAYA WILDLIFE AREA, COCHISE COUNTY, ARIZONA, AND EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

g. Request to Approve Commission Policy A2.39 on Establishing License Classifications and Fees as Authorized by the Passage of Senate Bill 1223.

Presenter: Ty Gray, Deputy Director

At the May 2013 Commission meeting, the Department presented the Commission with a first read of the draft Commission policy A2.39 on establishing license classifications and fees as authorized by the passage of Senate Bill 1223.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE COMMISSION POLICY A2.39 (ATTACHED) ON ESTABLISHING LICENSE CLASSIFICATIONS AND FEES AS AUTHORIZED BY SB 1223.

h. Approval of Law Enforcement Boating Safety Fund (LEBSF) Grant Allocation Formula for FY 2013.

Presenter: Lizette Morgan, CFO, Business & Finance

ARS §5-323 requires that 35% of watercraft registration fees shall be allocated as follows: 15% to the state lake improvement funds to be used as prescribed by section §5-382, and 85% to the law enforcement boating safety fund to be used as prescribed in section §5-383.

In the 2011 Legislative Session, ARS §5-383 was modified to require the Arizona Game and Fish Commission to annually approve the funding allocation formula for the Law Enforcement Boating Safety Grants and the responsibility for administering the fund was transferred to the State Treasurer. The Commission is required to approve the formula annually.

The proposed formula is the historical formula which has been used by State Parks to distribute funds to the counties. This formula is updated every three years to reflect current Watercraft Survey data and revised salary data from the counties. For FY 14, the data has been updated and the current allocation formula is attached.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE LAW ENFORCEMENT BOATING SAFETY GRANT ALLOCATION FORMULA FOR FISCAL YEAR 2014 AS PRESENTED (ATTACHED).

i. Request to Approve the Expenditure of Unspent Balances in the Heritage Fund, Wildlife Conservation Fund, and Off Highway Vehicle Recreation Fund for Fiscal Year 2014.

Presenter: Lizette Morgan, Chief Financial Officer

The Department requests Commission approval for the expenditure of unspent fund balances from the Heritage fund, including all of its sub-funds, for Fiscal Year 2014, and for the expenditure of unspent fund balances from the Wildlife Conservation Fund and the Off Highway Vehicle Recreation Fund for Fiscal Year 2014. Approval of these requests will ensure that remaining unspent balances in the Heritage, Off Highway Vehicle Recreation, and Wildlife Conservation Fund programs are available for expenditure in Fiscal Year 2014 for additional qualifying projects and to allow the Department to respond to revenue shortfalls and unforeseen needs. All property acquisition proposals utilizing unspent Heritage Acquisition monies will be brought before the Commission for individual review and approval for actual funding authority.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE EXPENDITURE OF UNSPENT FUND BALANCES FROM THE HERITAGE PROGRAMS AND SUB-PROGRAMS; THE WILDLIFE CONSERVATION FUND, AND THE OFF HIGHWAY VEHICLE RECREATION FUND, FOR FISCAL YEAR 2014.

j. Request to Approve the Game and Fish Fund Budget Request for Fiscal Year 2015.

Presenter: Lizette Morgan, Chief Financial Officer

The Game and Fish Fund consists primarily of revenue generated from the sale of licenses and tags. The Fiscal Year 2015 Budget Request is a continuation of the Fiscal Year 2014 appropriated budget adjusted for the following:

Personal Services and Employer Related Expenditures: The Department requests a base increase of \$306,000 as a placeholder for upcoming performance-based pay incentives for uncovered positions resulting from personnel reform passed in SB 1523, Fiftieth Legislature, Second Regular Session.

Other Operating Expenditures: In addition to base operating expenditures, the Department requests \$200,000 for information backup systems, \$200,000 for vehicle operation and maintenance, \$14,500 for increased travel costs, \$510,000 for vehicle replacement, \$135,700 for tasers and \$30,000 to replace a communication panel in the radio room. \$50,000 will be backed out for prior year, one-time costs.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED BUDGET REQUEST OF \$32,685,800 FOR FISCAL YEAR 2015 FOR THE GAME AND FISH FUND.

k. Request to Approve the Watercraft Licensing Fund Budget Request for Fiscal Year 2015.

Presenter: Lizette Morgan, Chief Financial Officer

Watercraft Licensing monies are generated from watercraft registration and boating infrastructure surcharge fees. The Fiscal Year 2015 Operating Budget request for the Watercraft Licensing Fund is a continuation of the Fiscal Year 2014 appropriated budget adjusted for the following:

Personal Services and Employer Related Expenditures: The Department requests a base increase of \$35,000 as a placeholder for upcoming performance-based pay incentives for uncovered positions resulting from personnel reform passed in SB 1523, Fiftieth Legislature, Second Regular Session.

Other Operating Expenditures: The budget includes -\$146,793 in Fiscal Year 2015 for the following:

- -\$277,000 backed out for prior year, one-time costs
- \$15,000 for navigational aids on Lake Havasu
- \$50,000 for aquatic invasive species mitigation at Lake Powell
- \$177,100 for vehicle replacement, tasers, and other operating expenses.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED BUDGET REQUEST OF \$4,504,300 FOR FISCAL YEAR 2015 FOR THE WATERCRAFT LICENSING FUND.

l. Request to Approve the Game, Nongame, Fish and Endangered Species Fund Budget Request for Fiscal Year 2015.

Presenter: Lizette Morgan, Chief Financial Officer

The Game, Nongame, Fish and Endangered Species Fund consists of revenue generated from the Arizona Income Tax Check-Off. The Fiscal Year 2015 budget request for Game, Nongame, Fish and Endangered Species Fund is a continuation of the Fiscal Year 2014 budget as appropriated by the Legislature. The Department is requesting \$261,000 in Fiscal Year 2015 for the Game, Nongame, Fish and Endangered Species Fund Operating Budget.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED BUDGET REQUEST OF \$261,000 FOR FISCAL YEAR 2015 FOR THE GAME, NONGAME, FISH AND ENDANGERED SPECIES FUND.

m. Request to Approve the Capital Improvement Fund Budget Request for Fiscal Year 2015.

Presenter: Lizette Morgan, Chief Financial Officer

Revenues for the Capital Improvement Fund are generated from fund transfers from the Conservation Development Fund, which receives revenues from surcharges on the sale of fishing, hunting, and combination hunting/fishing licenses. The Department is requesting a budget of \$1,500,000 in Fiscal Year 2015 for the following projects:

- | | |
|--------------------------------------|-------------|
| • Headquarters Payment | \$1,000,000 |
| • Property Operation and Maintenance | \$ 300,000 |
| • Dam Maintenance | \$ 200,000 |

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED BUDGET REQUEST OF \$1,500,000 FOR FISCAL YEAR 2015 FOR THE CAPITAL IMPROVEMENT FUND.

n. Request to Approve the Waterfowl Conservation Fund Budget Request for Fiscal Year 2015.

Presenter: Lizette Morgan, Chief Financial Officer

The Waterfowl Conservation Fund consists of revenues from the sale of Waterfowl Duck Stamps, royalties from the sale of prints, and interest on funds invested. The Fiscal Year 2015 Operating Budget Request adjusts the Fiscal Year 2014 budget, as appropriated by the Legislature for developing migratory waterfowl habitat and associated research and management to increase the number of migratory waterfowl in Arizona.

Other Operating Expenditures: The Department is requesting an increase of \$36,600 in Fiscal Year 2015 in Other Operating Expenditures for habitat conservation, stewardship, and waterfowl management and research projects.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED BUDGET REQUEST OF \$80,000 FOR FISCAL YEAR 2015 FROM THE WATERFOWL CONSERVATION FUND.

o. Request to Approve the Wildlife Endowment Fund Budget Request for Fiscal Year 2015.

Presenter: Lizette Morgan, Chief Financial Officer

The Wildlife Endowment Fund receives revenues from the sale of lifetime hunting and fishing licenses. The Fiscal Year 2015 Budget Requests are a continuation of the Fiscal Year 2014 budget, as appropriated by the Legislature. This appropriation facilitates an annual interest transfer to the Game and Fish Fund per ARS §17-271. The Department is requesting \$16,000 in Fiscal Year 2015 to facilitate an annual transfer of accumulated interest to the Game and Fish Fund.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED BUDGET REQUEST OF \$16,000 FOR FISCAL YEAR 2015 FROM THE WILDLIFE ENDOWMENT FUND

q. Request to Approve the Heritage Fund Budget Request for Fiscal Year 2015.

Presenter: Lizette Morgan, Chief Financial Officer

The Department requests Commission approval of proposed expenditures from the Public Access; Identification, Inventory, Acquisition, Protection, and Management; Habitat Evaluation and Protection; Urban Wildlife and Urban Wildlife Habitat; Environmental Education; and Administration and Support Services (Interest Monies) sub-funds for Fiscal Year 2015.

The Heritage Fund request for the Department is summarized below. Major fund highlights are:

Public Access: The requested budget for Fiscal Year 2015 is \$636,900

Personal Services and Employer Related Expense: The Department requests a base increase of \$8,000 as a placeholder for upcoming performance-based pay incentives for uncovered positions resulting from personnel reform passed in SB 1523, Fiftieth Legislature, Second Regular Session.

Other Operating Expense: The Department requests a base increase of \$12,000 for vehicle operation and maintenance.

Identification, Inventory, Acquisition, Protection, and Management: The requested budget for Fiscal Year 2015 is \$ 3,846,900.

Personal Services and Employer Related Expense: The Department requests a base increase of \$63,000 as a placeholder for upcoming performance-based pay incentives for uncovered positions resulting from personnel reform passed in SB 1523, Fiftieth Legislature, Second Regular Session.

Other Operating Expense: The Department requests a base increase of \$80,000 for vehicle operation and maintenance.

Capital Equipment: The Department is requesting \$72,000 to fund the continuation of the Department's fleet replacement program.

Acquisition: All property acquisition proposals utilizing the Acquisition account will be brought before the Commission for individual review and approval for actual funding authority.

Habitat Evaluation and Protection: The requested budget for Fiscal Year 2015 is \$1,530,400.

Personal Services and Employer Related Expense: The Department requests a base increase of \$3,000 as a placeholder for upcoming performance-based pay incentives for uncovered positions resulting from personnel reform passed in SB 1523, Fiftieth Legislature, Second Regular Session.

Other Operating Expense: The Department requests a base increase of \$7,500 for vehicle operation and maintenance; and \$66,900 for software maintenance and support.

Urban Wildlife and Urban Wildlife Habitat: The requested budget for Fiscal Year 2015 is \$1,753,500.

Personal Services and Employer Related Expense: The Department requests a base increase of \$19,000 as a placeholder for upcoming performance-based pay incentives for uncovered positions resulting from personnel reform passed in SB 1523, Fiftieth Legislature, Second Regular Session.

Other Operating Expense: The Department requests a one-time increase of \$5,500 for the purchase of tasers for law enforcement personnel.

Capital Equipment: The Department is requesting \$92,000 to fund the continuation of the Department's fleet replacement program.

Environmental Education: The requested budget for Fiscal Year 2015 is \$452,400.

Personal Services and Employer Related Expense: The Department requests a base increase of \$4,000 as a placeholder for upcoming performance-based pay incentives for uncovered positions resulting from personnel reform passed in SB 1523, Fiftieth Legislature, Second Regular Session.

Other Operating Expense: The Department requests a base increase of \$8,000 for vehicle operation and maintenance.

Capital Equipment: The Department is requesting \$50,000 to fund the continuation of the Department's fleet replacement program.

