

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, September 6, 2013
Saturday, September 7, 2013
Show Low City Council Chambers
181 N. 9th Street
Show Low, Arizona 85901

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. and led those present through the Pledge of Allegiance. The Commission introduced themselves and Director Voyles introduced his staff. This meeting followed an agenda revision #2 dated September 4, 2013.

Chairman Harris requested a moment of silence for the following: U.S. Army First Lieutenant Jonam Russell who died on Tuesday, July 23, 2013 in Wardak Province, Afghanistan; New Hampshire Fish and Game Sgt. Brian Abrams who recently died from injuries suffered in a motorcycle accident; and Colorado Game Warden and former Arizona Wildlife Manager Jon Wangnild who died June 27, 2013 from injuries sustained during an on duty horseback riding accident.

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1. Call to the Public

Gary Finch, representing himself, commented in opposition to rebuilding the PS Ranch house that was burned in the Wallow Fire (suspiciously, from his perspective). The Department is spending a lot of public money on a property that is not even accessible half of the year due to weather. The Commission and Department are showing no restraint in what they do.

Commissioner Davis confirmed with Director Voyles that the funds to rebuild the PS Ranch house came from an insurance claim.

Jon Hanna, President, Arizona Chapter of The Wildlife Society (teleconferenced from Region VI), commented on the upcoming Wildlife First Symposium. The Arizona Chapter of The Wildlife Society welcomes the opportunity to work with AGFD and Arizona Ecological Services on future symposiums or workshops to reach out to a wide variety of user groups and build collaborative relationships.

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2. Consent Agenda

The following items were grouped together and noticed as consent agenda items to expedite action on routine matters. These items were provided to the Commission prior to this meeting and the Department requested that the Commission approve these matters as presented, subject to approval or recommendations of the Office of the Attorney General.

The Commission was in consensus to remove item #h for discussion. All other consent agenda items were submitted for approval as follows:

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: Anthony A. Guiles, Assistant Director, Information and Education Division

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

c. Law Enforcement Program Briefing

Presenter: Gene F. Elms, Law Enforcement Branch Chief

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

d. Lands and Habitat Program Update

Presenter: Joyce Francis, Habitat Branch Chief

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. Nongame Subprogram Activities Briefing; April 1, 2013 through July 31, 2013

Presenter: Michael Rabe, Nongame Branch Chief

The Commission was provided with a written briefing prior to this meeting on activities for the Nongame Subprogram from April 1, 2013 through July 31, 2013 (also available to the public). The briefing was placed on the consent agenda for approval or to be pulled from the consent agenda for questions and/or discussion.

f. 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.

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

Presenter: Joyce Francis, Habitat Branch Chief

The Department was approached by an adjacent landowner at the Page Springs Hatchery (Hatchery) to acquire via exchange 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 Hatchery within the riparian area in Oak Creek as a result of the proposed exchange. The Department has determined that the exchange will significantly benefit the wildlife values of the property and will not interfere with the operation of the Hatchery. This exchange is consistent and compatible with the operation of the Hatchery. At the direction of the Commission, the Hatchery was included in the Federal Aid Program in 1993 (Sport Fish Restoration). As a result of that inclusion, any disposal, exchange, or change of use on the property must also be reviewed and approved by the U.S. Fish and Wildlife Service's Wildlife and Sportfish Restoration program. The Department does not anticipate any issues in regards to Fish and Wildlife Service Review.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE ENTERING INTO NEGOTIATIONS FOR AN EXCHANGE AT THE PAGE SPRINGS FISH HATCHERY PROPERTY, YAVAPAI COUNTY, ARIZONA.

i. Cooperative Agreement with Valle Vista Property Owners Association (VVPOA).

Presenter: Esther Rubin, Research Branch Chief

The Bureau of Reclamation (Reclamation) through the Lower Colorado River Multi-Species Program (MSCP) is currently funding Department research that evaluates the effectiveness of predator avoidance training for two endangered fish species in Arizona, the razorback sucker and bonytail chub. Populations of these two species in the Lower Colorado River are primarily supported through captive stocking programs but survival in the wild is very low. The ultimate goal of this work is to train these fish to recognize predators prior to being stocked into the wild to increase their chances of survival. This work is currently being conducted in a series of small tanks at the Department's Bubbling Ponds Native Fish Conservation Facility. Initial results are promising and the Department and Reclamation wish to expand on this work by testing our predator training hypothesis in a larger setting. The Valle Vista Golf Course near Kingman has a series of ponds that are ideal for the next phase of this training experiment. The Commission is being asked to approve a Cooperative Agreement between the Department and VVPOA to allow Department personnel to conduct research activities on the Valle Vista property. All funding for this work will come directly from Reclamation, but is contingent upon approval of the agreement with VVPOA.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE COOPERATIVE AGREEMENT WITH THE VALLE VISTA PROPERTY OWNERS ASSOCIATION FOR THE PURPOSE OF CONDUCTING RESEARCH AND CONSERVATION ACTIVITIES.

j. Master Memorandum of Understanding with the National Park Service

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

The Department has been in discussion about a master Memorandum of Understanding (MOU) with the National Park Service's Intermountain Regional Office for more than a year. All of the units managed by the National Park Service in Arizona (National Monuments, National Recreation Areas, National Parks) are linked together at the regional level. The concept for a Master MOU with the National Park Service is modeled on successful agreements with the US Forest Service, US Bureau of Land Management, and the US Fish and Wildlife Service. Master MOUs establish broad statements of relationship, avenues of coordination and communication, and means of addressing conflict or disagreement. This agreement is the first of its kind in Arizona, and we believe the first of its kind in the United States. This agreement is intended to serve as a model for a potential west-wide agreement through the Western Association of Fish and Wildlife Agencies. To that end, if approved by this Commission, a signing ceremony is planned with the National Park Service at the annual meeting of the Association of Fish and Wildlife Agencies in Omaha, Nebraska in September 2013.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE REVISED MASTER MEMORANDUM OF UNDERSTANDING WITH THE NATIONAL PARK SERVICE INTERMOUNTAIN REGION, 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.

k. Commission Policy on the Handling of Self-Reported Violations

Presenter: Jim Hinkle, Assistant Director, Field Operations Division

The Department recognizes that self-policing is an important construct of the North American Model of wildlife conservation. Sportsmen who voluntarily contact the Department to report responsibility for accidental or unintentional violations of statute, rule or order, and assist responding officers in the salvage of any unlawfully taken wildlife exemplify this standard. An officer's use of appropriate enforcement discretion to resolve these self-reported violations encourages sportsman responsibility and promotes continued ethical behavior. The Department has drafted a Commission Policy to affirm this construct and to provide officers with clear direction on how they should respond to legitimate instances of self-reported violations. The Commission Policy would also establish the standard that legitimate instances of self-reported violations will not be submitted to the Commission for license revocation or civil assessment consideration. The Department also recommends this Commission Policy apply equally to Department employees and volunteers engaged in off-duty pursuits of hunting, fishing and trapping who self-report accidental or unintentional violations.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE COMMISSION POLICY A2.40 ON THE HANDLING OF SELF-REPORTED VIOLATIONS.

l. Request to approve the Article 4 Live Wildlife Five-year Rule Review Report, for Submission to the Governor's Regulatory Review Council (G.R.R.C.).

Presenter: Pat Crouch, FOR6 Field Supervisor

A.R.S. §41-1056 requires each state agency to review all of its rules at least once every five years. The Article 4 Five-year Rule Review Report is due to G.R.R.C. by November 30, 2013. The Department presented an overview of the team's recommendations to the Commission at the August 2, 2013 Commission Meeting. If approved by the Commission, the Department will submit the report to G.R.R.C. for their review. Submission of this report will not change any of the Article 4 rules; however, if the Department fails to submit the report by the established due date, the Commission's Article 4 rules will expire and no longer be in effect or enforceable.

In addition to the review criteria prescribed under A.R.S. §41-1056, the Article 4 rule review team considered internal and external comments received during the previous five years, and processes that have changed since the last rulemaking. For all rules, the team recommends amendments designed to ensure consistency between Commission rules, Department processes, rule language/formatting, and to reduce the regulatory burden where possible. In addition, the team proposes the following substantive amendments:

For all special license rules:

- Clarify that a special license: does not allow any activities using federally-protected wildlife, unless the licensee possesses authorization from U.S. agency or exempt the licensee from all applicable laws and rules. The licensee is responsible for compliance with all applicable laws and rules

- Expand the time-frame for denying a license for conviction of illegal holding/possession of wildlife violation from 3 to 5 years
- Require a person to ensure wildlife is accompanied by a health certificate.

R12-4-402. Live Wildlife; Unlawful Acts:

- Establish the Department's authority to euthanize acquired/seized wildlife.

R12-4-404. Possession of Live Wildlife Taken Under an Arizona Hunting or Fishing License:

- Allow the use of reptiles for aversion training. This activity is currently allowed, but is not addressed in rule.

R12-4-406. Restricted Live Wildlife:

- Delist hedgehogs to allow their use as pets
- List all federally listed threatened/endangered species and all MBTA migratory birds as restricted wildlife to prevent persons from unknowingly violating federal regulations
- List apple snails, Chinese mystery snails, false dark mussels, non-human primates, red shiner, five species of tilapia, transgenic wildlife, and wildlife listed under AIS Director's Order #1 as restricted wildlife as they pose a significant threat to native wildlife/habitat or human health and safety. Restricted wildlife may not be possessed unless authorized by the Department.

R12-4-407. Exemptions from Special License Requirements for Restricted Wildlife:

- Allow a person to set-up a temporary exhibit using wildlife and allow use of wildlife for commercial photography while simultaneously protecting the public health and safety
- Require a person to dispose of wildlife that dies while in transport as directed by the Department.

R12-4-409. General Provisions and Penalties for Special Licenses:

- Expand options the Department may use when a licensee fails to comply with laws and rules and allow a licensee whose renewal is denied to possess wildlife until the final day on which a judicial review may be requested to allow due process.

R12-4-410. Aquatic Wildlife Stocking License:

- Establish a protocol for disease control to increase consistency between rules
- Establish the Department's authority to perform inspections.

R12-4-414. Game Bird Shooting Preserve License:

- Combine R12-4-414, R12-4-415, R12-4-416, and R12-4-419 into one rule addressing game birds. This requires repealing R12-4-415, R12-4-416, and R12-4-419.

R12-4-420. Zoo License:

- Prohibit transfers of restricted wildlife from zoos to private game farms in an effort to protect wildlife resources and prevent unregulated commercial breeding.

R12-4-421. Wildlife Service License:

- Prohibit the possession of wildlife carcasses/parts as this is not consistent with the rule's intent.

R12-4-422. Sport Falconry License:

- Expand restrictions placed on apprentices regarding the possession of federally-listed/endangered species to include subspecies and prohibit the transfer of permit-tag, nonpermit-tag, and quota regulated raptor species to out-of-state falconers within one-year of capture.

R12-4-423. Wildlife Rehabilitation License:

- Require a licensee to contact the Department if they receive and/or treat a special status species
- Allow the Department to deny a license to a person who intentionally causes an animal to imprint on humans.

R12-4-424. White Amur Stocking and Holding License:

- Require applicants to further examine the potential for adverse impacts on existing wildlife species in a licensed area
- Establish a protocol for disease control and Department's ability to perform inspections.

R12-4-425. Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments:

- Require a person who possesses (now restricted) wildlife prior to its listing under R12-4-406 to notify the Department of the animal(s) and its unique identifier(s)
- Establish that the transfer of wildlife held under this rule nullifies the exemption
- Restrict propagation and remove language implying offspring are exempt from reporting requirements.

R12-4-426. Possession of Primates:

- Restrict the possession of primates to zoo licensees, research facilities, and persons exempt under R12-4-425
- Add other zoonotic diseases to clarify the various testing requirements
- Require persons to transport primates in a secure cage, crate, or carrier to reduce the risk of escape and threat to public health, safety, and welfare.

R12-4-428. Captivity Standards:

- Require the licensee to provide an enclosure that promotes the psychological well-being of captive animals and veterinary care even when the animal will be kept for less than 1-year.

R12-4-430. Importation, Handling, and Possession of Cervids:

- Expand disease testing options to reduce the burden and costs to the regulated community and the Department.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE ARTICLE 4 FIVE-YEAR REVIEW REPORT FOR SUBMISSION TO THE GOVERNOR'S REGULATORY REVIEW COUNCIL.

m. Renewal of a Cooperative Agreement with Table Mountain Farms to Plant and Harvest Crops on the Hayfields parcel of the VS Ranch Property.

Presenter: Tim Wade, Wildlife Contracts Branch Chief

At their December 4, 2009 meeting, the Commission approved the transfer of land and water rights for properties located along the Lower San Pedro River in Pinal County from ASARCO LLC to the Commission. On a portion of those properties there is currently an active farming agreement between the Commission and Table Mountain Farms for the Hayfields parcel of the VS Ranch. The agreement was approved by the Commission at their February 10, 2012 meeting. The current agreement expires on November 30, 2013. The continuation of this agreement will provide a direct

benefit to wildlife and the continuous application of crops will reduce the incidence of invasive weeds on the tilled portions of the property.

The renewal of this agreement will continue to allow cooperation, exchange of expertise, labor, materials, and support by the Department in continued efforts to conserve and enhance wildlife habitat in the southwest. While this agreement is in place, the Department will be completing the management plan(s) for the newly acquired Lower San Pedro River properties, thus defining future management.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE A RENEWAL OF THE CURRENT COOPERATIVE AGREEMENT WHICH WILL ALLOW TABLE MOUNTAIN FARMS TO PLANT AND HARVEST CROPS ON THE HAYFIELDS PARCEL OF THE VS RANCH AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO APPROVE THE AGREEMENT AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

Motion: Madden moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEMS A, B, C, D, E, F, G, I, J, K, L, AND M.

Vote: Unanimous
4 to 0

The following consent agenda item #h was pulled for discussion:

h. Review and Approval of an Agreement with the U.S. Fish and Wildlife Service for the Department to Act as a Cooperating Agency on the development of the Draft EIS for the *Proposed Revision to the Nonessential Experimental Population of Mexican Wolves and the Implementation of a Management Plan.*

Presenter: Jon Cooley, Endangered Species Coordinator

The Commission has been briefed on two proposed rules published by the U.S. Fish and Wildlife Service (USFWS) regarding the Mexican wolf. The two proposed rules are procedurally linked. The first would de-list the gray wolf as an entity and proposes to list the Mexican wolf as an endangered subspecies. The second proposed rule outlines modification to the 10(j) rule designating the experimental nonessential population for Mexican wolf, which is necessary to link the revised 10(j) to the Mexican wolf subspecies (as proposed) and to provide for other potential modifications to wolf management within the designated 10(j).

The proposed changes to the 10(j) rule and associated management plan are subject to NEPA, and an Environmental Impact Statement (EIS) will be prepared to analyze the proposed actions and alternatives outlined in the proposed 10(j) rule. The Department has received a formal invitation from the USFWS to participate, as a Cooperating Agency, in the development of the Draft EIS relating to the proposed 10(j) rule. When finalized, the EIS will be used to guide decisions by USFWS on the Final 10(j) rule. Cooperating Agency status in developing the Draft EIS provides the Department a seat at the table for all aspects of the development of the proposed action, which includes identification of alternatives and corresponding analysis of effects.

Public Comment

Gary Finch, representing himself: Opposed to wolf reintroduction; informed the Commission that the Department is trapping wolves close to the reservation line because they know the Apache Tribe will kill them; the Department denies that this is why they are trapping close to the line; the wolf program is totally contrary to the Department's mission; if wolves get a foothold here, it will be like in Yellowstone and we will be in trouble.

Jim Finch, Jr., representing himself: Opposed to wolf reintroduction; expressed concerns that the Department, the USFWS, the Forest Service and others are more concerned about the wolf than they are about the people who live here.

Sam Luce, Rancher from the Blue River: Opposed to wolf reintroduction; the Mexican wolf reintroduction program has put his ranch out of business.

Tom Macnab, Citizens for Multiple Land Use and Access (CMLUA): Opposed to the Mexican wolf program; it's a sham and it's big business now; wolves don't belong on agriculture lands; AGFD should not participate in this program.

Don McDowell, Arizona Sportsmen For Wildlife Conservation (AZSFWC), Sportsmen's Constituency Group: Submitted a letter of support from AZSFWC, and 21 other organizations, with respect to the management of the Mexican gray wolf in Arizona (Chairman Harris read the letter into the record during agenda item #7).

Ramona Coyote, representing herself: Supports the AGFD being a cooperating agency with the USFWS regarding Mexican wolf reintroduction.

Commissioner Mansell stated that he was going to bring a resolution to the Commission in regards to the USFWS holding public scoping meeting in Arizona, but that he was going to wait until agenda item #7.

Motion: Madden moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING WITH THE U.S. FISH AND WILDLIFE SERVICE RELATED TO COOPERATING AGENCY STATUS ON THE EIS FOR REVISION OF THE 10(j) RULE AND MEXICAN WOLF MANAGEMENT PLAN, 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.

Commissioner Davis stated for the record that if the Department and Commission were to withdraw and no longer engage and participate in the Mexican wolf project, then the ability to transmit legitimate concerns, the ability to impact the science, and the ability to be thoughtful and loud participants on behalf of the residents of Arizona would be foregone. This is his reason for voting on an MOU like this, which will strengthen and specifically outline the Department and Commission's authority related to wildlife in Arizona. He understands the frustration that comes with the Mexican wolf reintroduction project, but at the same time believes it is prudent to make sure to at least be a participant and be able to have a voice. He wants to make it clear for the

record that he wants to ensure that Arizona is represented in this federal program. It is important that the Department and Commission diligently work to represent the state's interest.

Chairman Harris concurred and added that we need to be part of the process so that we have input and our voices heard.

Vote: Unanimous
4 to 0

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3. Legislative Engagement and State and Federal Legislation

Presenter: Jorge Canaca, Assistant Legislative Liaison

Mr. Canaca 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 including the following:

AGFD 2014 Legislative Proposals:

Law Enforcement Omnibus:

- **Big Game Decoys:** New language would charge a civil penalty to anyone that shoots a decoy, in the amount charged for taking the actual animal simulated (Will allow the Department to use funds from the Wildlife Theft Prevention Fund to replace decoys)
- **Dogs Harassing Wildlife:** Authorizes a law enforcement officer to use lethal control on a dog attacking, injuring, or killing big game; Owner or custodian of dog is liable; Exempts a person engaged in the lawful taking of wildlife where the use of dogs is an authorized method for taking the species; (Modeled after A.R.S. § 3-1311. Dogs killing or chasing livestock; liability of owner; classification)
- **Interstate Law Enforcement Compact:** This compact would grant law enforcement officers the ability to enforce criminal offenses in adjoining states (Utah and New Mexico), within 25 miles of state lines; (Modeled after existing Colorado River compact with CA and NV; Ratification)
- **Revocation for Hunter Harassment:** This change would allow the commission to revoke a person's license that has violated hunter harassment statutes
- **Disabled Veteran's Tag Transfer:** Allows a person to transfer a tag or permit to a nonprofit organization serving 100% disabled combat (injured or wounded) veterans; (Currently, a person may transfer a tag to a nonprofit organization for use by a minor child with a life threatening medical condition or a permanent physical disability)
- **Terrestrial Invasive Species Definition:** Adds definition of *terrestrial invasive species*; (Currently statute only defines *aquatic invasive species*); Director would have the authority to identify and assess terrestrial invasive species and establish management plans for their eradication
- **Request to Leave:** Authorizes a peace officer, at the request of the property owner, to notice a trespasser; (Associated with the Landowner Compact).

Some proposals will require additional work on the language. The Department plans to meet with stakeholders during October and November to refine the language and then bring that back to the Commission in December.

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4. Removed from agenda. (BASF RV Camp Ground and Barn Stall Fee Schedule)

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5. Approval that the Environmental Analyses Conducted Per the Department's Fossil Creek Watershed Treatment Plan are Sufficient to Use Rotenone for the Removal of Non-native Fish

Presenter: Chris Cantrell, Fisheries Branch Chief

The Department requested Commission approval that the environmental analyses conducted per the Fossil Creek Watershed Treatment Plan (Plan) are sufficient to ensure that the use of rotenone will not endanger the health of the environment, humans, or livestock when rotenone is applied according to the Department's Piscicide Treatment Planning and Procedures Manual (PTPPM), product label, and Rotenone Standard Operating Procedures Manual. Commission approval of the environmental analyses conducted for each proposed rotenone treatment is a new requirement per Title 17-481 (Laws 2013, First Regular Session, Chapter 117) as a result of the introduced and subsequently chaptered Senate Bill 1469 "Applications of aquatic poisons; analysis; notice; exceptions". In adherence with the PTPPM, the planning, public outreach, and environmental compliance for the September 2012 rotenone treatment of Fossil Creek were included in the Plan that was approved by the Assistant Directors of the Wildlife Management Division and Field Operation Division prior to the treatment in adherence with the PTPPM. The Plan also included potential future treatments of five stock tanks within the Fossil Creek watershed, one of which (Soldier Mesa Tank) currently contains non-native green sunfish that the Department proposes to remove using rotenone this fall.

In adherence with the PTPPM, the Plan incorporates several environmental evaluations that assess potential impacts of rotenone on the environment, terrestrial wildlife, and human health, including an Environmental Assessment and subsequent analysis per the National Environmental Policy Act by the U.S. Forest Service; the Pesticide Use Plan per the U.S. Forest Service; the Department's Environmental Assessment Checklist; the Rotenone Review Advisory Committee's Final Report; and the Pesticide Discharge Management Plan per the Arizona Department of Environmental Quality.