Heritage Fund Administration and Support Services (Interest Monies): The requested budget for Fiscal Year 2015 is \$153,000. The interest earned on the Heritage fund is insufficient to cover the expenditures for this program.

Personal Services and Employer Related Expense: The Department requests a base increase of \$4,000 as a placeholder for upcoming performance-based pay incentives for uncovered positions resulting from personnel reform passed in SB 1523, Fiftieth Legislature, Second Regular Session.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED EXPENDITURES FROM THE PUBLIC ACCESS; IDENTIFICATION, INVENTORY, ACQUISITION, PROTECTION AND MANAGEMENT; HABITAT EVALUATION AND PROTECTION; URBAN WILDLIFE AND URBAN WILDLIFE HABITAT; ENVIRONMENTAL EDUCATION; AND ADMINISTRATION AND SUPPORT SERVICES (INTEREST MONIES) FOR FISCAL YEAR 2015.

r. Request to Approve the Off-Highway Vehicle Recreation Fund Budget Request for Fiscal Year 2015.

Presenter: Lizette Morgan, Chief Financial Officer

The Department requests Commission approval for proposed expenditures from the Off-Highway Vehicle Recreation Fund for Fiscal Year 2015. The Off-Highway Vehicle Recreation Fund consists of revenues generated from motor vehicle fuel taxes and off-highway vehicle decal sales. Annual revenue projections are estimated to be \$1,602,000 for Fiscal Year 2015.

Personal Services and Employer Related Expense: The Department requests a base increase of \$4,000 as a placeholder for upcoming performance-based pay incentives for uncovered positions resulting from personnel reform passed in SB 1523, Fiftieth Legislature, Second Regular Session.

Other Operating Expenses: The Department requests a base increase of \$23,000 for vehicle operation and maintenance; and the Department requests a one-time increase of \$8,800 for the purchase of Tasers for law enforcement personnel.

Capital Equipment: The Department requests \$86,000 to fund the continuation of the Department's fleet replacement program and \$50,000 to purchase ATVs.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED BUDGET REQUEST OF \$1,873,500 FOR FISCAL YEAR 2015 FROM THE OFF-HIGHWAY VEHICLE RECREATION FUND.

s. Request to Approve the Arizona Wildlife Conservation Fund Budget Request for Fiscal Year 2015.

Presenter: Lizette Morgan, Chief Financial Officer

The Department requests Commission approval for proposed expenditures from the Arizona Wildlife Conservation Fund for Fiscal Year 2015. The Wildlife Conservation Fund monies are generated from shared gaming revenues, through the Arizona Benefits Fund, with the State of Arizona and local governments, to support specified state and local programs. Annual revenue projections are estimated to be \$6,223,000 for Fiscal Year 2015.

The Department is transferring the Tonto Creek Hatchery from Federal DJ to WCF in the amount of \$388,700. The Department is adding a Social Media/Mobile App Developer for \$90,000.

Personal Services and Employer Related Expense: The Department requests a base increase of \$39,000 as a placeholder for upcoming performance-based pay incentives for uncovered positions resulting from personnel reform passed in SB 1523, Fiftieth Legislature, Second Regular Session.

Other Operating Expenses: The Department is requesting increases of \$426,900 for Fiscal Year 2015. The major highlights are:

- \$18,600 Vehicle Operations and Maintenance
- \$27,000 Sylvatic Plague
- \$30,000 Security Fencing at FOR1
- \$35,000 Well at Horseshoe Ranch
- \$50,000 Gizzard Shad Sampling at Roosevelt Lake
- \$120,000 Website Migration to Virtual Environment

Capital Equipment: The Department is requesting \$92,000 for Fiscal Year 2015 to fund the continuation of the Department's fleet replacement program and to upgrade aircraft avionics.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED BUDGET REQUEST OF \$7,259,100 FOR FISCAL YEAR 2015 FROM THE WILDLIFE CONSERVATION FUND.

t. Request to Approve the Indirect Cost Recovery Fund Budget Request for Fiscal Year 2015.

Presenter: Lizette Morgan, Chief Financial Officer

The Department requests Commission approval for proposed expenditures from the Indirect Cost Recovery Fund for Fiscal Year 2015. The Indirect Cost Recovery Fund is used to collect and recover indirect costs from federal grants and agreements and from the Heritage Fund. Monies are recovered by transferring a set percentage of personal services costs from the subject accounts. In FY 2015, estimated recoveries are \$4,041,800.

Personal Services and Employer Related Expense: The Department requests a base increase of \$39,000 as a placeholder for upcoming performance-based pay incentives for uncovered positions resulting from personnel reform passed in SB 1523, Fiftieth Legislature, Second Regular Session.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED BUDGET REQUEST OF \$3,882,800 FOR FISCAL YEAR 2015 FROM THE INDIRECT COST RECOVERY FUND.

Motion: Madden moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEMS A THROUGH O AND Q THROUGH T. (Item p pulled for discussion)

Vote: Unanimous
4 to 0

p. Request to approve the Fiscal Year 2014 Modified budget for Wildlife and Sport Fish Restoration (WSFR) grants and the Federal Assistance Funds Budget Request for Fiscal Year 2015.

Presenter: Lizette Morgan, Chief Financial Officer

The Department requests Commission approval for proposed expenditures from the modified budget for WSFR grants for Fiscal Year 2014 and the WSFR; Coast Guard Boating Safety; Section 6 Endangered Species Act and State Wildlife Grants for Fiscal Year 2015. The Federal Assistance request for the Department was summarized and provided to the Commission prior to this meeting (and was available to the public), and represents a modified Fiscal Year 2014 WSFR budget.

Ms. Morgan provided a PowerPoint presentation and briefing on the Pittman-Robertson (Federal Assistance in Wildlife Restoration) portion of this request. The Federal Wildlife Restoration Act authorizes a federal excise tax on sporting arms, ammunition, archery equipment, and handguns, and is apportioned to states based on a formula of 50% on land area and 50% on paid hunting license holders. It provides funding for wildlife management including: restoration and improvement of habitat, research, and the distribution of information. Funding can also be used for hunter training programs and the development, operation and maintenance of public target ranges. Due to recent dramatic increases in ammunition and firearm sales, the Department has seen an increase of 3.8 million dollars for FY 14 and is estimating the same for FY 15. The Department sees this as a bubble and has built this budget item with that bubble in mind. The Department expects that this will level out again at some point in the future. The presentation included detailed information on how the Department intends to use these additional short-lived

funds on items that will move the Department forward and not necessarily on items planned for year to year funding.

The major highlights for the modified Fiscal Year 2014 WSFR budget and for the Fiscal Year 2015 Budget Request amounts are as follows:

FY 2014 Modified WSFR Budget:

Other Operating Expenditures:

- \$233,800 Urban fishing in the neighborhoods program
- \$108,000 Hatchery rising costs
- \$400,000 Statewide shooting ranges
- \$200,000 Ben Avery shooting facility
- \$200,000 Hunter safety and shooting sports
- \$400,000 Access programs
- \$350,000 Grasslands restoration
- \$265,000 Elk survey methodology
- \$250,000 Game data management software upgrade
- \$140,000 Catalina Bighorn sheep
- \$130,000 Increase big game surveys
- \$102,000 Sheep/Lion predation study
- \$86,500 Forest restoration
- \$63,200 Increase in vehicle operation and maintenance
- \$56,500 Disease surveillance
- \$44,000 License dealer automation
- \$29,000 Kaibab cheat grass study
- \$28,000 Aspen survey study
- \$25,000 Dove banding.

Capital Equipment: \$529,500 Replace one transport trailer, bulldozer, water truck and snowmobile.

FY 2015 Budget Highlights:

Personal Services and Employer Related Expenditures: The Department requests a base increase of \$309,000 as a placeholder for upcoming performance-based pay incentives for uncovered positions resulting from personnel reform passed in SB 1523, Fiftieth Legislature, Second Regular Session.

Other Operating Expenditures:

- \$600,000 Access Programs
- \$99,000 Increase in vehicle operation and maintenance
- \$50,000 Increase in big game surveys
- \$45,000 Migratory waterfowl
- \$75,000 Warm water fish acquisition and stocking
- \$25,000 Page Springs Hatchery visitor center renovation

- \$12,000 Sterling Springs water conveyance pipe replacement.

Capital Equipment:

- \$518,500 Replace 7 vehicles and a three-ton fish stocking truck.
- \$45,000 Replace one boat and trailer.
- \$20,000 Voice data recorder.
- \$12,000 Hydro lab for water quality.

Dingell-Johnson/Wallop-Breaux (Federal Assistance in Sport Fish Restoration): The federal apportionment for Fiscal Year 2014 is \$7.1 million, which is a slight increase from Fiscal Year 2013. The apportionment for Fiscal Year 2015 is anticipated to be \$7 million. With the addition of carry forward funds from unspent grant balances, the Department is projecting the total federal contribution from “The Federal Assistance in Sport Fish Restoration” to be \$7.7 million in Fiscal Year 2015.

Pittman-Robertson (Federal Assistance in Wildlife Restoration): The federal apportionment for Fiscal Year 2014 is \$13.24 million; an increase of 43.7% for wildlife restoration and an increase of 38.4% for Hunter Education from Fiscal Year 2013. The apportionment for Fiscal Year 2015 is anticipated to be \$13 million. The Department is projecting the total federal contribution from “Federal Assistance in Wildlife Restoration” to be \$12.9 million in Fiscal Year 2015.

Coast Guard Boating Safety: The federal allocation is \$1.5 million less sequestration of \$66 thousand for a net of \$1.4 million for Fiscal Year 2014 and \$1.4 million less an anticipated sequestration of 8.5% for Fiscal Year 2015. The budget request for Fiscal Year 2015 represent a continuation of the Fiscal Year 2014 budget.

Section 6, Endangered Species Act: Section 6 funds are only eligible for expenditure on candidate, threatened, and endangered species. For nearly a decade, AGFD has allocated the majority of this grant to the Mexican wolf reintroduction project. The funds, coupled with annual federal contracts provided specifically for the wolf program, are used to support personnel services and project costs of the Department’s Interagency Field Team, which typically consists of up to five personnel. The budget request for Fiscal Year 2015 represents a continuation of the Fiscal Year 2014 budget. The projected allocation for Fiscal Year 2015 is anticipated to be \$305,000.

State Wildlife Grants: State Wildlife Grants (SWG) are only eligible for expenditure on Species of Greatest Conservation Need as identified in Arizona’s State Wildlife Action Plan, which was developed following eight elements required by Congress for state eligibility in the program. SWG is matched with Heritage IIAPM funds. Collectively, these funds support the Nongame and Endangered Wildlife Conservation Program, with focus areas being native birds, mammals, fish, amphibians, reptiles and some invertebrates. Implementation is conducted by the Phoenix, Regional, and associated remote location field offices. The funding is appropriated annually and fluctuates from year to year. The federal allocation for Fiscal Year 2014 is \$1.2 million, and the projected federal allocation for Fiscal Year 2015 is estimated to decrease slightly. The funds are utilized for multi-year projects, and revenues will be received over the course of the project periods. The estimated funding in Fiscal Year 2015 will allow for continuation of projects to conserve wildlife.

Contract Monies: The estimated budget for Fiscal Year 2015 represents a continuation of the Fiscal Year 2014 budget. Projected revenue for Fiscal Year 2015 is anticipated to remain stable at approximately \$5.0 million each year. These are generally contracts for wildlife inventory and research. Examples of Fiscal Year 2014 contracts include studies of Sonoran Pronghorn and Desert Tortoise, and Wildlife/Vehicle Collision Studies.