If the Commission approves that the environmental analyses conducted per the Plan are sufficient to move forward with the use of rotenone in the Fossil Creek watershed, the Department will complete the final planning and public outreach, in accordance with the Plan and Title 17-481, and schedule the treatment of Soldier Mesa Tank during the last week of September or first two weeks of October, 2013. Also per Title 17-481 the Department must: 1) provide written notice to all owners, lessees and permittees; 2) a published general notice in two publications in a daily or weekly newspaper in the general area in which the chemical will be applied; and 3) water and soil analysis pre- and post-treatment within the treatment area. The

treatment of Fossil Creek in 2012 was successful at removing smallmouth bass, and also came at a tremendous cost to the Department and its partners, both in terms of dollars and human resources necessary to complete the project. The presence of green sunfish in Soldier Mesa Tank jeopardizes the success of the stream treatment because runoff from the tank could distribute piscivorous non-native fish back into area that was treated. It is critical to treat Soldier Mesa Tank early in the fall because rotenone loses effectiveness in colder water temperatures that would be encountered later in the fall and tends to persist longer at cold water temperatures.

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE ENVIRONMENTAL ANALYSES CONDUCTED PER THE FOSSIL CREEK WATERSHED TREATMENT PLAN THAT FIND NO ENDANGERMENT TO THE HEALTH OF THE ENVIRONMENT, HUMANS, OR LIVESTOCK WHEN ROTENONE IS APPLIED PER THE DEPARTMENT'S PISCICIDE TREATMENT PLANNING AND PROCEDURES MANUAL, PRODUCT LABEL, AND ROTENONE STANDARD OPERATING PROCEDURES MANUAL; AND, THESE ANALYSES ARE SUFFICIENT TO UTILIZE ROTENONE IN THE FOSSIL CREEK WATERSHED FOR THE REMOVAL OF NON-NATIVE FISH.

Commissioner Davis stated that if the need occurs that rotenone needs to be reapplied, he would like to have another conversation about what occurred and why we are in a situation related to reapplication.

Chairman Harris agreed and stated that if the need for reapplication should occur, the Commission would like a briefing at a Commission meeting - not for a vote, but a briefing.

Vote: Unanimous
4 to 0

Public Comment

Thomas Hulen, representing himself, addressed the Commission by video teleconference from the Department Headquarters in Phoenix: Thanked the Commission for approving the use of rotenone at Fossil Creek.

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6. Intergovernmental Agreements for the Community (Urban) Fishing Program between the Arizona Game and Fish Commission and the Cities of Glendale and Maricopa.

Presenter: Chris Cantrell, Fisheries Branch Chief

The Department requested the Commission to authorize the Director, as Secretary to the Commission, to execute and amend as necessary the agreements with the cities of Glendale and Maricopa, to conduct a Community Fishing Program on three waters to be commenced on December 1, 2013 through June 30, 2015 consistent with Commission guidance. Commission action is required under the provisions of A.R.S. § 17-231 B.7 to enter into agreements with other entities for the operation of wildlife facilities and the conduct of related wildlife management.

Increasing the number of sport fishing opportunities is considered a Department and Fisheries priority. Beginning January 1, 2014, significant changes will occur to achieve this goal. The current Urban Fishing Program will be rebranded and renamed the Community Fishing Program. Fifteen new fishing locations will be added to the existing 21 waters in the Program, representing a 70% increase. Annually, over 62,000 anglers of all ages and backgrounds participate in the Program. Urban anglers expend approximately \$6.8 million in direct expenditures to the Arizona economy annually. These numbers are projected to increase by 30% after the expansion.

Commission action is required to enter into two new agreements, one with the City of Glendale and one with the City of Maricopa. Current Urban Fish Program agreements between the Department and 11 cities specify the roles and responsibilities of each in providing urban sport fishing opportunities. The Glendale agreement includes two acre Bonsall Pond. The newly constructed, five acre Copper Sky Lake and two acre Pacana Pond are included in the Maricopa agreement. Consistent with previous agreements, the Department would agree to provide regular fish stockings of catfish, trout and sunfish; monitor water quality; provide outreach via signage and media; and enforce Commission rules and regulations. The cities would agree to maintain the park grounds and lake water quality; install and maintain signage; pay the Department annual fees to offset Urban Program fish stocking and management costs; and enforce State, City and Park codes, rules, regulations and laws.

Motion: Davis moved and Madden seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE, AND AMEND AS NECESSARY AGREEMENTS BETWEEN THE DEPARTMENT AND THE CITIES OF GLENDALE AND MARICOPA TO CONDUCT A COMMUNITY FISHING PROGRAM FOR A PERIOD OF TWO YEARS, COMMENCING DECEMBER 1, 2013 THROUGH JUNE 30, 2015 ON THREE DESIGNATED COMMUNITY FISHING LAKES, AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous
4 to 0

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Meeting recessed for a break at 9:25 a.m.

Meeting reconvened at 9:40 a.m.

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7. Mexican Wolf Planning Principles and Corresponding Objective Statements

Presenter: Jon Cooley, Endangered Species Coordinator

Mr. Cooley briefed the Commission and presented for approval a draft Mexican Wolf Plan Principles and Requirements (attached), which outlines planning principles and key objectives for the Mexican Wolf Reintroduction Project in Arizona and will serve as a framework for developing Department comments to upcoming comment/scoping and Environmental Impact Statement (EIS) development processes on USFWS proposed rules, and to provide a foundation for the Department's ongoing Mexican Wolf planning efforts.

At the June and August 2013 Commission meetings, the Commission was briefed on the publication of two proposed rules by the US Fish and Wildlife Service (USFWS) regarding the Mexican wolf. The first proposes to de-list the gray wolf as an entity while jointly listing the Mexican wolf as an endangered subspecies, with the second proposing modifications to the 10(j) rule designating the experimental nonessential population for Mexican wolf. The Department has been invited by the USFWS to participate, as a Cooperating Agency, in the development of the Draft EIS (DEIS) relating to the proposed 10(j) rule, which will provide the Department the opportunity to provide input on 10(j) alternatives and proposed actions. In addition, USFWS scoping processes tied to the Proposed Rules and the associated DEIS allow the Department (and public) to provide comments within specified comment periods. Concurrently with engaging in these USFWS Proposed Rule and EIS processes and preparing related Department comments/inputs, the Department also continues to pursue development of a Mexican Wolf Management Plan. In both cases, the Department is planning to complete stakeholder/public engagement in an effort to capture appropriate feedback to be incorporated into Department scoping and planning processes.

The Department has developed planning principles and requirements for the Mexican Wolf reintroduction project in Arizona, which are intended to capture and reflect appropriate Commission guidance and positions relating to the Mexican Wolf project. These planning principles and plan requirements attempt to reflect preceding Commission direction and are intended to establish a framework and reference for the Department as it undertakes these ongoing planning processes involving Mexican Wolf.

Chairman Harris read into the record a letter of support and a “Resolution for the Management of the Mexican gray wolf in Arizona” from AZSFWC and 21 other organizations (attached). Chairman Harris stated that the points in this letter parallel points in a letter he sent to the Republic and he supports the concepts behind this letter.

Commissioner Mansell stated that he supports the comments of the letter read by Chairman Harris, and in addition he prepared a resolution for Commission consideration. Because the USFWS is planning scoping meetings in California and Washington DC and not in Arizona, Commissioner Mansell read his resolution into the record (attached) and asked the Commission to adopt it.

Commissioner Davis stated that the resolution is right on point and should be transmitted with the MOU and any other communications with the federal government on this issue. Additionally, Commissioner Davis would like to add to the resolution that public hearings be held in the affected areas of Arizona.

The Commission was in consensus.

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE RESOLUTION AS PRESENTED AND AS AMENDED TO INCLUDE THE AFFECTED AREAS REQUESTED BY COMMISSIONER DAVIS (ATTACHED).

Vote: Unanimous
4 to 0

The Commission discussed with Mr. Cooley the Mexican Wolf Plan Principles and Requirements.

Commissioner Mansell requested that the first bullet in the guiding principles reference that these principles are in support of, or consistent with, the North American Model of Wildlife Conservation.

Commissioner Mansell shared a couple other thoughts as follows: When we get to the management level of wolves, maybe sport hunting should become part of the regulatory tool that the Commission could use; He would like to see the Commission take a stand to not support the introduction of other wolves (mainly northern wolves) to improve the genetic viability of Mexican wolves; He would like to see a statement that says the Mexican wolf program does not have a negative impact on local communities; the Mexican wolf program needs to have the support of the Arizona hunting community; the Commission needs to lay out a plan for the Department to run the program; the Commission should go on the record to not support a wolf corridor from the national border up to Wyoming, Idaho and Montana; He would like to see the Department develop an informational pamphlet that gives a historic overview of the wolf program from inception to date.

Jim DeVos, Assistant Director of Wildlife Management, responded to Commissioner Mansell's comments. The Department will develop a pamphlet as requested; the wolf corridor is talked about in some circles, but it is not supported by federal or state agencies and it would be a bad outcome for Mexican wolves; the letter from AZSFWC and 21 other sportsmen organizations reflects support of a balanced wolf program from the sportsmen community; the Department has had considerable discussion of Mexican wolf management and is starting to identify the pathway for the Department to assume a much higher level of activity within Arizona; regarding ungulate populations and decimation by wolves, the Department is actively developing the data needed to be able to help the Commission and sportsmen conservationist with the point of impact and the different number of wolves we will have; The USFWS through an EIS must assess economic impacts to local communities and the Department will request full disclosure as part of the Department's comment package.

Commissioner Mansell further discussed with Mr. DeVos trust issues with stakeholders and how to get them back to the table.

Mr. DeVos stated that it is difficult to regain trust, but with full engagement, being forthright, honest, informative and good listeners, we can slowly start to rebuild the trust factor. The Department is currently meeting regularly with the counties and people involved.

Public Comment

John Tate, Citizens for Multiple Land Use and Access (CMLUA): Opposed to wolf reintroduction; discussed negative wolf impact on wildlife and livestock in the northern states of Montana, Wyoming and Idaho; appreciates the Commission's efforts to have some control over the program.

Ramona Coyote, representing herself: Supports Mexican wolf reintroduction; recommended the Commission put the planning principles and requirements out for public comment; reminded the Commission that they represent everyone and not just ranchers and hunters; would like the general public to have more information; would like to know more about the Department's meetings with the counties and the outcomes of those meetings.

John W. Bennett, President, CMLUA: Expressed concerns about access and depredation of prey base; the Department should have more control over Mexican wolves in Arizona as a coordinating agency and not just a cooperating agency; expressed concerns about issues facing the northern states will become issues faced by Arizona.