Motion: Madden moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED EXPENDITURES FROM THE DINGELL-JOHNSON/WALLOP-BREAUX; PITTMAN-ROBERTSON; STATE WILDLIFE GRANTS; COAST GUARD BOATING SAFETY; AND SECTION 6 ENDANGERED SPECIES ACT FOR FISCAL YEAR 2015; AND THE FISCAL YEAR 2014 MODIFIED BUDGET FOR WILDLIFE AND SPORT FISH RESTORATION (WSFR) GRANTS.

Vote: Unanimous
4 to 0

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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 in regards to Commission Orders 19, 20 and 24 for the 2013-2014 hunting season.

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

Vote: Unanimous
4 to 0

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3. Consideration of Proposed Commission Orders 19, 20, and 24 for the 2013–2014 Hunting Season.

Presenter: Johnathan O’Dell, Small Game Biologist

Mr. O’Dell presented the Commission with the Department’s proposals for Commission Orders 19 (dove), 20 (band-tailed pigeons), and 24 (sandhill cranes) for establishing seasons and season dates, bag and possession limits, and open-closed areas for the 2013-2014 hunting seasons. A Power Point presentation was provided that included historical information, graph comparisons, survey data, and maps. A detailed description of all proposals were provided to the Commission prior to this meeting for review and consideration and was also available for public review at all Department offices. Information provided to the Commission included the following:

Commission Order 19 – Dove

Harvest data—The Fish and Wildlife Service estimates dove harvest in Arizona through the Harvest Information Program (HIP). The HIP program estimates hunter participation, success, and harvest by surveying a random sample of hunters who purchase an Arizona Migratory Game Bird Stamp. This survey has been in place since 1999.

Mourning dove—HIP harvest data for the 2011 dove seasons indicated the number of hunters hunting mourning doves decreased 12.6% from the 2010 season. Similarly, the number of days hunters spent in the field decreased 15.1% in 2011. According to HIP, the total mourning dove harvest in 2011 was 784,600 birds, a decrease of 16.7% over the previous year's harvest. HIP data for 2012 is not yet available.

White-winged dove—HIP harvest data for the 2011 seasons indicate 118,900 white-winged doves were harvested, a 40% increase over 2010. HIP data for 2012 is not yet available.

Dove call counts—Dove call counts are conducted each year during the last week of May. Therefore, call counts for 2013 have been conducted but were not available at this time. The 2012 call count index for mourning doves was 14.0, essentially the same as that measured during the 2011 call count (13.9). White-winged call counts in 2012 decreased from 2011 (16.8 and 24.4 respectively).

Mourning dove harvest management plan—In March 2008, the Pacific Flyway Council adopted an interim harvest strategy for mourning doves for implementation in 2009. This harvest strategy uses call counts, harvest estimates derived from HIP, harvest rate derived from banding, and Breeding Bird Survey data to calculate a trend for dove populations. The trend estimate is then used to assign harvest packages for mourning dove seasons. For this year, the trend indicates a moderate season framework for mourning doves; this is no change from last year's season structure.

White-winged dove season framework change—In March 2011, the Pacific Flyway Council recommended a change in the white-winged dove season framework for Arizona. The previous framework allowed a maximum bag of 6 white-winged doves per day for the early season hunt. The 2011 framework allowed the white-winged bag to be considered as part of the aggregate in the 10 mourning dove bag limit. This allows hunters to bag 10 doves total, either 10 mourning doves, 10 white-winged doves, or an aggregate of the two species. This makes it easier for hunters to avoid an inadvertent over limit of white winged doves. Hunters responded positively to this structure last year. There is no recommended change from last year's season structure.

Eurasian collared doves—In 2008, the Commission opened yearlong seasons on Eurasian collared doves with an unlimited bag. This year, the Department recommends keeping that same season structure. Because they are non-native, they are specifically excluded from the Migratory Bird Treaty Act, so the Fish and Wildlife Service has no management oversight; management in Arizona therefore belongs entirely to the Arizona Game and Fish Commission.

Changes in open areas for dove hunting—Due to previous legislation in Arizona allowing hunting in areas within municipal boundaries safe for hunting, many areas previously closed to dove hunting will be open again this year. We also recommend adding the following City of Tucson Water Properties located in Avra Valley to be open to hunting: the Duval and Penzoil-Duval properties in Unit 36C and the Buckelew property in Unit 37A.

Changes to dove possession limit—In March 2013, the Pacific Flyway recommended changing the possession limit of doves from the current twice daily bag number to three times the daily bag limit. In Arizona and California, the season length shall be not more than 60 consecutive days, which may be split between two periods, September 1–15 and November 1–January 15. In Arizona, during the first segment of the season, the maximum daily bag limit may be 10 mourning and white-winged doves in the aggregate. During the remainder of the season, the maximum daily bag limit may be 10 mourning doves. In California, the daily bag limit is 10 mourning and white-winged doves in the aggregate. The possession limit may be three times the daily bag limit. California will be recommending increasing their possession limit to increase to the thrice-daily bag.

Harvest strategy for mourning doves adopted by the Pacific Flyway Council, March, 2013 recommends a moderate framework for this year. The white-winged dove season bag limit is now tied to the mourning dove framework and applies to both species in an aggregate. The white-winged dove framework still differs in that it is only a 15 day season from September 1–15.

Harvest strategy for mourning doves adopted by the Pacific Flyway Council, March, 2013:

State	Restricted Framework	Moderate Framework	Liberal Framework
Arizona California	60 days, the season may be split between two periods; September 1–15 and November 1–January 15; Bag and Possession limits of 8 and 24 respectively	60 days, the season may be split between two periods; September 1–15 and November 1–January 15; Bag and Possession limits of 10 and 30 respectively	60 days, the season may be split between two periods; September 1–15 and November 1–January 15; Bag and Possession limits of 12 and 36 respectively
Nevada Utah Idaho Oregon Washington	30 days, Bag and Possession limits of 8 and 24 respectively	30 days, Bag and Possession limits of 10 and 30 respectively	30 days, Bag and Possession limits of 12 and 36 respectively

Season Structure Recommendation:

The Department recommends no change to the season structure for mourning doves and white-winged doves over the 2012 recommendation. The 2013 recommendation is for a September season of 15 days from September 1–15 as per Federal Frameworks. The late season recommendation is for the season to be open from November 22, 2013 to January 5, 2014 for mourning doves only. This recommendation is the maximum number of days allowed under Federal Frameworks.

For the early season the Department recommends an aggregate bag of 10 mourning doves and white-winged doves, as per the revised Federal Frameworks. Recommended possession limits are 30 mourning doves or white-winged doves in the aggregate of which no more than 10 may be taken in any one day during the early season. For the late season, bag is recommended at 10

mourning doves per day and 30 in possession of which no more than 10 may be taken in any one day.

The dates for the Robbins Butte junior's-only hunt are recommended for September 7–8, 2013. Within the area, shooting stations will be established to accommodate 2 junior hunters each. Should demand exceed supply, shooting stations will be assigned by a drawing at 4:45 a.m. at the Robbins Butte Wildlife Area headquarters. To facilitate hunt operation, hunters will be required to check in and out. Bag limits and shooting hours will be the same as for the general season. Personnel from the Hunter Education Program and Region 6 will conduct the hunt.

The Department is recommending continuation of the extended falconry-only dove season initiated in 1991. Recommended falconry-only season dates are September 16 through November 1. This season recommendation includes the maximum number of hunt days available for falconry (47). Falconry is also a legal method of take during both the regular early and late dove seasons.

The Department recommends that Eurasian collared dove season to remain open yearlong (September 1, 2013 through August 31, 2014) with an unlimited bag limit. Falconry remains a recommended legal method of take with an open season yearlong for Eurasian collared doves. Pneumatic weapons are recommended as a lawful method of take for Eurasian collared doves.

Motion: Davis moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 19: DOVE, SUBJECT TO FINAL FEDERAL FRAMEWORKS, AS PRESENTED WITH THE EXCEPTION OF FOOTNOTE 21, AND THAT THE COMMISSION MEET ON AUGUST 1, 2013 TO DISCUSS AND TAKE ACTION ON FOOTNOTE 21; AND THAT THE COMMISSION DIRECTS THE DIRECTOR TO MEET WITH LEGAL COUNSEL WITH THE ATTORNEY GENERAL'S OFFICE TO COMMUNICATE WITH THE CITY OF TUCSON REFERENCING THIS ISSUE AS DISCUSSED IN EXECUTIVE SESSION.

(*Footnote 21: The following City of Tucson Water Properties located in Aura Valley are open to hunting: the Duval and Penzoil/Duval properties in Unit 36C and the Buckelew property in Unit 37A.)

Vote: Unanimous
4 to 0

Commissioner Davis stated for the record that direction would also include preparations for communications that may be necessary with local law enforcement related to Footnote 21 and to be prepared for the August 1, 2013 meeting.

Commission Order 20 – Band-tailed Pigeon

In 1997, the Harvest Information Program (HIP) replaced Arizona's harvest survey protocol for band-tailed pigeon. Band-tailed pigeons have always been difficult to survey for both harvest and population information. The principle management difficulty with these birds is that few hunters hunt them, so harvest information is difficult to estimate since traditional surveys often miss the majority of band-tail pigeon hunters. In addition, band-tailed pigeon distribution is

spotty and changes from year to year. Birds typically congregate where mast and other food sources are abundant, but those areas differ from year to year and may even change mid-summer.

Harvest information obtained from band-tailed pigeon hunters for the 1999–2011 seasons indicate Arizona has between 400 and 2,300 active hunters; 500 hunters were estimated in 2011. HIP harvest estimates indicate variable harvest of band-tails over 2001–2011 (400, 1,000, 1,400, 1,400, 2,200, 500, 1,000, 1,300, 2,300, 700, and 1,000 respectively). Data from 2012 is not yet available.

Season Structure Recommendation:

The Federal Frameworks for band-tailed pigeons within the four-corner states has allowed for more of a liberal season in the past. Based upon a declining population trend from the Breeding Bird Survey data and a gradual decrease in harvest over time, the Pacific Flyway Council adopted a recommendation in March 2013 for a season of not more than 30 consecutive days between September 1 and November 30 with a bag and possession limit of 2 and 6, respectively. This more closely resembles the current management of band-tailed pigeons in the Pacific states.

The Department is recommending that the season should be September 6–September 29, 2013 which allows for 4 weekends of hunting opportunity. Bag and possession limits of 2 and 6, respectively, are recommended statewide.

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 20: BAND-TAILED PIGEON, SUBJECT TO FINAL FEDERAL FRAMEWORKS, AS PRESENTED.

Vote: Unanimous
4 to 0

Commission Order 24 – Sandhill Crane

The sandhill cranes traditionally hunted in Arizona include cranes from both the Mid-Continent Population (M-CP) and Rocky Mountain Population (RMP). The RMP is composed entirely of greater sandhills. M-CP cranes are primarily the lesser subspecies with some Canadian subspecies. The population of RMP cranes is smaller than the M-CP and can tolerate only light harvest; hence, the number of RMP cranes harvested drives the number of permits in Arizona and other Pacific Flyway states.

The Pacific Flyway Council approved an updated RMP plan in March 2007. The RMP Cooperative Flyway Management plan established population objectives, a survey to monitor recruitment, and harvest levels that are designed to maintain a stable abundance between 17,000–21,000 birds. The plan contains a formula for calculating allowable annual harvests to achieve population objectives. All sandhill crane hunters in the range of the RMP must obtain a state permit to hunt cranes. This provides the sampling frame for independent state harvest estimates and allows for assignment of harvest quotas by state. In many areas, harvest estimates are supplemented by mandatory check station reporting. The Federal Frameworks cite the management plans approved by both the Central and Pacific Flyway Councils.

In 2013, there will not be check stations for M-CP or RMP sandhill cranes in the Whitewater Draw-Wilcox Playa areas. Check stations for RMP cranes are mandated every 3 years; the next check station for RMP cranes will be in fall 2014. Of all the birds checked in 2011, 34 were determined to be RMP cranes. Arizona's allocation of RMP cranes for 2012 was 85. Arizona remained within the allocation last year (Table 3), although the harvest was identical to the allocation. Arizona has never exceeded its allocation for RMP cranes.

Arizona's allocation for 2013 is 51 RMP cranes. The 2012 population estimate for RMP cranes was 17,494. This allocation is a reflection that RMP crane populations are within the population objective (17,000–21,000) defined in the management plan for sandhill cranes of in the Pacific Flyway, although the RMP population is at a lower level than last year.

Arizona has conducted its own January survey of M-CP and RMP sandhill cranes since 1978 and that survey shows a steady increase in the numbers of cranes wintering in the state. In 1978, AGFD counted 4,264 wintering cranes in Arizona. In the 2013 survey, 29,633 cranes were counted. Wintering habitat in both White-Water Draw and Wilcox Playa and widespread corn production in the Sulfur Springs Valley is the primary reason Arizona winters so many sandhill cranes.

Season Structure Recommendation:

Mid-Continent and Rocky Mountain populations – The allowed Federal season dates and bag limits for the Mid-Continent and Rocky Mountain Populations of cranes in Arizona are as follows: The outside dates of the season must fall between September 1 and January 31 and must not exceed 30 days. The bag limit may not exceed 3 per day or 9 per season.

The Department is recommending three general 3-day hunts beginning on November 15, for 85 hunters in each hunt and a fourth general 3-day hunt beginning on November 27 for 25 hunters (reduction of 60 hunters from last year). An archery hunt is recommended for November 8–10 and a junior's-only hunt is recommended for December 6–8 for 25 hunters in each hunt. There will be at least one non-hunt day between each hunt. All hunters that successfully draw for cranes are recommended to receive 2 permits, which is a recommended reduction of 1 permit/hunter from recent years.

The Department is recommending one hunt for 10 hunters in Unit 28 to address depredation complaints. This is a reduction of 10 hunters and a single season from last year, but these hunters harvested a disproportionate number of RMP cranes in 2012. The hunt is recommended for November 27-29. A mandatory check is required for the Unit 28 hunts only. This check is a requirement of the RMP crane management plan whenever a new area is opened to hunting for its first 3 years, of which this will be the second year. The check will be staffed with Region 5 and/or Game Branch personnel. All hunters receiving tags for this hunt will be sent letters explaining the reason for the check station requirement and location.

With the recommended season structure, the Department estimates total harvest will be between 200 to 350 cranes. The predicted removal of RMP birds is estimated at 25–50 birds. This is within the 2013 RMP allocation for Arizona (51).

Motion: Madden moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE, COMMISSION ORDER COMMISSION ORDER 24: SANDHILL CRANE, SUBJECT TO FINAL FEDERAL FRAMEWORKS, AS PRESENTED.

Vote: Unanimous
4 to 0

* * * * *

4. Consideration of Proposed Commission Order 29 for Special Big Game License-Tag Seasons for Mule Deer, White-tailed Deer, Pronghorn Antelope, Elk, Turkey, Javelina, Bighorn Sheep, Buffalo, Black Bear, and Mountain Lion for the 2014–2015 Special License Tag Hunting Seasons.

Presenter: Amber Munig, Big Game Management Supervisor

Ms. Munig presented the Commission with Commission Order 29: Special Hunts, establishing seasons and season dates, bag and possession limits, permit numbers, and open areas for Special Big Game Hunt License Tags for the 2014–2015 hunting seasons for mule deer, white-tailed deer, pronghorn antelope, elk, turkey, javelina, bighorn sheep, buffalo, bear, and mountain lion. A detailed description of all proposals was available for public review at all Department offices and was provided to the Commission prior to this meeting for review and consideration. A.R.S. 17-346 authorizes the Commission to set seasons for up to three (3) special license tags for each big game species. It is recommended that all special big game license tag hunt seasons be open yearlong, with the season for each species commencing on August 15, 2014 and ending on August 14, 2015.

The only recommended changes are for bighorn sheep. For the first special license-tag (Mexicana subspecies of desert bighorn sheep), Unit 22 will be limited to the southern portion of the unit as described in Commission Order, Units 15A and 15B East are recommended for removal from the second special license-tag (Nelsoni subspecies of desert bighorn sheep), and Unit 22 North will be added to the third special license-tag (Rocky Mountain bighorn sheep subspecies).

Recommended open areas for the special license-tag hunts are as follows:

Mule Deer: Special license-tags will be valid statewide (except Camp Navajo in Unit 6B, Mohave County Park Lands in Unit 16A, and Fort Huachuca in Unit 35A).

White-tailed Deer: Special license-tags will be valid statewide (except Camp Navajo in Unit 6B, Mohave County Park Lands in Unit 16A, and Fort Huachuca in Unit 35A).

Antelope: Special license-tags will be valid for Units 1–10 (except Camp Navajo), 11M, 12A, 12B, 13A, 13B, 15A, 15B, 17A, 17B, 18A, 18B, portions of 19A, 19B, 21, 30A, 31, 32, and 34B.

Elk: Special license-tags will be valid statewide (except Camp Navajo in Unit 6B, Mohave County Park Lands in Unit 16A, and Fort Huachuca in Unit 35A).

Javelina: Special license-tags will be valid statewide (except Camp Navajo in Unit 6B, Mohave County Park Lands in Unit 16A, and Fort Huachuca in Unit 35A).

Turkey: Special license-tags will be valid for Units 1, 3B–10 (except Camp Navajo in Unit 6B), 11M, 12A, 13A, 13BS, 17A, 17B, 20A, 22, 23, 27, 29, 33, 34A, and 35A (except Fort Huachuca in Unit 35A).

Bighorn Sheep: One special license-tag will be valid for Units 9, 10, 12A, 12B, 13A, 13B, 15B West, 15C, 15D, and 16A (except Mohave County Park Lands). A second special license-tag will be valid for Units 16B, 22, 24B, 28 (south of US Hwy 70), 31, 32, 37A, 39 (west of Old AZ Hwy 80), 40B, 41, 43A, 43B, 44A (west of the Swansea Road and south of Bill Williams River Rd.), 44B, 45A, 45B, 45C (including the Kofa NWR), 46A, and 46B (including the Cabeza Prieta NWR). A third special license-tag will be valid for Units 6A, Unit 22 North, portions of Units 1, portions of Unit 27, and portions of Unit 28.

Buffalo: Special license-tags will be valid for Units 12A, 12B, and 13A.

Black Bear: Special license-tags will be valid statewide (except Camp Navajo in Unit 6B, Mohave County Park Lands in Unit 16A, and Fort Huachuca in Unit 35A).

Mountain Lion: Special license-tags will be valid statewide (except National Wildlife Refuges, Mohave County Park Lands).

Commissioner Davis asked about the exception for Camp Navajo in regards to the deer tags and asked about the reason.

Mr. Wakeling addressed the Commission stating that the special tags have not been valid on military lands and that it has been the practice of the Department to not recommended the special tags on these lands because sometimes there are access issues or additional access fees are charged.

Commissioner Madden confirmed with Mr. Wakeling that the public access ratio on Camp Navajo is somewhere between 30-50% of the tags for public access.

Commissioner Davis confirmed with Mr. Wakeling that Fort Huachuca is a federal installation and that Camp Navajo is a state installation, and that other tags are currently offered on Camp Navajo.

Commissioner Davis discussed with Mr. Wakeling and Ms. Munig that if other tags are offered for Camp Navajo that the special tags could be offered there too. Currently, special tag holders are being excluded from hunting on Camp Navajo. There may be certain periods of time when there is no access, but there are also periods of time when there is access. The issue would then become a separate issue related to the tag based on when that hunter would choose to be in the field and what access may or may not be available.

Ms. Munig stated that on Camp Navajo, the only seasons authorized for deer and turkey are archery seasons; there are no firearm seasons for deer and turkey on Camp Navajo. Therefore, the deer and turkey special tag would be restricted to archery-only for those species.

Motion: Mansell moved THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 29: SPECIAL HUNTS AS PRESENTED.

Motion failed for lack of second.

Motion: Davis moved and Madden seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 29: SPECIAL HUNTS AS PRESENTED WITH THE EXCEPTION OF REMOVING THE EXCLUSION FOR CAMP NAVAJO FROM ALL THE SPECIAL BIG GAME LICENSE TAG HUNT SEASONS.

Ms. Munig clarified with the Commission that the intent of the motion is that as long as the Department offers a general or archery-only season for those species on Camp Navajo, the special tag for that species would be valid on Camp Navajo for that weapon type as well; for deer and turkey it will be an archery-only season. For pronghorn, elk, javelina, and mountain lion, Camp Navajo was opened for the general special tag season. There are no seasons for bighorn sheep, buffalo, or bear on Camp Navajo; therefore, special tag seasons for those species on Camp Navajo remained closed.

Commissioner Mansell added for clarification that while hunting will be allowed on Camp Navajo for the special tags, the Commission is acknowledging that there may be times when Camp Navajo is closed to hunting and access is not available.

Vote: Unanimous
4 to 0

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5. Consideration of Applications for Special Big Game Hunt License Tags for Antelope, Bighorn Sheep, Black Bear, Buffalo, Elk, Javelina, Mountain Lion, Mule Deer, White-tailed Deer, and Turkey for 2014–2015

Presenter: Brian F. Wakeling, Game Branch Chief

Mr. Wakeling briefed the Commission using a Power Point presentation. ARS 17-346 authorizes the Commission to provide up to 3 special big game license-tags per year per applicable big game species. AAC R12-4-120 governs the issuance, sale, and transfer of special big game license-tags including the proposal requirements and process, successful applicant requirements, and special big game license-tag applicability and requirements. The total income from this program since inception in 1984 is \$22,450,661. Funds are consolidated into and administered from 10 species accounts as directed by the Commission. The special tag dollars are spent through the Habitat Partnership Committee (HPC), a collaborative group consisting of representatives from various organizations and the Department. A detailed description of proposals was available for public review at all Department offices and was provided to the Commission prior to this meeting for review and consideration.

The Department received applications for Special Big Game License Tags from the following nonprofit organizations in accordance with A.R.S. 17-346 and Commission Rule R12-4-120:

Arizona Antelope Foundation (AAF): Requests two (2) Special Antelope License Tags for auction and one (1) Special Antelope Tag for raffle in the Arizona Big Game Super Raffle. In lieu of their own request for a raffle tag, the AAF supports the issuance of a Special Antelope License Tag by the Commission to the Arizona Big Game Super Raffle. Both tags for auction will be auctioned at the annual Arizona Antelope Foundation Banquet.

Arizona Big Game Super Raffle (AZBGSR): Requests one tag for each of Arizona's ten big game species. The request is for: One (1) Antelope, one (1) Desert Bighorn Sheep, one (1) Black Bear, one (1) Buffalo, one (1) Coues Whitetail, one (1) Elk, one (1) Javelina, one (1) Mountain Lion, one (1) Mule Deer, and one (1) Turkey Special Big Game License Tags. All tags will be sold in the Arizona Big Game Super Raffle.