Pascal Berlioux, Executive Director, Eastern Arizona Counties: The wolves are here whether we like it or not and the bottom line is how do we manage them; he appreciates the Department and Commission's efforts to help the eastern Arizona counties manage the wolves and for engaging the federal government in wolf management.

Mike Sorum, representing himself, commented via video teleconference from AGFD Headquarters: The Department and Commission need to be involved with the USFWS in this whole process; supports expanding the 10j area and hopes the Commission supports re-establishing the Mexican wolf statewide; once the numbers are high enough, the Department and Commission can take over management of Arizona's wolves.

Chairman Harris stated for the record that people talk about ranchers, hunters, and conservationists as though they were separate groups, but actually, ranchers and hunters are the original conservationists beginning with Teddy Roosevelt who started the whole movement of conservation.

Tom Hulen, representing himself: Supports Mexican wolf reintroduction and does not believe that the Arizona Game and Fish should be the primary lead; the USFWS is more immune from the local politics which drives some of the issues; supports most of the Department's planning principles and requirements.

Commissioner Davis suggested that the planning principles specifically include a partnership with the White Mountain and San Carlos Apache Tribes.

Mr. Cooley stated that the White Mountain Apache Tribe has been a contributor to the project to date, and even though they have dealt with their own wolf related issues, they continue to be on board. The Department recognizes their contributions at every opportunity and it would be very appropriate to include as a principle.

Commissioner Davis added that with any plan there has to be a very specific and important conversation about appropriate levels of restitution and/or incentives for landowners who choose to participate. Another thought that needs to be on the table is the number of how many wolves we believe can be sustained in the State of Arizona. When you have a number, then you can have a conversation about managing to that number.

Mr. DeVos commented that the Department is looking at a range of impacts based on numbers. It is very difficult to say what the target number is until we know what the impact is at a certain

number. The principles talks about the Department and Commission establishing acceptable ungulate loss rates and density ratios. This language can be strengthened to emphasize the numbers issue.

The Commission discussed whether to approve the planning principles now or have a final version brought back at the December meeting.

Director Voyles stated that the planning principles will be a living document and can be modified as needed. They may be subject to discussion at every Commission, if needed, as we move forward. Director Voyles recommended that the Commission take action on the planning principles today and include the additional points as discussed. This will give the Department guidance as they work on the scoping comments that are due in two weeks.

Motion: Davis moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE MEXICAN WOLF CONSERVATION PLAN PRINCIPLES AND OBJECTIVE STATEMENTS, WHICH THE DEPARTMENT WILL REFERENCE AND APPROPRIATELY INCORPORATE INTO ALL UPCOMING USFWS PROPOSED RULE/DEIS SCOPING PROCESSES AND DEPARTMENT PLANNING PROCESSES INVOLVING MEXICAN WOLF; AND WITH THE FOLLOWING ADDITIONS TO THE PRIMARY PRINCIPLES: THAT THE NORTH AMERICAN MODEL IS A GUIDING REFERENCE RELATED TO THIS DOCUMENT; THAT IN THE FUTURE A SPECIFIC RANGE OF WOLF NUMBERS BE IDENTIFIED THAT IS ACCEPTABLE TO THE ARIZONA LANDSCAPE (GEOGRAPHIC AREAS); THAT ANY PLAN AND IMPLEMENTATION REQUIRES PARTNERSHIP WITH AFFECTED NATIVE AMERICAN TRIBES AND NATIONS; AND THAT THERE ARE APPROPRIATE LEVELS OF RESTITUTION AND/OR INCENTIVES TO IMPACTED LANDOWNERS AND COMMUNITIES.

Vote: Unanimous
4 to 0

Director Voyles stated that this item will be on the December Commission meeting agenda in case the Commission would like to make any modifications.

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Meeting recessed for a break at 11:04 a.m.

Meeting reconvened at 11:09 a.m.

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7A. Information Briefing on the Pilot Big Boquillas Ranch Access Program and Agreement/Landowner Compact

Presenter: Gary R. Hovatter, Special Assistant to the Director and
Tom Finley, Kingman Regional Supervisor

Mr. Hovatter provided the Commission with an informational briefing on the progress of the Pilot Big Boquillas Ranch Access Program and Agreement, which included an update on how

this project will serve as a pilot for the landowner compact and implementation of the pilot during the fall. The Department has continued to negotiate an access agreement on the Big Boquillas Ranch that will serve as the pilot project for the Department/Landowner Compact. The Ranch Owner, the Navajo Nation Division of Natural Resources, and the Ranch Lessee, Cholla Livestock LLC, have negotiated with the Department to craft a proposed agreement that offers the sportsmen of Arizona reliable, fair and reasonable access to a high value hunting opportunity while ensuring respect for the business investment that the ranch represents for the owner and the lessee. The Department continues to work with the Navajo Nation and Big Bo LLC to forge a final version of the agreement. The Big Boquillas Ranch will be open to access, per the elements of the pending agreement, during the fall 2013 hunting season.

Mr. Finley briefed the Commission on the Department's plans for implementation this fall, which includes informing the public, holding a pre-hunt meeting with all ranch hands, having a strong Department presence during the hunt, surveying hunters, and holding a post-hunt meeting to discuss what changes may be needed or what we would like to see for next year.

The Commission recognized and expressed appreciation for the Department's efforts on this program. The option to this program was to not have hunting on the Big Boquillas at all, and so this may be a model for other ranches and lands that have been closed.

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8. License Automation Strategies

Presenter: Doug Cummings, Branch Chief, Information Systems

Mr. Cummings provided a PowerPoint presentation on the Department's plan and progress toward the implementation of License Simplification in the Online License Sales and Draw systems. The presentation also included an update on next steps post implementation, including strategic automation initiatives such as License Sales Automation, paper vs. paperless licensing and draw, and the proposed Wildlife Portal. As the Department has developed and gained approval for License Simplification, work has begun to modify systems (primarily Online License Sales and Draw) to implement License Simplification by January 1, 2014. Business Requirements have been developed and work is underway to implement License Simplification by January 1, 2014. This briefing covered:

License Simplification Implementation:

- In-sourcing the Online License Sales and Draw code
- Defining Business Requirements
- Modifying the code to support License Simplification: Define systems changes, develop new code, test of the modified system, implementation

Options for the future of license sales:

Option 1: License Dealer Automation - No longer considered a viable option

Option 2: Expanded Online

- Option 2a – Expanded online by January 1, 2015 (Consideration – January 1, 2015 is Mid Budget Cycle)
 - Eliminate paper sales (Eliminating dealer commissions)
 - Offer and deploy computer for retailers to offer license sales (Retailers to supply their own printers and internet access)
 - Mobile accessible web site
 - Smartphone Hunt / Fish License – Potential drivers license
 - Department mails over the counter and duplicate tags
 - Staff to support online chat customer service and call center

- Option 2b – Expanded online by January 2016 (Consideration – Allows planning into FY16 Budget)
 - Eliminate Paper Sales (Eliminating dealer commissions)
 - No computers deployed to retailers
 - Mobile accessible web site
 - Smartphone Hunt / Fish License – Potential drivers license
 - Department mails over the counter and duplicate tags
 - First Come First Tags
 - Additional time to incentivize transition to online and manage dealer relations
 - Staff to support online chat customer service and call center

Future Plans:

- Transition license and tag sales online (Eliminating paper sales)
- Comprehensive Game Management
- Wildlife Portal
- Mobile App's

Commissioner Davis commented that in January 2014, we will have new simplified licenses and he does not want to see a two year period of quiet before we see the next big event. He would like to see on January 1, 2015, the Wildlife Portal launched or the expanded online license sales and then launch the other on January 1, 2016, and further asked Mr. Cummings which one he thought should be done first.

Director Voyles requested a break in the meeting in order to discuss the question posed by Commissioner Davis.

Chairman Harris suggested tabling this item until after lunch.

The Commission was in consensus.

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11. Proposed Trade and Translocation of Gould's Turkeys for Pronghorn with New Mexico

Presenter: Brian F. Wakeling, Game Branch Chief

Mr. Wakeling briefed the Commission on the Department's coordination with New Mexico Department of Game and Fish to facilitate an exchange of up to 60 Gould's turkeys from Arizona

for up to 40 pronghorn from New Mexico. This is a one-time exchange that may take up to three calendar years to complete, from 2014 to 2017. The Arizona and New Mexico Game and Fish Departments have discussed trading up to 60 Gould's turkey from Arizona for up to 40 pronghorn from New Mexico during 2014–2017. Gould's turkey restoration within Arizona is largely complete, with only a few supplemental translocations remaining to bolster existing populations. Southeastern pronghorn populations are struggling, and pronghorn translocations within state have been planned for 2 years, which have not been successfully completed for several logistical reasons. While intrastate planning continues, the opportunity to obtain pronghorn from New Mexico would facilitate this restoration effort. In accordance with Game Animal Translocation Procedures outlined in DOM Policy I1.2, the Department requests the Commission authorize the out-of-state translocation of up to 60 Gould's turkeys during 2014–2017.

Motion: Madden moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE AN EXCHANGE OF UP TO 60 GOULD'S TURKEYS FROM ARIZONA FOR UP TO 40 PRONGHORN FROM NEW MEXICO, TO OCCUR BETWEEN 2014–2017.

Vote: Unanimous
4 to 0

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Meeting recessed for lunch at 12:15 p.m.

Meeting reconvened at 1:30 p.m.

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8. (continued) License Automation Strategies

Presenter: Doug Cummings, Branch Chief, Information Systems

Mr. Cummings stated that the Department believes it would be best for the Department and its customers to focus on the Wildlife Portal, and to deliver that by January 1, 2015. Further, the Department believes delivering the Wildlife Portal is a stepping stone to eliminating paper sales and to creating a natural evolution that will draw the Department's customers to the online environment because we will be creating a better online experience for them. The Department also proposes that it provide updates to the Commission at each regular Commission meeting beginning in December 2013.

Commissioner Davis asked about the goal for 2016.

Mr. Cummings stated that the Department could present a better recommendation for what happens by January 2016 at the December Commission meeting. The Wildlife Portal will lead to the online expanded paperless, but we may also discover other things that we want to do during the planning and implementation of the Wildlife Portal.

The Commission was in consensus for the Department to focus on the Wildlife Portal for implementation by January 1, 2015 and to hear the Department's recommendation for 2016 at the December meeting.