Arizona Bowhunters Association (ABA): Requests one (1) Special Javelina License Tag, one (1) Black Bear Special License Tag and one (1) Buffalo Special License Tag. All tags will be auctioned at the 2014 ABA Annual Awards Banquet/2014 Bowhunter Happening. The ABA also supports the Arizona Big Game Super Raffle and is in favor of one tag for each species to be awarded to that organization.

Arizona Deer Association (ADA): Requests two (2) Special Mule Deer License Tags, and two (2) Special Whitetail Deer License Tags, all to be auctioned at the 2014 ADA Annual Fundraiser or other ADA sponsored event. The ADA also supports the issuance of one of each Big Game Special License Tags to the Arizona Big Game Super Raffle Committee. If for some reason the tags would not be given to the Arizona Big Game Super Raffle directly, the ADA request that they be granted the mule deer and whitetail deer tags to be raffled through the Arizona Big Game Super Raffle, or to be auctioned at the ADA's 2014 fundraiser or another ADA sponsored event.

Arizona Desert Bighorn Sheep Society (ADBSS): Requests one (1) Special Bighorn Sheep License Tag for a *Mexicana* desert bighorn sheep in the southern GMUs, with the auction occurring at either the Wild Sheep Foundation's 2014 Convention, the Safari Club International 2014 Convention, or the Arizona Desert Bighorn Sheep Society 31st Annual Fundraising Banquet in March, 2014. ADBSS also requests one (1) Special Bighorn Sheep License Tag for Rocky Mountain bighorn sheep in the eastern GMUs, to be auctioned at the ADBSS Fundraising Banquet in March, 2014 or by the Wild Sheep Foundation at its 2014 Convention. Additionally, ADBSS supports the issuance of the third Special Bighorn Sheep License Tag to the Arizona Big Game Super Raffle Committee. The *Nelsoni* desert bighorn sheep tag would encompass the northern GMUs as it has in the past. If the Commission does not issue this tag to the Arizona Big Game Super Raffle directly, ADBSS requests that it be granted the tag to be raffled through the Arizona Big Game Super Raffle or to be auctioned at the ADBSS fundraiser in March, 2014. ADBSS is also willing to auction any other Special Big Game License Tags the Commission would like to issue at their fundraiser banquet in March 2014 if there is an opportunity.

Arizona Elk Society (AES): Requests one (1) Special Elk License Tag and one (1) Special Buffalo License Tag, both to be auctioned at the Arizona Elk Society's Annual Fundraising Banquet in March, 2014. The AES supports the awarding one of the Special Elk License Tags to

next year's Arizona Big Game Super Raffle. In the event that there are tags unapplied for in this year's distribution of tags, the AES is willing to auction any other special tags at their fundraising banquet in March 2014 that the Commission may elect to issue to their organization.

Mule Deer Foundation (MDF): Requests one (1) Special Mule Deer License Tag and one (1) Special Whitetail Deer License Tag. Both tags will be auctioned at the MDF's National Convention in Salt Lake City, UT on February 13-16, 2014 in conjunction with the Western Hunting and Conservation Expo.

National Wild Turkey Federation (NWTF): Requests two (2) Special Turkey License Tags, one to be raffled by the Arizona Chapter of the NWTF and the other for auction by the Arizona Chapter of NWTF in conjunction with the Safari Club International-Arizona Chapter fundraising banquet. Then NWTF also requests that one (1) Special Turkey License tag be given to the Arizona Big Game Super Raffle.

Rocky Mountain Elk Foundation (RMEF): Requests one (1) Special Elk License Tag, to be auctioned during the National Finals Rodeo at the NFR FanFest in Las Vegas, Nevada at the Las Vegas Convention Center between the dates of Friday, December 6th and Saturday, December 14th, 2013, with a target date of December 7, 2013.

Safari Club International – Arizona Chapter (SCI-AZ): Requests one (1) Special Whitetail Deer License Tag, one (1) Special Mule Deer License Tag and one (1) Special Javelina License Tag. All tags will be sold by auction at their fundraiser to be held in Tucson in the summer of 2014.

Safari Club International – Phoenix Chapter (PHXSCI): Requests one (1) Special Whitetail Deer License Tag, one (1) Special Mule Deer License Tag, and one (1) Special Antelope License Tag, all tags to be auctioned at their fundraiser banquet in 2014. PHXSCI is also willing to take any other tags that the Commission offers to them.

Public Comment

The following members of the public addressed the Commission on behalf of their respective organization's requests:

- Van Bethancourt, Jr., Phoenix Chapter of SCI
- Brad Olson, Quail Forever, requested that the Commission consider adding small game in the future, particularly pheasant, to the special tags offered for auction or raffle
- Tice Supplee, AAF
- Terry Herndon, MDF
- John Koleszar, ADA
- Eugene Hays, NWTF
- Tanner Henry, ADBSS
- Tod Molesworth, AZ Chapter of SCI
- Steve Clark, AES
- John Tuter, RMEF

The Commission expressed their appreciation for all these organizations and what they do with these tags, and for all they do for wildlife and wildlife habitat in the State of Arizona.

The Commission used an electronic ballot system to make their individual selections for awarding the special big game license-tags. This system projected onto a screen each individual Commissioner's selections and allowed the public and the Commission to view the selections. The final vote was based on a majority of Commission selections.

Motion: Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO AWARD THE 2014 SPONSORSHIP OF SPECIAL LICENSE TAGS AS REFLECTED ON THE SCREEN THROUGH THE ELECTRONIC BALLOT SYSTEM (AS READ INTO THE RECORD BY MR. WAKELING FOLLOWING THE VOTE).

Vote: Unanimous
4 to 0

Mr. Wakeling read into the record the final Commission selections on the screen as follows:

Antelope – Commission selections: Two tags to AAF; one tag to AZBGSR (All Unanimous).

Black Bear – Commission selections: One tag to AZBGSR; one tag to ABA; one tag to AES (All Unanimous).

Bighorn Sheep - Commission selections: One tag to AZBGSR (*Nelsoni*); two tags to ADBSS (one *Rocky Mountain* and one *Mexicana*) (All Unanimous).

Buffalo – Commission selections: One tag to AZBGSR; one tag to ABA one tag to AES. (All Unanimous).

Elk – Commission selections: One tag to AZBGSR; one tag to AES; one tag to RMEF (All Unanimous).

Javelina – Commission selections: One tag to AZBGSR; one tag to ABA; one tag to SCI-AZ (All Unanimous).

Mule Deer – Commission selections: One tag to AZBGSR; one tag to ADA; one tag to MDF (All Unanimous).

Turkey – Commission selections: One tag to AZBGSR; two tags to NWTF (All Unanimous).

Whitetail Deer – Commission selections: One tag to AZBGSR (Unanimous); one tag to ADA (Unanimous); one tag to SCI-AZ (3 to 1 majority, Davis selected MDF, all others selected SCI-AZ).

Mountain Lion – Commission selections: One tag to AZBGSR (Unanimous); one tag to PHXSCI (Unanimous); one tag to ADBSS (3 to 1 majority, Madden selected AES, all others selected ADBSS).

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Meeting recessed for a break at 10:45 a.m.

Meeting reconvened at 11:00 a.m.

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6. A Briefing on Public Comment Received and Proposed Revisions to the Hunt Guidelines.

Presenter: Brian F. Wakeling, Game Branch Chief

Mr. Wakeling provided the Commission with a PowerPoint presentation and briefing on comment received thus far on the existing hunt guidelines and a preliminary draft of revised guidelines. The Department provided a briefing to the Commission on March 9, 2013 on the comment received to that date on existing hunt guidelines. The Department continued to receive comment since that date. An internal Department team has analyzed the comment received, and proposed revisions to existing guidelines for further consideration. Since late May, the revised guidelines have been posted on the Department's web site. The proposed revised guidelines were also shared at 9 public meetings statewide during May 28–June 7, 2013. All comments on the existing hunt guidelines and on the preliminary draft of revised hunt guidelines were provided to the Commission prior to this meeting for review and consideration and was available to the public. At this meeting, the Department provided the Commission with an opportunity to review the proposed revisions and provide the Department with additional options to consider for final analyses. The Commission was asked to provide the Department with specific measures and metrics they would like to receive to make final determinations at their meeting in September.

Mr. Wakeling's presentation and briefing included the following substantive proposed revisions to the hunt guidelines:

Deer – Changes Considered:

- Allow greater flexibility in timing of youth hunts: No antlered deer juniors-only seasons in Alternative Mule Deer Management Units; Only requires a single hunt per Region; Maintains at least 5% youth
- Add Unit 17A (Region 3) to Alternative Mule Deer Management Units
- In Unit 12A, allow annual growth of 5–10% growth
- Manage for 15–25% hunt success (wider and higher range) for both mule deer and white-tailed deer
- Allow archery deer hunts to specify legal animal (any antlered, antlered mule deer, or antlered white-tailed deer).

Pronghorn:

- No proposed changes.

Elk – Changes Considered:

- Minor modifications and clarifications to units within zones
- Allow greater flexibility in timing of youth hunts
- Increase range of hunt success for which we manage – 25-35%
- Include November archery within weapons allocation formula.

Turkey – Changes Considered:

- Increase hunt success range – 15-20% for both fall and spring
- Include companion turkey tag for archery elk hunters.

Javelina– Changes Considered:

- Remove Unit 8 from over-the-counter archery season
- Allow HAM hunt to run for 11 days if it overlaps a holiday.

Bighorn Sheep:

- No proposed changes.

Buffalo – Changes Considered:

- Elimination of specifics on population management season restrictions in Units 12A and 12B.

Bear – Changes Considered:

- Option for “restricted” season structure.

Mountain Lion – Changes Considered:

- Option for “restricted” season structure.

Small Game:

- No proposed changes.

Predators and furbearers – Changes Considered:

- Coyote daylong seasons within units where prey below management objectives
- Bobcat hunting season to begin on August 1 and close with trapping at end of February
- Bobcat nonresident bag limit equal to the 3-year average of resident.

Commissioner Davis noted for the record that the Department can be very proud of the way it has provided for the public to have access and be able to participate in the process and provide comments through multiple options, including the public meetings, email, Internet and phone. With that Commissioner Davis showed his stack of public comments, both positive and negative that he has been able to review. This public access and process for public participation extends as well to other areas and matters of interest to the public and the Commission, and the Department can be very proud of their efforts to provide for public participation.

The Commission discussed and asked for clarification on several of the proposed changes. No additional revisions were requested by the Commission.

Public Comment

Brad Olson, Quail Forever, recommended moving the opening dates back for one month for quail, blue grouse and pheasant because the weather is too warm to hunt with dogs with the opening dates as they are currently.

Steve Clark, Arizona Elk Society, agreed with Commissioner Davis' comments about the open public process and thanked the Department for working with AES on the changes related to elk.

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7. Notice of Draft Exempt Rulemaking - Draft License and Fee Structure.

Presenter: Ty Gray, Deputy Director

Mr. Gray provided the Commission with a PowerPoint presentation and briefing on a draft notice of exempt rulemaking containing changes necessary to implement a simplified license and fee structure as authorized by the passage of Senate Bill 1223. At the May Commission meeting the Department presented a conceptual license and fee structure which was released to the public for comment and input. A summary of public comments received on the conceptual structure and fees were included as part of the presentation. The Draft Exempt Rulemaking Package was provided to the Commission prior to this meeting for review and consideration and was available to the public. If approved by the Commission and in accordance with the exemption authorized under item #4 of Executive Order 2012-03 State Regulatory Review, Moratorium and Streamlining to Promote Job Creation and Retention, the Department will initiate a 30 day public comment period. Once comments have been evaluated, the Department will present a final recommendation on license structures and fees for consideration at the August 2013 Commission Meeting.

Mr. Gray's presentation included an overview of the process, survey data, charts and graphs, the Department's recommendations for license structure and fees, and a summary of public comments received. The Commission asked questions for clarification on several items in the presentation.

Commissioner Mansell commented on the Department not recommending premium hunts. He suggested that the public comments in opposition to premium deer and elk hunts may have been generated by the amount of premium structure that was put out by the Department, such as all December deer hunts and all September elk hunts, and that might have frightened off some people. He believes that some hunts are of higher value, such as 13A and 13B for deer, and he believes it would be a mistake to take that tool out of the tool box. There may be a time that the Commission wants to identify a hunt or a number of hunts as premium hunts.

Chairman Harris commented that the Department started out looking at a \$13 application fee and has changed its recommendation to a \$10 application fee based on public comment. However, \$10 barely covers the cost of the application process and it includes a bonus point. Most other states charge an extra fee for a bonus point, access fee, or a habitat fee. He feels the proposed application fee should stay at \$13.

Public Comment

Tice Supplee, Arizona Antelope Foundation, was not present but noted on her speaker card that the AAF Board voted in favor of the Department's proposed license and fee structure.

Michael Gillespie, an Arizona hunter, was not present but submitted a speaker card with comments that stated his opposition to two tier fees or tags for the same species and opposition to not charging for youth tags.

Commissioner Davis commented that he believes there should be a different fee for paper versus electronic applications, because of the obvious cost of processing, and that the Department should plan to look at that in the future. Also, there should be a difference between resident and non-resident application fees. Regarding the concept of premium hunts, we may want to talk about managing certain units for premium opportunity disassociated from premium pricing, such as the North Kaibab. He would like to get rid of the North Kaibab Habitat Stamp and include an Arizona Habitat Stamp in all of the licenses.

Chairman Harris stated that he agreed with the concept of an additional habitat fee and encouraged conversation on how that might work. Discussion included potentially eliminating the Kaibab Habitat Stamp as a Sikes Act Stamp for one area, but develop an ability to fund habitat across the state through a piece of the license fee structure or application being dedicated towards habitat.

The Commission further discussed a habitat fee in the context of the application fee and agreed that they would like to see the application fee at \$13 for a resident with \$3 of that dedicated toward habitat and access improvement and a \$15 dollar non-resident application fee with \$5 of that dedicated toward habitat and access. The Commission would like that concept to go out to the public for comment, and it would give the Commission time to think about it before the final decision is made at the August Commission meeting. In going with this concept, it would include eliminating the Kaibab Habitat Stamp.

Director Voyles stated that the Department will do the analytics on the Sikes Act agreement to see if there are any issues with the proposal.

Commissioner Davis stated that he would not be agreeable with the increased application fee if the Kaibab Habitat Stamp cannot be eliminated.

Motion: Harris moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE DRAFT NOTICE OF EXEMPT RULEMAKING AMENDING RULES AS AUTHORIZED UNDER LAWS 2013, FIRST REGULAR SESSION, CHAPTER 197, SECTION 25, WITH THE AMENDMENTS TO THE RESIDENT/NONRESIDENT APPLICATION FEE AS DISCUSSED AND EVALUATION OF THE UNIT 12A KAIBAB STAMP.

Vote: Unanimous
4 to 0

Commissioner Davis noted for the record that public input changed the recommendations from the initial conceptual recommendations and now the second part of the conceptual recommendations will go back out for additional public comment.

Chairman Harris added that it is important to note that the public process works and the Commission does listen to the public's input.

* * * * *

8. 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 Madden seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous
4 to 0

* * * * *

9. Litigation Report

There were no comments, questions or additional updates on the Litigation Report (attached).

* * * * *

10. Approval of Minutes and Signing of Minutes.

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM MAY 10-11, 2013 AND MAY 17-18, 2013.

Vote: Unanimous
4 to 0

The Commission signed the minutes following approval.

* * * * *

11. Director's and Chairman's Reports

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

* * * * *

12. Commissioners' Reports

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

* * * * *

13. Future Agenda Items and Action Items

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

- The Department will convey the Commission's support for HR 1495 and HR 1825
- The Department will finalize and execute the agreement with the White Mountain Apache Tribe addressing nuisance bears
- The Department will finalize and execute the SUP with the Apache-Sitgreaves and the agreement with ADOT for the Second Knoll Shooting Range
- The Department will appoint the three individuals for the slots for the LLSRC; in the future the Department will notify the Sportsman's Constituent Group when those positions are open prior to bringing them to the Commission
- The Page Springs Land Exchange will be tabled and another first read will be scheduled for the August Commission meeting; the Department will provide the Commission with cost estimates for conducting the due diligence, which includes giving the Department authority to negotiate with the private landowner on sharing those costs; The Department will also provide the zoning status of the private property, the long-term value of the Commission owned parcel versus the exchanged parcel, and an explanation of how the Commission ownership of the riparian section would be superior to its current status
- The Department will evaluate the Commission's options and possible approaches for addressing issues with feral hogs and other invasive ungulates; the Department will coordinate with Don McDowell and Data Sharing, and Executive Staff will review it
- The Department will move the May 2014 Commission meeting to May 2-3
- The Department will add a Game and Fish North American Model Award to the Commission Awards; only Department employees will be eligible for the award; Commissioner Davis will work with Department staff to establish the award criteria
- The Department will work with the Commission to develop a response to the recent draft wolf rules and identify the planning principles necessary for developing a state plan
- The Commission will meet on August 1, 2013 to discuss Footnote 21 on Commission Order 19; the Department and the Attorney General's Office will send a letter to the City of Tucson informing that Footnote 21 has been pulled and that that issue will be discussed at the August 1, 2013 meeting, which will include looking at finalizing the MOU and preparations for informing local law enforcement
- The Department will remove the Camp Navajo exception from Commission Order 29 for all species
- The Department will look into a legislative change to add pheasant to the Special Big Game tag list
- Regarding the draft rulemaking on license structure and fees, the Department will begin the next public input phase to include what the Commission approved today, as well as the new applications fees on both resident and non-resident and what that \$3 and \$5 would go to.

* * * * *

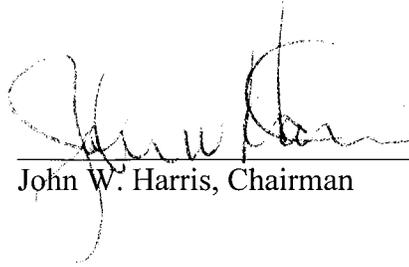
Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

Vote: Unanimous
4 to 0

* * * * *

Meeting adjourned at 2:30 p.m.

* * * * *



John W. Harris, Chairman



Robert E. Mansell, Vice Chair

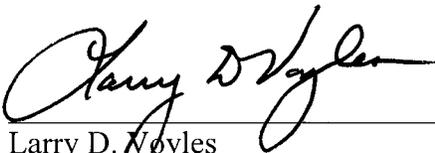


Kurt R. Davis, Member



Edward "Pat" Madden, Member

ATTEST:



Larry D. Voyles
Secretary and Director

Game and Fish Litigation Report
Presented at the Commission Meeting
June 14-15, 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. **Guardians filed its reply brief on May 20, 2013.**

Lands Update
For the Arizona Game and Fish Commission
June 7, 2013
Phoenix, Arizona

U.S. FOREST SERVICE LAND AND TRAVEL MANAGEMENT PLANNING

General Planning Status – Please see attached worksheet.

Apache-Sitgreaves National Forest

The Department has reviewed and provided comments on the Proposed Plan and Draft Environmental Impact Statement (Plan) on May 15, 2013. The Department was generally supported of the proposed alternative but disagreed on a number of issues including but not limited to: some wilderness designations, attributing lack of aspen regeneration to browsing by elk, and the representation of elk as a non-native species. Neither travel management nor dispersed camping is addressed in the Plan.

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 mid-summer 2013.

The Forest is in the implementation phase of its Travel Management Rule (TMR) and have produced the Motor Vehicle Use Map (MVUM), which is provided free to the public.

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 (NKRDR) released its Record of Decision for their Travel Management Plan, 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

Department personnel continue to analyze the effects of implementation of the Travel Management rule, and changes in dispersed camping to constituents that recreate upon the public lands of the Prescott National Forest.

Tonto National Forest

The Interdisciplinary team has kicked off with the first couple of meetings. The Department is working to provide data and input into that process for the development of the Environmental Impact Statement (EIS). The individual Ranger District coordination meetings have been completed with Department participation and input.

The Department met for a mini coordination meeting to discuss potential for cost share position, travel management, SR6 and general coordination

U.S. FOREST SERVICE – GENERAL UPDATES

Four Forest Restoration Initiative- 4FRI

The Department submitted positive comments on the Draft Environmental Impact Statement (DEIS) for the Four Forests Restoration Initiative (4FRI), which includes 587,923 acres of mechanical thinning and 593,211 acres to be treated with prescribed fire, primarily on the Coconino and Kaibab National Forests. The 4FRI stakeholder group also submitted comments on the DEIS, the bulk of which are consensus recommendations to improve the DEIS. However, areas of stakeholder disagreement remain (e.g., protection of large, non-old-growth trees and how open the forest will be post-treatment), which may be the basis for future administrative challenges or litigation by advocacy groups.

Apache Sitgreaves National Forest (A-S)

Rim Lakes Forest Restoration Project

The A-S announced the availability of the Final Environmental Impact Statement for the Rim Lakes Forest Restoration Project. This project is an authorized fuel reduction project as defined by the Healthy Forest Restoration Act of 2003. As such, it is subject to a 30-day Predecisional Administrative Review Process. The proposed action (alternative B) would selectively cut trees on approximately 23,615 acres and then broadcast burn on those acres. On approximately 9,340 acres, broadcast burning would occur without mechanical treatment. The proposed action includes an amendment to the "Apache-Sitgreaves National Forests Land and Resource Management Plan" (forest plan). Alternative C is the other action alternative considered in detail.

It would implement the same proposal, except limit mechanical treatment to trees less than 16 inches in diameter, moving many treated stands toward even-aged conditions. This alternative also proposes an amendment to the forest plan in order to allow for this even-aged condition. Because no changes to the DEIS were made as a result of comments, a new cover, two appendices, and the DEIS comprise the FEIS.

Coconino National Forest

Flagstaff Watershed Protection Project (FWPP)

The Department has reviewed and made comments on the FWPP project Proposed Action and will continue to serve as a formal member on the Interdisciplinary Team. 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 will make this a priority project.

Coronado National Forest

Galiuro Mountain Leopard Frog Salvage

The Department salvaged Chiricahua leopard frogs from a private pond in the Galiuro Mountains and translocated the frogs to a recent reintroduced site on the Coronado Forest. The private pond was losing water due to increasing drought conditions.

Rosemont Copper Project

The Department is coordinating with the Coronado Forest (Forest) and U.S. Fish and Wildlife (USFWS) on issues relative to the Biological Opinion. The Department also continues to work with the Forest, Rosemont, USFWS, Army Corps of Engineers, and other stakeholders to discuss mitigation to state and federal trust resource impacts.

Kaibab National Forest

North Kaibab Ranger District (NKRD) 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 NKRD. 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. These “brownstrips” will give fire crews more defensible space and hopefully be wide enough to drop flame lengths should a fire occur in the cheatgrass areas. The Department and GCT are supportive of these efforts and a second spraying this fall when 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.