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13. Petition by Robert “Steve” Erhart.**Presenter:** Lizette Morgan, CFO, Business & Finance

Ms. Morgan presented the Commission with a petition by Robert “Steve” Erhart for an elk tag he was drawn for and then rejected due to the failure of the credit card to process. Mr. Erhart applied for the 2013 elk draw on January 29, 2013. His application and payment were accepted without any issues. When the draw occurred, Mr. Erhart’s application was drawn for Muzzleloader, bull elk, Unit 27, Sept 27 – Oct 3, 2013. When payment was attempted with the card on file, both attempts by the Department Internet vendor failed. The Department has received documentation from Capitol One indicating Mr. Erhart was contacted on February 21, 2013 in regards to unauthorized charges on his account and that he was given a new account number which was activated on March 8, 2013. The Department sent out an e-news announcement on March 12, 2013, to all subscribers reminding applicants to make sure the credit card information was up to date. The published deadline to make corrections was March 18, 2013. Mr. Erhart did not update his credit card information in the system and as a result, his card was declined. When Mr. Erhart realized he had been rejected due to a credit card problem he contacted the Pinetop Regional Office and was advised to submit a letter to the Draw Section.

After that point there was a breakdown in the process. Due to some internal communication issues, the Department failed to respond to Mr. Erhart in a timely manner regarding his issue and the available courses of action he could take. The Department did eventually connect with Mr. Erhart and work with him to complete the petition process. Mr. Erhart is requesting that either he be issued a tag or that his bonus and loyalty points be reinstated. The Department acknowledges and apologizes to Mr. Erhart for the failure to respond to him in a timely manner regarding this issue. Regarding his petition, based on the evidence, there was no fault on the part of the Department; therefore there is currently no provision in rule to allow the Department to provide any relief under these circumstances.

Mr. Erhart was present and addressed the Commission. He has been loyal to the Game and Fish Department and applies every year. This issue is related to his credit card and is no fault of his own. He asked the Commission to reinstate his bonus points.

Commissioner Davis asked Mr. Odenkirk about the rule in this case.

Mr. Odenkirk stated that if the Department determines that there has been a Department error in the denial or rejection of an application, the Director has the authority to reinstate bonus points or issue a tag, and that is the same for the Commission in the case of a petition.

Commissioner Davis asked about looking at a rule modification so that even if the Department is not at fault, if there is a legitimate reason for denial or rejection, the bonus points could be reinstated or a tag issued.

Ms. Morgan stated that the new process of post-draw correction is going to allow the Department to contact everyone with a rejected credit card starting with the spring draw, and this particular

issue will not occur anymore. In the case of Mr. Erhart, it is his loyalty point that he will lose. His other points will stay intact.

Rules and Risk Branch Chief Jennifer Stewart addressed the Commission and stated that the time is right if the Commission wants to make any modifications to the rule. This rule is in Article 1, which will be presented at the Commission's December meeting.

Commissioner Mansell stated that he would like to explore a rule change so that bonus points or loyalty points don't have to be taken away.

Director Voyles discussed with the Commission and Mr. Odenkirk that the Commission has in the past assumed Department error because there was no identified cause of the error.

Ms. Morgan reminded the Commission of the time when there were many complications with credit card companies and the Commission allowed those applicants who contacted the Department within a certain period of time to have their bonus points reinstated or tag issued.

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO FIND THE DEPARTMENT IN ERROR AND TO REINSTATE MR. ERHART'S LOYALTY BONUS POINT.

Vote: Aye - Harris, Mansell, Madden
Nay - Davis
Passed 3 to 1

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14. Petition by Mark Clark.

Presenter: Lizette Morgan, CFO, Business & Finance

Ms. Morgan presented the Commission with a petition by Mark Clark on behalf of Madison Clark for the deer tag she was drawn for and then rejected due to the failure of the credit card to process. Mr. Clark applied online on behalf of his daughter Madison Clark for the 2013 fall deer draw on May 31, 2013. The application and payment were accepted without any issues. When the draw occurred, Ms. Clark's application was drawn for her third choice, hunt number 1093, unit 24B antlered whitetail deer, season date 11/1-11/7/2013. Her first and second choices were junior only hunts. When payment was attempted with the card on file, three attempts by the Department Internet vendor failed. The Department has received documentation from Capital One indicating that the bank cannot find any record of charges being made by the Department on July 11 or July 12, the two days the Department attempted to charge his card for the tag fees. Based on the evidence, the Department has concluded an error occurred either at the Bank or through the Department's payment processor. Insufficient information exists to determine exactly where or how this error occurred.

Mr. Clark was present and addressed the Commission stating that he has proved that his card was in good standing and for unknown reasons, it does not show any attempts for charges from the Department's vendor.

Motion: Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO FIND THE DEPARTMENT IN ERROR AND THAT THE COMMISSION ISSUE THE PERMIT IN QUESTION.

Vote: Unanimous
4 to 0

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14A. Petition by Michael A. Michalec

Presenter: Lizette Morgan, CFO, Business & Finance

Ms. Morgan presented the Commission with a petition by Michael A. Michalec for a deer tag he was drawn for and then rejected due to the failure of the credit card to process. Mr. Michalec applied for the 2013 deer draw on May 23, 2013. His application and payment were accepted without any issues. When the draw occurred, Mr. Michalec's application was drawn for any antlered deer, Unit 20A, Oct 25 – Nov 3, 2013. When payment was attempted with the card on file by the Department Internet vendor, all three attempts failed. The Department has received documentation from Citibank indicating Mr. Michalec's card was closed on July 11, 2013 due to the card being lost. Mr. Michalec states in his petition that he received his new card the following day and contacted the Department. The published deadline to make corrections was July 10, 2013, at which point the system locks; there was no way to update his card information. When the draw took place Mr. Michalec was drawn and the payment attempts failed. Based on the evidence, there was no fault on the part of the Department; therefore there is currently no provision in rule to allow the Department to provide any relief under these circumstances.

Motion: Madden moved and Mansell seconded THAT THE COMMISSION VOTE TO DENY THE PETITION BY MICHAEL MICHALEC.

Vote: Unanimous
4 to 0

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14B. Petition by Jose J. Olvera

Presenter: Lizette Morgan, CFO, Business & Finance

Ms. Morgan presented the Commission with a petition by Jose J. Olvera for a deer tag he was drawn for and then rejected due to the failure of the credit card to process. Mr. Olvera applied for the 2013 deer draw on June 11, 2013. His application and payment were accepted without any issues. When the draw occurred, Mr. Olvera's application was drawn for antlered whitetail deer, Unit 24A, Oct 25 – Oct 31, 2013. When payment was attempted with the card on file by the Department Internet vendor, all three attempts failed. The Department has received documentation from Wells Fargo indicating Mr. Olvera's card was closed on July 8, 2013 due to the card being lost. Mr. Olvera states in his petition that he did not remember the draw had not

taken place already. He received his new card 7-10 days later but the published deadline to make corrections of July 10, 2013 had passed. When the draw took place Mr. Olvera was drawn and the payment attempts failed. Based on the evidence, there was no fault on the part of the Department; therefore there is currently no provision in rule to allow the Department to provide any relief under these circumstances.

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO DENY THE PETITION.

Vote: Unanimous
4 to 0

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12. Call to the Public

There were no requests to speak to the Commission.

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

Presenter: 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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9. Amended Notice of Final Exempt Rulemaking – Expanding the Timeframe for which Customers Purchasing a License Online or at a Department Office May Select a Future License Start Date.

Presenter: Jennifer Stewart, Rules and Risk Branch Chief

Ms. Stewart briefed the Commission on an amended Final Notice of Exempt Rulemaking, increasing the timeframe during which a customer may select a future license start date from 30 days to 60 days, when applying online or at a Department office. The Commission approved a Final Exempt Rulemaking Package (final license and fee structure) at its August Meeting. This package allowed customers purchasing a license online or at a Department Office to select a future license start date up to 30 calendar days. As business rules are being developed to implement this new structure, the Department has determined it would be advantageous to expand this timeframe from 30 to 60 calendar days. This provides a longer window of opportunity for customers purchasing a license online or at a Department Office to align license start dates with draw application cycles, which may span a six week timeframe. This change provides enhanced value to customers. In accordance with Commission Policy A2.39 License Classifications; Fees; the Commission may approve this change at the September Meeting, to

become effective January 1, 2014. No additional recommendations are being made by the Department.

The amended Final exempt rulemaking package (final license and fee structure) was provided to the Commission prior to this meeting for review and consideration. 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 file the Final exempt rulemaking package with the Secretary of State's office for publication in the *Arizona Administrative Register*.

Motion: Madden moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE THE AMENDED FINAL NOTICE OF EXEMPT RULEMAKING EXPANDING THE TIMEFRAME FOR WHICH CUSTOMERS PURCHASING A LICENSE ONLINE OR AT A DEPARTMENT OFFICE MAY SELECT A FUTURE LICENSE START DATE.

Vote: Unanimous
4 to 0

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16. Request to approve the Article 2 Miscellaneous Licenses and Permits Five-year Rule Review Report, for Submission to the Governor's Regulatory Review Council (G.R.R.C.).

Presenter: Johnathan O'Dell, WMGM Small Game Biologist

Jennifer Stewart, Rules and Risk Branch Chief, opened this item with a brief update and overview of the rules process. For Article 2, the Department is in the process of the required rule review. In this phase, the Department looks at and addresses any comments it has received. It does not change the rule, but begins the process of considering what the Department or Commission might want to accomplish as we move into rulemaking phase. The Five-year Rule Review Report for Article 2 is regarding miscellaneous licenses and permits. A.R.S. §41-1056 requires each state agency to review all of its rules at least once every five years. The Article 2 Five-year Rule Review Report is due to G.R.R.C. by December 31, 2013. If approved by the Commission, the Department will submit the report to G.R.R.C. for their review. Submission of this report will not change any of the Article 2 rules; however, if the Department fails to submit the report by the established due date, the Commission's Article 2 rules will expire and no longer be in effect or enforceable.

Mr. O'Dell briefed the Commission on the review team. In addition to the review criteria prescribed under A.R.S. §41-1056, the Article 2 rule review team considered internal and external comments received during the previous five years, and processes that have changed since the last rulemaking. For all rules, the team recommends amendments designed to ensure consistency between Commission rules, Department processes, rule language/formatting, and to reduce the regulatory burden where possible. In addition, the team proposes the following substantive amendments:

R12-4-201. Pioneer License:

- Incorporate approved license simplification changes.

R12-4-202.Disabled Veteran's License:

- Incorporate approved license simplification changes.

R12-4-204.Sikes Act Habitat Management Stamps:

- Address approved license simplification changes - REPEAL

R12-4-205.Honorary Scout; Reduced Fee Youth Class F License:

- Incorporate approved license simplification changes.

R12-4-208.Guide License:

- Establish that a guide licensee is responsible for compliance with all applicable laws and rules and is not exempt from any other applicable method of take or licensing requirement
- Establish how the Department determines the date of receipt for application renewals/reports.

R12-4-216.Crossbow Permit:

- Expand the list of licensed professionals who may complete the Physician's Certification to reduce regulatory burden on the applicant and allow the issuance of a temporary crossbow permit. These changes are in response to customer comments received by the Department
- State that a crossbow permit does not exempt permit holder from all applicable methods of take or license/tag requirements
- Expand eligibility requirements to include other medical conditions. These changes are in response to customer comments received by the Department.

R12-4-217.Challenged Hunter Access/Mobility Permit (CHAMP):

- Establish that a permittee is responsible for compliance with all applicable laws and rules and is not exempt from any other applicable method of take or licensing requirement, unless specified
- Expand the list of licensed professionals who may complete the Physician's Certification to reduce regulatory burden on the applicant. These changes are in response to customer comments received by the Department
- Expand eligibility requirements to include other permanent disabilities. These changes are in response to customer comments received by the Department.

Motion: Davis moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE ARTICLE 2 FIVE-YEAR REVIEW REPORT FOR SUBMISSION TO THE GOVERNOR'S REGULATORY REVIEW COUNCIL.

Vote: Unanimous
4 to 0

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17. Department Actions to Achieve the Commission's Vision

Presenter: Ty Gray, Deputy Director

Mr. Gray briefed the Commission using a PowerPoint presentation on Department actions and activities that have been conducted to achieve the Commission's Vision "To be the national conservation leader supporting the continuation of the North American Model of Wildlife

Conservation and Arizona's most trusted, respected and credible source for wildlife conservation products, services and information" as outlined in the Wildlife 20/20 Arizona Game and Fish Department Strategic Plan. The briefing included a summary of the Department's out of state travel engagement to address a variety of challenges, issues and purposes including:

- Continuation of the North American Model of Wildlife Conservation (NAM):
 - Reversing declining hunter & angler trends
 - Sustaining the "User Pay – User Benefit" model – State Conservation Machine
- Federal Encroachment/Actions:
 - Endangered Species Act (ESA) Listings & Critical Habitat Designations
 - ESA Section 7 Sportfish Stocking Consultation
 - Public Access to Wildlife-Related Recreational Opportunity
- Sustaining Arizona's State Trust Species & Wildlife Diversity
- Maintaining Arizona's Scientific & Technical Competency
- Arizona-Mexico Borderlands Wildlife Conservation

National/Regional Engagement:

- Puts/keeps AGFD in Leadership roles to direct and influence outcomes
- Allows AGFD to learn best practices...trusted, respected, credible source
- Places AZ wildlife issues & values on the national/regional agenda – ensures our presence where interests are at risk
- Establishes, maintains, & enhances strategic relationships
- Accesses new skills, capabilities, expertise & training
- Allows AGFD to take advantage of opportunities

Motion: Davis moved and Mansell seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT AND THE COMMISSION TO CONTINUE ITS LEVEL OF ENGAGEMENT ON REGIONAL AND NATIONAL ISSUES IN VENUES INCLUDING THE IN-STATE AND OUT-OF-STATE TRAVEL AND STAFF EFFORT REQUIRED TO ENSURE THAT ARIZONA'S INTEREST ARE ALWAYS REPRESENTED AND CONSIDERED; AND IN ADDITION, THAT THE DEPARTMENT AND COMMISSION MAINTAIN AND ENHANCE ITS NATIONAL LEADERSHIP ROLE AND SUSTAIN THE CONTINUATION OF THE NORTH AMERICAN MODEL OF WILDLIFE CONSERVATION; AND THAT THE DEPARTMENT AND THE COMMISSION INCORPORATE THE LATEST BEST PRACTICES IN WILDLIFE AND RECREATION MANAGEMENT TO MEET OUR OBJECTIVE OF BEING THE NATION'S LEADING WILDLIFE AGENCY AND CONSERVATION LEADER.

Chairman Harris commented that it is imperative that we move forward with all the critical issues we deal with in Arizona and at the national level. He further thanked Director Voyles for keeping the State of Arizona involved at the national level.

Commissioner Davis stated that the ability to recruit talent for Arizona happens through partnerships with other states, and as a business we must always be in pursuit of best practices, research and development, and of forming business partnerships and alliances. If we want to be the premier wildlife agency, they would just be words if we did not participate effectively and robustly with all of these activities.

Vote: Unanimous
4 to 0

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18. 2013 Annual Commission Awards Selection

Presenter: Ben Alteneder, Congressional and Community Relations

The Commission was provided with a list of 2013 Commission Award nominees and nominee background information for review and consideration prior to this meeting. Mr. Alteneder provided the Commission with an overview and facilitated the Commission's ballot selection process. The following is a summary of the 2013 award recipients as selected by the Commission:

- Award of Excellence: Art Boswell
- Youth Environmentalist of the Year: Dustin Yinger
- Outdoor Writer of the Year: Terry Corrigan
- Media of the Year: Western Outdoor Times
- Conservation Organization of the Year: Arizona Chapter Safari Club International
- Conservationist of the Year: Larry Audsley
- Natural Resource Professional of the Year: Julia Fonseca
- Volunteer of the Year: John Kulberg
- Educator of the Year: Tom Brennan
- Mentor of the Year: John Greiss
- Advocate of the Year: Senator Steve Pierce
- Buck Appleby Hunter Education Instructor of the Year: Jim Rich
- Wildlife Habitat Stewardship Award: Anita Waite and Sherwin Kohen
- North American Model of the Year Award: John Hervert

The award recipients listed above were selected as follows:

Motion: Davis moved and Mansell seconded THAT THE COMMISSION VOTE TO SELECT ART BOSWELL TO RECEIVE THE AWARD OF EXCELLENCE.

Vote: Unanimous
4 to 0

Motion: Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO SELECT TERRY CORRIGAN TO RECEIVE THE OUTDOOR WRITER OF THE YEAR AWARD.

Vote: Unanimous
4 to 0

Motion: Mansell moved and Harris seconded THAT THE COMMISSION VOTE TO SELECT ARIZONA CHAPTER SAFARI CLUB INTERNATIONAL TO RECEIVE THE CONSERVATION ORGANIZATION OF THE YEAR AWARD.

Vote: Unanimous
4 to 0

Motion: Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO SELECT LARRY AUDSLEY TO RECEIVE THE CONSERVATIONIST OF THE YEAR AWARD.

Vote: Unanimous
4 to 0

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO SELECT JULIA FONSECA TO RECEIVE THE NATURAL RESOURCE PROFESSIONAL OF THE YEAR AWARD.

Vote: Unanimous
4 to 0

Motion: Mansell moved and Davis seconded THAT THE COMMISSION VOTE TO SELECT JOHN KULBERG TO RECEIVE THE VOLUNTEER OF THE YEAR AWARD.

Vote: Unanimous
4 to 0

Motion: Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO SELECT JOHN HERVERT TO RECEIVE THE NORTH AMERICAN MODEL OF THE YEAR AWARD.

Vote: Unanimous
4 to 0

Motion: Madden moved and Mansell seconded THAT THE COMMISSION VOTE TO SELECT THE REMAINDER OF THE AWARD RECIPIENTS AS FOLLOWS: YOUTH ENVIRONMENTALIST OF THE YEAR - DUSTIN YINGER; MEDIA OF THE YEAR - WESTERN OUTDOOR TIMES; EDUCATOR OF THE YEAR - TOM BRENNAN; MENTOR OF THE YEAR - JOHN GREISS; ADVOCATE OF THE YEAR - SENATOR STEVE PIERCE; BUCK APPLEBY HUNTER EDUCATION INSTRUCTOR OF THE YEAR - JIM RICH; AND WILDLIFE HABITAT STEWARDSHIP AWARD - ANITA WAITE AND SHERWIN KOHEN.

Vote: Unanimous
4 to 0

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

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

Motion: Madden 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 the day at 4:50 p.m.

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Meeting reconvened Saturday at 8:00 a.m.

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

1. Pinetop Community Forum

Presenter: Chris Bagnoli, Pinetop Regional Supervisor

Mr. Bagnoli facilitated an informal forum and workshop to discuss current and future matters involving the Arizona Game and Fish Department and the Pinetop community. Department staff and members of the community presented PowerPoint presentations that included an overview of ongoing collaborative work with community leaders, sportsmen and other organizations, and members of the public. The presentations and discussion included the following:

- Region I Overview presented by Chris Bagnoli, Pinetop Regional Supervisor
- Pinetop Region Habitat Restoration Projects Overview presented by Rachel Williams, Regional Landowner Relations Specialist and a projects briefing by Rancher Jim O'Haco with O'Haco Cattle Company
- Nuisance Black Bear Management presented by Bob Birkeland, Wildlife Management Supervisor
- Alternative Energy Development Projects presented by Dannette Weiss, Region I Habitat Specialist
- Apache Trout Recovery Program Status Report presented by Mike Lopez, Region I Fish Program Manager
- Community Based Fishing Plans – A New Approach, presented by Kelly Meyer, Region I Fish Specialist and a projects briefing by John Rohmer with White Mountain Lakes Foundation
- Pinetop Region Volunteer Program presented by Bob Birkeland, Wildlife Management Supervisor. Mr. Birkeland recognized several Region I volunteers and introduced those that were present
- Wildlife Related Recreation in the White Mountains: Economic Benefits, Outreach and Opportunity, presented by Bruce Sitko, Region I Information and Education Program Manager.

The following members of the community addressed the Commission:

- David Audsley, Pinedale resident: Kudos to Bruce Sitko and the region’s information and education programs
- Nick Lund, President of TRACKS: Briefed the Commission on a GPS trail signage program that is helping to find and rescue hikers
- Seth Nadel, President of White Mountain Shooters Association: Thanked the Commission for adopting a range at Second Knoll
- Patricia Warszawski, representing herself: Thanked Bruce Sitko and the region for it’s education programs
- Sam Underwood, representing himself: Thanked the region for it’s education programs and the Commission for the Second Knoll Shooting Range
- Randy Wadlow, Volunteer: Thanked the Commission for their on-the-road Commission meetings and for the Department’s investment in volunteer programs.

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Meeting recessed for a break at 10:30 a.m.

Meeting reconvened at 10:40 a.m.

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

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2. Call to the Public

There were no requests to speak to the Commission.

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15. (Re-opened from Friday’s Agenda) 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.

The Commission re-opened the case of Nicholas J. Farenbaugh.

Motion: Madden moved and Davis seconded THAT THE COMMISSION VOTE TO REDUCE THE CIVIL ASSESSMENT AMOUNT FOR NICHOLAS J. FARENBAUGH FROM \$1500 TO \$0.

Chairman Harris clarified that the three year revocation period that will begin in January 2014 will stand, but there will be no civil assessment.

Vote: Unanimous
4 to 0

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2A. Consideration of Alternative Names for the Nongame Branch.**Presenter:** Mike Rabe, Nongame Branch Chief

At its May 2013 meeting, the Commission discussed that the name “Nongame” may confuse a good portion of the public. It is important that the public know what the Department does in the realm of nongame wildlife and the simple descriptor, “Nongame”, may be a barrier to that communication. The Commission agreed and further suggested that alternate names be considered.