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. Draft Specialist Reports were released to permittees this fall. The Habitat Optimization Alt. 4 has been drafted. The DEIS is nearly complete and anticipated release is in January for 45 day review period. The Department has requested copies of the Specialists Reports. The Department reviewed the DEIS in April and provided comments this month.

Resolution Mine

The Department met with legal representation and project leads for the proposed operations due to the bill being proposed regarding the land swap. Five pieces of land currently managed by private organizations (ie, TNC, etc.) are up for the swap. The final determination on the lands would depend on the appraisals.

BUREAU OF LAND MANAGEMENT (BLM)

Restoration Design Energy Project (RDEP)

BLM is developing policies and strategies for the implementation of RDEP. The objective is to streamline the permitting/compliance process for utility scale solar projects on lands identified as having minimal natural and cultural resource conflicts. Department staff attended training on and provided input for the draft strategies.

Arizona Strip Field Office

Pine Hollow Chaining Project

Approximately 940 acres were chained in the Buckskin Mountain area of the Arizona Strip by the Bureau of Land Management in early May. The initial chaining will be followed by burning, seeding and chaining in the opposite direction, all planned for completion later this fall.

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.

Kingman Field Office

Heritage Planning Committee (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 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. Since then, BLM has issued a finding of no significant impact (FONSI) and has initiated deconstruction of the Shinarump corrals.

Tucson Field Office

Madrean Archipelago Rapid Ecoregional Assessment (MAREA)

The Department participated on the Assessment Management Team to finalize Conservation Elements for the MAREA on April 30 and May 1.

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 Department is reviewing the recently received draft memorandum of understanding (MOU). BLM has modified the scoping plan to include public engagement meetings in Sierra Vista, Benson, and Tucson, and Saturday education and scoping forums in Sierra Vista for Water and Riparian, Watershed and Range, Wildlife and T&E, and Cultural and Recreation topics. Meetings are scheduled in June, July, and August.

WILDLIFE AREAS

Bear Springs

On May 18, Department personnel worked with a Phoenix Rotary Club to repair perimeter fence breaks and install a dozen wildlife crossings.

Vincent Ranch

Personnel did some maintenance at Vincent Ranch, including annual spring cabins clean-up and maintenance.

Other AGFD Property Information

Regional personnel are conducting fence evaluations for all properties in Region 1.

Horseshoe Coordinated Resource Management Plan (CRMP)

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. The CRMP is currently being drafted in sections. The desire to ensure the federal agencies can utilize the CRMP process

as their NEPA for formal decision and implementation has affected the timelines somewhat, but will greatly enhance the ability to conduct management actions under one NEPA umbrella at process completion. The anticipated plan document completion will be in 2013

- **Interagency/Planning Team Activities-** Upcoming plans include June Planning Team meetings with CRMP stakeholders. The principal goal of the meeting is to update stakeholders on the past years accomplishments and to continue working on the Situation Analyses and Results Chains. The stakeholders will have a chance to review and comment on what has been accomplished so far for uplands and riparian; and then there will be breakout groups to work on Cultural and Wildlife Situation Analyses and development of a few results chains. The goal will be to develop Results Chains for the threats the stakeholders perceive as most important to address. Interagency Team plans to meet in June as well to continue coordination and activities to progress the CRMP and NEPA processes.
- **Riparian monitoring-** This past month AGFD helped BLM identify monitoring reaches and conduct multiple indicator monitoring on Silver Creek. The two monitoring reaches are located where riparian vegetation is well established along the Creek. The purpose of the monitoring is to track long-term trends and changes in vegetation canopy cover and composition, channel widths, water depth, streambank stability and woody species regeneration. There are also indicators measured that allow assessment of whether current years grazing meets allowable use criteria. The BLM plans to also conduct riparian Proper Functioning Condition assessments this month and has invited the Department to help.
- **Upland monitoring-** BLM plans to accomplish rangeland health assessments required for NEPA analysis on Horseshoe Allotment using the agency standard method- "*Interpreting and Measuring 17 Indicators of Rangeland Health*" during late summer/fall of 2013. Plans are underway to explore how CRMP stakeholders can help facilitate and participate. BLM is struggling with staff and budget constraints to accomplish the work. There is a possibility the TNC can use some BLM funding to help contract the work.
- **Assessment, Inventory and Monitoring (AIM) data analysis-** The Lead Administrative Trustee is working with BLM and experts from the USDA-ARS Jornada Experimental Range Station to analyze the AIM data collected summer 2012 on the Horseshoe. Collaboration on data analysis was put on hold this Spring due to BLM staff constraints and the need to conduct some QA/QC on the database. We are waiting for BLM to share the DIMA database.

RENEWABLE ENERGY DEVELOPMENT

WIND

Boquillas Wind Energy Project

The Coconino County Board of Supervisors heard an appeal from the Navajo Tribal Utility Authority (NTAU) and partner EDF Renewable Energy to reverse the decision of County Planning and Zoning which denied installation of a 263-foot lighted meteorological testing tower. 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. NTUA appealed this decision and the Department provided testimony in response to Supervisors' questions, stating we had no objections to the tower and appreciated the applicant's intention to perform regular carcass searches to monitor for any avian fatalities. The appeal was denied and on May 14, 2013 the Coconino County Board of Supervisors upheld the Planning and Zoning Commission's decision to remove the larger tower.

The Department continues to participate in ongoing review of an Eagle Conservation Plan (ECP) for the Boquillas wind energy project being developed by the NTAU and project partner EDF Renewable Energy. A revised turbine layout and additional survey data has been submitted, and the Department is currently completing fatality estimates for golden eagles at the project. The FWS Strike Team and Eagle Technical Assessment Team will review these fatality estimates and make recommendations for the project. USFWS will evaluate the final ECP and associated biological data to help determine whether a federal eagle take permit for the project is warranted.

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. 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).

Mohave County Wind Farm

The final environmental impact statement (FEIS) for the Mohave County Wind Farm Project was received by the EPA on May 5, 2013. The Notice of Availability was published in the Federal Register on May 17. To inform the public of the FEIS a news release will be submitted by the BLM. There will be a 30 day availability period for comments, with the ROD projected to be signed and published on June 18, 2013.

Perrin Ranch Wind

The Region recently attended the spring Technical Advisory Committee (TAC) for the Perrin Ranch Wind Facility. The wind farm has been operating since January 2013. So far, no thresholds for wildlife have been reached and overall fatality at the site for both birds and bats is relatively low.

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.

On April 10, 2013, the Cochise County Planning and Zoning Committee approved the project 8-0 with one member abstaining. However, on April 24, 2013, Audubon Arizona appealed this decision. The Cochise County Board of Supervisors will hold a meeting on June 11, 2013 to discuss the appeal. The Department will be sending another letter asking the county to put some conditions on the permit. The conditions reflect recommendations from the Department's wind guidelines.

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 is reviewing several resource reports being updated by EP/KM to respond to numerous comments from FERC and its cooperating agencies. The Department will meet with EP/KM May 26 for further discussions on the restoration and long-term monitoring plans.

TRANSPORTATION

Camelback Parkway

The Department participates on the technical committee. This parkway will run east/west from the White Tanks west across the Hassayampa River. The primary wildlife concerns will be impacts to Desert tortoise habitat, kit fox and important washes that provide connectivity opportunities between White Tanks and Hassayampa River. The Department has reviewed and provided input on Draft Tech Memos 1, 2 and 3. Tech Memo 4- Candidate Alignment was sent for review in April and a meeting was held in May to discuss the Preferred Alignment. A decision on the final alignment is anticipated in July 2013.

Dove Valley Parkway

MCDOT has initiated a Corridor Feasibility Study for a 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. MCDOT has completed three of the Technical memos to date: Existing & Future Conditions, Environmental Overview, and Drainage Overview. Recently the Candidate Alignments Evaluation was completed and the next step will be finalizing the Preferred Alignment. The Department provided review and comments on the draft reports and candidate alignments. We have no preference for which alignment should be preferred as all have similar impacts and will have similar design mitigations, including wildlife friendly bridge/culvert crossings at the Hassayampa and other drainages.

Greenway Parkway

MCDOT has initiated a 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. The Department is currently developing scoping comments for both parkways.

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. The project consultant was EPG and was tasked to do the amendment.

North/South SR 24 Corridor Study

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

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. 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. The Cooperating Agency Comment Matrix for the DEIS was released to cooperators this past month. BLM anticipates release of the DEIS in May or June to the public and is hoping for release of the Final EIS later this summer and a Record of Decision in the fall.

South Mountain Freeway

The proposed South Mountain Freeway has been a critical part of the Maricopa Association of Governments' Regional Freeway Program since it was first included in funding through Proposition 300 approved by Maricopa County voters in 1985. The freeway was also part of the Regional Transportation Plan funding passed by Maricopa County voters in 2004 through Proposition 400. The South Mountain Freeway is the last piece to complete the Loop 202 and Loop 101 freeway system necessary for high-quality regional mobility. The study team, led by the Arizona Department of Transportation and the Federal Highway Administration, has released the Draft Environmental Impact Statement for the Loop 202 South Mountain Freeway Study. The April 26, 2013 release begins a 90-day public comment period that will conclude on July 24, 2013. A full-day public hearing on the Draft EIS will be held on May 21, 2013. The Department participated in the hearing and is currently reviewing the DEIS.

I-11 Phoenix to Las Vegas Project

U.S. Congress in the 2012 Surface Transportation Act designated Interstate 11. The first phase of the project is from Phoenix to Las Vegas. ADOT and Nevada Department of Transportation are partnering to conduct a two year study of potential corridors for the proposed Interstate. The Department participated in a stakeholder's meeting and expressed that the study should include impacts to wildlife, hunting opportunities and stressed the economic importance of hunting and wildlife-dependent recreation for the region. It should be noted that one of the ideas "being kicked around" is using Carefree Highway as part of the corridor. This proposal would impact Department headquarters and Ben Avery Shooting Range. The Department met with I-11 ADOT project managers at their request to discuss data sharing and early coordination on project planning. The Department expressed concerns with consultant use of HabiMap data and requested collaboration on data analysis and interpretation.

US 60, Silver King and Superior

The project is to widen the existing US60 to a four lane rural and urban fringe cross section. The Department is currently working with the team to incorporate wildlife friendly specifications into the culvert and bridge designs, along with updating the environmental documentation. This project includes several drainage, bridge structures and lighting that will provide opportunity for wildlife friendly retrofitting. In addition, several wildlife linkages will need to be considered and Wildlife Contracts is also involved in the current discussions and reviews of the 30% designs for the bridges. The recently submitted comments reflect the specifications denoted in the AGFD Guidelines for Wildlife Friendly Fencing, the USFWS's 2005 Recommended Specifications for Desert Tortoise Exclusion Fencing, and the 2010 ATRC report (SPR-650) that reported on the effectiveness of desert tortoise mitigation measures relative to highways. The Department

continues to coordinate and provide information for the biological evaluation and NEPA process. This project includes several drainage, bridge structures and lighting that will provide opportunity for wildlife friendly retrofitting. In addition, several wildlife linkages/corridor will need to be considered. The project looks good overall, and with the right structure specifications (they appear to be there for the most part) and the inclusion of some funnel fencing this could be a very wildlife friendly road that would promote both driver safety and wildlife connectivity. Because of the structures already included and the prime location relative to species distributions and habitat, this could be a shining example of permeability with relatively little added effort. The May meeting was cancelled but the Department submitted comments on the 60% to final design.

Juan Sanchez Blvd.