Mr. Rabe briefed the Commission on alternative names for the Nongame Branch and provided the following information:

The 7 most common names in all 50 states:

Name of Program	Number of states with the name
Wildlife Diversity Program	8
Nongame Wildlife Program	7
Nongame and Endangered Species Program	4
Nongame and Endangered Wildlife Program	2
Wildlife Heritage Program	2
Wildlife Heritage Division	2
Wildlife Diversity Division	2

Most common words used to describe nongame programs among the 50 states:

Word	Number of occurrences
Nongame	18
Wildlife	19
Diversity	14
Endangered	11
Heritage	6
Conservation	5
Restoration	1

Names suggested in a Nongame Branch employee Poll:

- Endangered and Nongame Wildlife Branch
- Nongame Branch
- Nongame Wildlife Branch
- Threatened and Endangered Wildlife Branch
- Wildlife Conservation Branch
- Wildlife Conservation and Diversity Branch
- Wildlife Conservation and Management

- Wildlife Diversity Branch
- Wildlife Diversity and Conservation Branch

A Branch name should concisely define what group of species that the Branch has responsibility for managing. Twenty years ago, Nongame was a logical way to describe wildlife that were not hunted when most of our constituents hunted and fished. For the most part, Nongame Branch monitors wildlife and fish that are not hunted or fished, and develops and implements conservation and recovery actions for threatened and endangered wildlife and fish. Today, the Department still has a strong hunting and fishing constituency but also has a need to clearly communicate to new constituencies. If the Commission chooses to rename the Nongame Branch, the Department recommends that the Commission consider the following three names:

- Nongame Wildlife Branch: The advantage of this name is that it clarifies what is meant by ‘nongame’ without abandoning the tradition of separating game and nongame species in wildlife agencies. The disadvantage to this choice is it still identifies nongame by what they are not (game)
- Wildlife Conservation Branch: The advantage of this name is it reflects the primary function of what nongame branch does; conservation of wildlife. The disadvantage is it is too general; all of the Wildlife Management Division Branches conduct wildlife conservation. Renaming one Branch Wildlife Conservation while leaving the other names unchanged implies that only one Branch does wildlife conservation
- Wildlife Diversity Branch: The advantage to this name is that it is commonly used in other states (8) and somewhat reflects the mission of Nongame Branch in that we strive to maintain the current diversity of Arizona’s wildlife and keep common species common. The disadvantage to this choice is it may confuse the public because the word “diversity” has several meanings and it may not be clear to the public what “wildlife diversity” means. It also has a negative image with some of the public.

Motion: Davis moved and Harris seconded THAT THE COMMISSION VOTE TO RE-NAME THE NONGAME BRANCH TO NONGAME WILDLIFE BRANCH.

Vote: Unanimous
4 to 0

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4. Presentation of the Proposed Hunt Guidelines for the fall 2014 through spring 2016 for Commission Approval.

Presenter: Brian F. Wakeling, Game Branch Chief

Mr. Wakeling presented the Commission with the Department’s proposed hunt guidelines for fall 2014 through spring 2016. A detailed description of proposed hunt guidelines is available for public review at all Department offices and was provided to the Commission for review prior to this meeting.

The Arizona Game and Fish Department solicits public review and comment concerning proposed hunt guidelines every other year. The Department's proposed hunt guidelines were

developed to reflect prior Commission direction, biological limitations, Department input, and public comment. The Department routinely receives comment regarding guidelines during the interim between review cycles. The Department shared 126 written comments with the Commission on March 9, 2013 and another 27 written comments on June 15, 2013. At the June meeting, the Department shared comments provided by 55 participants at 9 public meetings held around the state during May 28–June 7, 2013. At this meeting, the Commission was provided with another 31 comments that the Department received between June 15 and July 31, 2013 and the Department's recommended amendments to the hunt guidelines based on biological analyses and public comment received to date (also available to the public).

Mr. Wakeling provided a PowerPoint presentation on the Department's recommended changes to the hunt guidelines that would differ from the previous hunt guideline package. The presentation included looking at the guidelines historically, the objectives, the timeline cycle, and the process approved by the Commission in December 2009. The following is a summary of the Department's proposed substantive changes to the hunt guidelines:

Deer:

- Explicitly excludes antlered hunts for juniors-only within alternative mule deer management units
- Clarifies the intent to have juniors-only hunts encompass a holiday when possible
- Changes the objective for hunt success to a range of 15–25% from 15–20%
- Adds Unit 17A as an alternative mule deer management unit
- Increases the range of planned population growth in Unit 12A West from 5–7% to 5–10%
- Manage archery hunting seasons for mule deer, white-tailed deer, or any antlered deer dependent on species-specific harvest proportions.

Pronghorn:

- No substantive changes recommended

Elk:

- Clarification of units or portions of units classified within the various management zones
- Clarifies the intent to have juniors-only hunts encompass a holiday when possible
- Explicitly includes late archery hunts (November seasons) within the weapons allocation formula
- Changes the objective for hunt success to a range of 25–35% from 20–30%.

Turkey:

- Changes the objective for hunt success to a range of 15–20% from 10–20%
- Use 3-year averages for calculating proportion of harvest attributed to juniors-only harvests and adjusting season structure
- Allows archery over-the-counter seasons in all A quality units.

Javelina:

- Explicitly adds the ability to extend HAM or general seasons to 11 days should the eleventh day encompass a holiday
- Removes Unit 8 from the over-the-counter archery season and manages it under standard management guidelines.

Bighorn Sheep:

- No substantive changes recommended.

Buffalo:

- Removes limitations on the use of population management hunts to address buffalo in Units 12A, 12B, and 13A.

Bear:

- Includes specific provisions for condition under which a "restricted" season may be implemented for bear.

Mountain Lion:

- Includes specific provisions for condition under which a "restricted" season may be implemented for mountain lion.

Small Game:

- Small game possession limit is recommended at triple the daily bag.

Migratory Birds:

- No substantive changes recommended.

Predatory and Furbearing Mammals and Trapping:

- Provides guidance on implementation of daylong seasons for coyote hunting.

Motion: Davis moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE THE HUNT GUIDELINES FOR 2014–2015 AND 2015–2016 HUNTING SEASONS AS PROPOSED.

Vote: Unanimous
4 to 0

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3. Request to Amend Commission Order 40: Fish, for Calendar Year 2014

Presenter: Chris Cantrell, Fisheries Branch Chief

Mr. Cantrell provided a PowerPoint presentation on 12 out-of-cycle proposed changes to Commission Order 40: Fish, concerning specific proposals for bag and possession limits, special regulations, and specific closures for sport fishing for calendar year 2014. The Department biennially reviews Commission Order 40 and proposes amendments. Proposed amendments frequently come from the public, fisheries program personnel, or from Commissioners. This year, the Department is approaching the Commission out-of-cycle to consider 12 proposed amendments to Commission Order 40 for calendar year 2014. As part of the public input process, the Department hosted seven public meetings (Phoenix, Mesa, Flagstaff, Tucson, Pinetop, Kingman and Yuma), conducted a statewide survey of licensed anglers (2,500 surveys)

requesting them to voice their support or opposition to proposed regulation changes, and also solicited online and written comments. The Commission was provided with the proposed changes along with the Department's rationale and public input prior to this meeting for review and consideration (also available to the public).

The following reflects the 12 proposed amendments for Commission Order 40, Department rationale, public comments, and Commission action taken:

1) Increase the possession limit to twice the daily bag limit per species at both statewide and special regulation waters

Rationale: Currently the daily bag and possession limits are the same as the daily limit for all statewide and special regulation seasons unless otherwise specified. The primary need for the proposed change is that the current regulation hinders the ability of an angler to continue to fish on subsequent days in many localities where bag limits are easily met. The Department has received numerous questions and concerns over the years regarding the current possession limit being the same as the daily bag. The angling public has voiced a need to allow a higher possession, allowing them to fish more days after a successful fishing day of catching their daily bag. The proposed change will ensure our anglers can fish for at least two days before they need to consume some or all of their fish to legally go fishing for that species again. The Department further hopes to see higher angler use in Arizona as a result of this proposal.

Public Opinion: The statewide survey results indicate a 72% support level for this proposed change). No major issues surfaced at the public meetings or through written comments.

Motion: Davis moved and Mansell seconded THAT THE COMMISSION VOTE TO AMEND COMMISSION ORDER 40 BY APPROVING THE STATEWIDE POSSESSION LIMIT AS TWICE THE DAILY BAG LIMIT FOR ALL STATEWIDE AND SPECIAL REGULATION WATERS.

Vote: Unanimous
4 to 0

Commissioner Davis left the meeting at 11:30 a.m. and was not present for the remainder of the meeting.

10) Designate a bow and arrow fishing season for catfish at Roosevelt, Apache, Canyon and Saguaro lakes.

Rationale: In early 2013 the Game and Fish Rules for lawful methods of taking aquatic wildlife (R12-4-313) were revised to allow catfish to be taken by the use of bow and arrow only in areas designated by Commission Order. Currently carp, mullet, buffalofish, tilapia, and suckers are allowed to be taken statewide by bow and arrow. Regulations prohibit the use of bow and arrow (or spear, spear gun, crossbow, gig) methods within 200 yards of a boat dock or designated swimming area. The harvest of catfish with bow and arrow at select waters would allow for additional opportunity for the people who participate in this legal method of fishing to take a desirable game fish. Sixteen other states currently allow the taking of catfish with use of bow and arrow. The number of sportsmen and sportswomen who participate in this sport is expected

to be relatively low in comparison with traditional methods of fishing (i.e., hook and line) and AGFD fish managers do not expect the level of pursuit and harvest of catfish by bow and arrow to be high enough to adversely impact catfish populations at these four reservoirs.

Public Opinion: The statewide survey results indicate an 80% support level for this proposed change.

Public Concerns: U.S. Catfish Associations and catfish anglers oppose designation of a bow and arrow fishing season for catfish at Roosevelt, Apache, Canyon and Saguaro lakes.

Public Comment

The following addressed the Commission in opposition to this amendment:

- Andrew Srejc, Arizona Catfish Conservation Association (ACCA) and U.S. Catfish Association (USCA), expressed concerns about populations of flathead catfish that feed and spawn in shallow waters making them vulnerable to bow fishing
- Bobby Wright, ACCA, USCA, expressed similar concerns as Mr. Srejc
- Kris Joshu, ACCA, USCA, opposed, but if this amendment is adopted, he would like to see a safe and respectful distance for bow fishers to stay away from boaters and other fisherman and recreationists
- Eddie Wilcoxson, ACCA, agreed with Mr. Joshu

The following addressed the Commission in support this amendment:

- Dell Owens commented that flathead catfish do not spawn in shallow waters and that he generally does not see flathead catfish in the shallow waters
- John Sneed, agreed with Mr. Owens
- Jimmy Ridge, agreed with Mr. Owens

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO AMEND COMMISSION ORDER 40 BY APPROVING A YEAR ROUND BOW AND ARROW SEASON FOR CATFISH AT ROOSEVELT, APACHE, CANYON AND SAGUARO LAKES, WITH A SPECIAL REGULATION DAILY BAG LIMIT OF 5 CATFISH IN ANY COMBINATION. THIS SEASON WILL SUNSET DECEMBER 31, 2016.