ADOT and the City of San Luis are planning to widen Juan Sanchez Blvd. from US 95 to SR 195. Department staff met with ADOT planners to discuss wildlife impacts that could result from this project. The widening will result in loss of Flat-tailed Horned Lizard habitat.

GENERAL UPDATES

Army Corps of Engineers (ACOE) RGP 62 Permit

ACOE has issued RGP 62 to the Bureau of Reclamation for a list of approved maintenance activities on the Colorado River. Under the authority of the Fish and Wildlife Coordination Act, the permit stipulates that BOR consult with and obtain concurrence from the Department prior to conducting permitted maintenance activities. BOR consulted with and obtained concurrence from the Department for the removal of seven wash fans from the River.

Army Corps of Engineers 404 Permitting

The construction of new or the replacement of old boat docks on the Colorado River requires a 404 permit from ACOE. Depending on the number, location, size and type of dock, boat docks can result in the loss of local fishing opportunities. Department personnel recently reviewed the proposed construction of boat docks at various locations along the lower Colorado River. Region IV personnel plan on meeting with the U.S. Army Corps of Engineers to discuss current boat dock guidelines intended to limit/control development in relatively undisturbed areas and limit the proliferation of docks and ramps.

Central Arizona Grasslands- Unit 21, Sycamore Mesa

Collaborated with AGFD/PNF/BLM on a volunteer workday to modify fences within and adjacent to juniper thinning treatment areas to wildlife friendly standards. Project was hosted by Mule Deer Foundation. About 1.5 miles of fence and a fence around a stock tank were successfully improved to wildlife standards. There were approximately 30 volunteers.

Natural Resource Conservation Service (NRCS)

The Department is in the process of hiring for the Region IV/VI and Region V Landowner Relations Specialists.

Potash Mining

Department personnel met with owner of the Spurlock Ranch that has an agreement with Prospect Global/American West Potash (predominantly east of the Petrified Forest NP (PFNP)). A tour to view the potential mine facilities site was provided along with a narrative of locations of evaporation ponds and tailings site locations. American West has several financial goals to meet throughout the summer in order to ensure forward movement of the project.

On May 30, 2013, Passport Potash (predominantly west of the PFNP) announced that they have garnered nine new exploration permits and increased their ASLD land holdings by 4,703.66 acres. The permits are on ASLD sections that had been closed to development related to the proposed expansion of the PFNP and are “strategic” to the mine’s development.

Pinal Partnership Open Space and Trails Committee

The Department remains in the discussions for implementation of the master plan and participates on the subcommittee for drainage protection. The subcommittee met recently with the County planner and Flood Control coordinator for further discussion on data needs and process to move forward with the County to identify important drainage features (for wildlife and flood control interest) through development of criteria, compilation of data and modeling exercise to produce the results. The results could then be used as another layer with wildlife linkages and open spaces to help inform where protection/acquisition could be focused, along with potential for guiding future development and development of ordinances. The open space committee is working to provide presentation of the annual report to the county manager and board of supervisors for implementation of the recommendations put forth in the report. The committee is also working toward building partnership with the Central Arizona Association of Governments. The committee remains committed to producing outreach materials and getting the products to stakeholders. The drainage sub-committee continues to work with the county flood control and public works department to share information, form partnerships and continue to research the important drainage features within the county. The county is interested in utilizing a green infrastructure layer over the regional transportation layer to further inform decisions. This green infrastructure layer would include the open space plan and county wildlife linkages. The county has made a commitment to adopt the wildlife linkages into their county comprehensive plan during the next major amendment cycle (spring). Committee provided overview and summary of flights the board took earlier in the month that highlighted the open spaces, watersheds/drainages and wildlife connectivity within the county. We gave a briefing on the Pinal stakeholder’s assessment report for connectivity with the final maps. The county let us know they would not be considering the maps for the current amendment cycle and would need to meet with us further to determine the direction for future amendment potentials. The Committee requested the county revisit the recommendations provided in the annual report that includes the connectivity be included in the open space plan as an amendment and to the comprehensive plan as an amendment. We are working with the county to schedule a meeting for further discussion on amendments to the comprehensive plan and process.

City of Apache Junction-Parks Department

The Department is coordinating with Apache Junction for the upcoming amendment cycle for their General Land Use Plan to include wildlife linkages and potential next steps in open space and trails planning efforts.

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 City provided a presentation on their program to the Department and key governmental/agency partners to introduce the plan, discuss the modeling process behind the plan, goals and objectives, and to initiate lines of communication and collaboration on the vision and implementation of the plan. In the near future the Department will be meeting with Peoria to take a closer look at the wildlife linkage priorities within their planning boundary. The City wants to focus on the areas within 2 entitled developments, Vistancia and Saddleback, as well as the New River corridor. These areas are either State land or a mix of State and private; and are the areas facing most imminent development pressure. The City would like to look closely at special status species needs and refine the linkage recommendations to an implementable design. The City potentially has resources to help with modeling or other wildlife data needs.

City of Surprise General Land Use Plan

The Department will be attending a coordination meeting on upcoming General Land Use Plan amendments with City staff. Purpose will be to also continue linkage planning discussions and identification of next steps. The main purpose will be to also continue linkage planning discussions and identification of next steps.

Town of Buckeye

The Department is working with Town of Buckeye Planning Department (Town) to develop a workshop presentation to the Town Council in January 2013 on Wildlife Habitat Linkages: Planning and Conservation. The goal is to increase Town awareness and develop collaboration to incorporate wildlife habitat management goals for linkages and wildlife in general, into the Town's land use planning. The Town is interested in information on linkage planning and design, wildlife movement research associated with the White Tank Mountains, and ideas on what development guidelines or ordinances other communities in Arizona are using to achieve conservation of linkages. The Department recently presented to the council and was well received. The Town Planning Department staff have taken the White Tanks- Belmont- Heiroglyphic Mountatins Linkage design and completed a series of overlays to look at community master plans and existing entitlements against the proposed linkage; as a follow-up to the Town Council workshop and Council guidance to continue working with AGFD on wildlife linkage implementation/conservation strategies. Constraints identified include the entitled communities of Douglas Ranch, Trillium, Festival Ranch and Sun Valley. The Douglas Ranch community is the only one not meeting performance thresholds for water and sewer development which could "reopen" a window to renegotiate the community development plans in such a way as to facilitate conservation of a linkage. Opportunities identified are conservation of wash corridors, which does not meet linkage goals in their entirety. Planning staff met with the Town Manager to discuss the results of their preliminary fact finding research and as a result the Town Manager supported a budget recommendation to fund further study to benchmark what other communities have done to codify or otherwise incorporate linkages into development plans, as well as explore best management options. The budget has not yet been approved. The Town is also looking at other linkage needs in the Buckeye planning area including those near

Buckeye Hills. The Department will meet in June with Planning staff to look at their preliminary research, discuss options, discuss best practices from a regulatory perspective and discuss “lesson’s learned” from others implementing linkages in Arizona.

Maricopa County Flood Control District (MCFCD)-Watson Drainage System

The preliminary concept for an outlet for the Watson Drainage system to the Gila River accommodates a future lake built to within a 25-ft setback of the north property line, provides an energy-dissipating riprap area to protect the channel from erosive head-cutting if a lake were created, minimizes interim construction impacts to the AGFD parcels and existing vegetation, show proposed relocation of the existing BWCDD Watson Drain incorporating it into the low flow of the channel. This allows for construction of a portion of the channel, while maintaining the function of the existing drain preserves a corridor for a potential Watson Road near the typical section line alignment connects the low flow to the existing Arlington Canal. Department staff have met with MCFCD staff to discuss the flood control project that intersects/drains onto AGFD Gila River lands. The affected lands are currently identified for disposal and there is a prospective buyer. Regional and Lands Program staff are coordinating with the prospective buyer, MCFCD and Town of Buckeye to ensure project designs and potential impacts are addressed and do not impact potential sale of subject property.

Food and Drug Administration Food Safety

Department personnel recently reviewed and provided comments on the Food and Drug Administration’s science-based minimum stands for food safety and the Arizona and California Leafy Green Food Safety Committee’s Good Agricultural Practices (GAP’s). Both documents will help refine and set forth procedures, processes, and practices that minimize risk of serious adverse health consequences and death. It is hoped both revised documents will help reduce foodborne illness associated with the consumption of contaminated produce.

Heritage Planning Committee (HPC)-Iron Basin Mule Deer Habitat Improvement Project

In cooperation with the BLM, the Department has initiated implementation of large-scale HPC-funded habitat improvement project for mule deer on the Northern end of the music Mountains. The project will expand the scope of previous prescribed fire treatments in decadent chaparral habitat, in an effort to return habitat to an early seral stage - restoring vigor to approximately 5,200 acres of important mule deer habitat.

The treatment area encompasses roughly 11,204 acres of public and private land, and seeks to create a mosaic of uneven aged stands of interior chaparral across the project area - enhancing wildlife habitat and minimizing the potential for large unplanned summer wildfires. (*See project diagram below*)

Forest	Status	Next Step	Projected Next Step Completion
Apache Sitgreaves	The Proposed LRMP and Draft EIS public review period ended 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	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		

4/23/2013

Forest	Status	Next Step	Projected Next Step Completion
Tonto	LRMP began 2006. Negotiating to reinstate due to rule change. TMP elevated to EIS from EA. Notice of intent to prepare TMP EIS has been released for review and comment. Department comments submitted 3/4/2013. request to be Cooperating Agency has been accepted. IDT teams have met and individual Ranger District meeting have been held.	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.		



A2.39 License Classifications; Fees

Effective: ###/###/201#

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. Decrease in Department revenue.
 - 2. Increase in Department operating costs.
 - 3. Decline in hunting or angling participation.
 - 4. Increase 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.

State FY14 LEBSF Calculation
Based on 2012 Watercraft Survey and FY13 Deputy Salary Info

	A	B	C	D	E	F	G	H	I
			(AxB)	(C/Total of C)	(D x .80)	(E x Total of C)		(G x .20)	(E + H)
County	New Mid-Range Salary rev 5-13-13	Number of Officers	Personnel Costs	Percent of Total Personnel Costs	80.000%	Amount of Personnel Costs Paid	Percent Boat Use Days /Participating Counties	20.000%	Percent Allocation
Apache	\$71,658.00	1	\$71,658.00	3.404%	2.724%		0.53%	0.106%	2.830%
Coconino	\$85,000.00	3	\$255,000.00	12.115%	9.692%		10.98%	2.196%	11.888%
Gila	\$77,564.00	3	\$232,692.00	11.055%	8.844%		4.18%	0.836%	9.680%
La Paz	\$76,470.00	5	\$382,350.00	18.165%	14.532%		9.56%	1.911%	16.444%
Maricopa	\$87,128.00	4	\$348,512.00	16.558%	13.246%		18.98%	3.796%	17.042%
Mohave	\$83,466.00	6	\$500,796.00	23.793%	19.034%		51.00%	10.201%	29.235%
Navajo	\$84,482.00	1	\$84,482.00	4.014%	3.211%		0.43%	0.087%	3.298%
Yuma	\$76,449.00	3	\$229,347.00	10.896%	8.717%		4.33%	0.867%	9.583%
Total			\$2,104,837.00	100.000%	80.000%		100.00%	20.000%	100.000%

Boat Use		
County	Days From 2012 Surveys	Percent Boat Use Days / Participating Counties
Apache	15,161	0.53%
Coconino	312,706	10.98%
Gila	119,067	4.18%
La Paz	272,177	9.56%
Maricopa	540,503	18.98%
Mohave	1,452,549	51.00%
Navajo	12,342	0.43%
Yuma	123,385	4.33%
Total	2,847,890	100.00%