Vote: Unanimous

3 to 0

Davis not present

2) Reduce the crappie daily bag limit from unlimited to 15 crappie at Bartlett and Roosevelt lakes.

Rationale: Currently these two reservoirs are managed under the statewide regulations of unlimited daily bag limit for crappie. These water bodies experience large annual water level fluctuations depending on winter precipitation and water/power supply needs. Crappie reproductive success can be poor in years when reservoir levels change rapidly during the spawning period. Crappie recruitment studies in fluctuating reservoirs have indicated the strongest year class abundance in years with high, sustained water levels throughout the winter

and spring months. These studies suggest that lower bag limits may be beneficial to maintaining crappie populations. Recent creel surveys at both Roosevelt and Bartlett lakes noted that greater than 60% of the crappie caught were harvested. Additionally, over the past decade, angling pressure for crappie has increased significantly and angling techniques and technology have evolved so that skilled anglers can efficiently harvest large numbers of crappie all 12 months of the year. Reducing the bag limit may reduce harvest and protect spawning age fish, especially in years when weak year classes reach spawning age.

Public Opinion: The statewide survey results indicate a 90% support level for this proposed change. No major issues surfaced at the public meetings or through written comments.

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO AMEND COMMISSION ORDER 40 BY APPROVING A SPECIAL REGULATION OF A 15 CRAPPIE DAILY BAG LIMIT AT ROOSEVELT AND BARTLETT LAKES.

Vote: Unanimous
3 to 0
Davis not present

4) Designate all catch and release trout waters artificial lure and fly only, single barbless hooks.

Rationale: Currently there are three different combinations of catch-and-release artificial fly and lure only regulations for trout in Arizona: 1) any hook, 2) barbless hooks (includes treble), and 3) single barbless hooks. This leads to confusion as to what we are requiring our anglers to use. This proposal would add single barbless hooks to the current catch-and-release artificial fly and lure regulation at Ackre Lake, Burro Creek, Canyon Creek (from OW Bridge to Fort Apache Indian Reservation), Thompson Creek, Silver Creek (Oct 1-March 31), and West Fork Black River (upstream of Hayground confluence). It would also add East Verde River (from Pumphouse to its source) as an additional catch and release, artificial fly and lure only, single barbless hook, trout water to the state. This proposed change would not have a detectable impact on the current gear used at the locations listed above, with the exceptions of Silver Creek and the East Verde River (from Pumphouse to its source); as the gear used in these small waters is primarily fly fishing already. This change would establish one catch-and-release artificial fly and lure special regulation for trout throughout most of the state and reduce confusion for anglers fishing catch-and-release waters.

Public Opinion: The statewide survey results indicate an 85% support level for this proposed change. No major issues surfaced at the public meetings or through written comments.

Public Comment

Joe Miller, Central Region Vice President, Arizona Trout Unlimited, provided the Commission with a statement from Trout Unlimited Gila Trout Chapter, Grand Canyon Chapter, Old Pueblo Chapter, and Zane Grey Chapter, in support of amendment #4 to Commission Order 40.

Motion: Madden moved and Harris seconded THAT THE COMMISSION VOTE TO AMEND COMMISSION ORDER 40 BY APPROVING THE SPECIAL REGULATION OF CATCH AND RELEASE, ARTIFICIAL FLY AND LURE, SINGLE BARBLESS HOOK ONLY FOR

ACKRE LAKE, BURRO CREEK, CANYON CREEK (FROM OW BRIDGE TO FORT APACHE INDIAN RESERVATION), THOMPSON CREEK, SILVER CREEK (OCTOBER 1-MARCH 31), WEST FORK BLACK RIVER (UPSTREAM OF HAYGROUND CREEK CONFLUENCE), AND EAST VERDE RIVER (FROM PUMPHOUSE TO ITS SOURCE) AS PROPOSED.

Vote: Unanimous
3 to 0
Davis not present

5) Simplify artificial lure and fly regulations at waters with limited trout harvest to “artificial lure and fly only, 2 trout daily bag limit.”

Rationale: This change is to simplify the reduced bag, artificial fly and lure only special regulations on selected limited harvest trout waters to make it easier for anglers to understand what gear types are allowed and for bag limits to be consistent from one water to another. Simplifying the artificial fly and lure only regulations would allow the use of single or treble barbed hooks at three existing artificial fly and lure waters. The general approach is to simplify regulations for reduced harvest, artificial fly and lure, trout waters statewide. The proposed regulation change would remove the barbless hooks requirement at Carnero Lake and remove the 12-inch minimum size trout requirement at Lee Valley Lake. This regulation will change the current regulations at Chevelon Canyon Lake by removing the 10-14 inch protected slot limit, removing the immediate kill restriction, and reducing the daily bag limit from six to two trout. The proposal would simplify and standardize artificial gear restrictions for reduced trout harvest waters and minimize angler confusion.

Public Opinion: The statewide survey results indicate a 78% support level for this proposed change. No major issues surfaced at the public meetings or through written comments.

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO AMEND COMMISSION ORDER 40 BY APPROVING THE SPECIAL REGULATION OF ARTIFICIAL LURE AND FLY ONLY, 2 TROUT DAILY BAG LIMIT AT CARNERO LAKE, CHEVELON CANYON LAKE AND LEE VALLEY LAKE, AS PROPOSED.

Vote: Unanimous
3 to 0
Davis not present

3) Establish special regulations for daily bag limits at newly designated Community (Urban) Fishing Waters.

Rationale: The Department is committed to increasing opportunities for close and convenient fishing recreation to urban residents. The popular Urban Fishing Program will be expanded and rebranded in 2014 to become the Community Fishing Program. It is the Department’s desire to customize the management and stocking of fish into new Community Fishing waters to meet the unique needs of the individual communities across the state. Fifteen waters have been identified for the first phase of this expansion effort. Each of these waters already have special regulations that include reduced daily bag limits for trout (either 2 or 4) and catfish (either 2 or 4); both of

these species are the primary species to be stocked in the future. These changes would standardize the bag limit regulations at these 15 additional waters to conform to the Urban Fishing Program regulations currently in place at 21 established locations. Presently, there are two sets of bag limits, one for lakes (waters over three acres), and one for ponds (smaller waters). By making bag limits more consistent at all 36 proposed Community Fishing Program waters, angler confusion will be reduced and the amount and quality of fishing opportunity can be substantially increased.

Waters over 3 acres (Lakes)	Proposed Lake Bag Limits
Tempe Town Lake (Tempe)	4 trout
Pioneer Lake (Peoria – NEW)	4 catfish
Copper Sky Lake (Maricopa – NEW)	2 bass (13-inch minimum)
Fortuna Lake and Redondo Lake (Yuma)	10 sunfish
	1 white amur (30-inch minimum)
Waters under 3 acres (Ponds)	Proposed Pond Bag Limits
Discovery Pond and McQueen Pond (Gilbert)	2 trout
Bonsall Pond (Glendale)	2 catfish
Granada Pond and Roadrunner Pond (Phoenix)	1 bass (13-inch minimum)
Eldorado Pond and McKellips Pond (Scottsdale)	5 sunfish
Pacana Pond (Maricopa)	1 white amur (30-inch minimum)
Council Park Pond (Somerton)	
Yuma West Wetlands Pond (Yuma)	

Public Opinion: The statewide survey results indicate an 87% support level for this proposed change. No major issues surfaced at the public meetings or through written comments.

Motion: Madden moved and Harris seconded THAT THE COMMISSION VOTE TO AMEND COMMISSION ORDER 40 BY APPROVING THE SPECIAL REGULATION FOR NEWLY DESIGNATED COMMUNITY FISHING WATERS AS PROPOSED.

Vote: Unanimous
3 to 0
Davis not present

6) Reduce the general statewide daily bag limits for white amur (grass carp) from unlimited to 1 fish, >30 inch minimum.

Rationale: The white amur (grass carp) is a highly effective biological tool used to control aquatic vegetation and algae. When stocked and maintained at proper densities, white amur can replace the need to use machinery or chemicals for weed control. White amur are expensive to stock and maintain, therefore to achieve proper weed control, the densities of white amur must be known; consequently angler harvest must be minimized. The proposed change for white amur would not affect the current catch-and-release special regulations for Salt River Project canals and the canals in Yuma County. Currently, the 21 waters in the Urban Fishing Program have special regulations for white amur: one white amur limit must be 30 inch minimum. This regulation has been in effect since 1993 and has been well received by the parks and recreation departments and by anglers. The current regulation allows for the unlimited harvest of white amur from waters not in the Urban/Community Fishing Program, Salt River Project canals, or

canals in Yuma County. Consequently, other public fishing waters that have white amur are susceptible to heavy harvest rates by anglers. The pond owners would be faced with high costs to replace the harvested fish, as well as the increased costs and environmental concerns of using chemicals to address weed problems.

Public Opinion: The statewide survey results indicate a 91% support level for this proposed change. No major issues surfaced at the public meetings or through written comments.

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO AMEND COMMISSION ORDER 40 BY APPROVING THE GENERAL STATEWIDE DAILY BAG LIMITS FOR WHITE AMUR (GRASS CARP) OF 1 WHITE AMUR, MINIMUM SIZE OF 30 INCHES TOTAL LENGTH.

Vote: Unanimous
3 to 0
Davis not present

7) Designate a special regulation for bass at Goldwater Lake of 1 bass, minimum size of 13-inches total length.

Rationale: The current limit for bass at Goldwater Lake is the statewide six fish daily limit. In spring 2008 fish surveys, largemouth bass numbers were extremely low in Goldwater Lake. Goldwater Lake is dominated by a population of stunted green sunfish and crayfish. Largemouth bass were stocked in 2009 to help reduce the number of small sunfish and the large population of crayfish which had stripped the lake of aquatic vegetation. Subsequent fish surveys in 2009 found only three adult and no juvenile bass and in 2012 no bass were detected in our sampling. Depletion of the bass suggests that the stocked fish were either harvested by anglers or died before they could be caught. The loss of bass from the lake has resulted in the inability to control green sunfish and crayfish populations, or to provide fishing opportunities for anglers that favor them. The cost to stock bass continues to increase and the ability to support regular stockings of bass at effective numbers is limited. This change should support maintenance of a warm water fishery, allow green sunfish to grow larger and decrease the number of crayfish allowing vegetation to grow and improve fish habitat.

Public Opinion: The statewide survey results indicate an 88% support level for this proposed change. No major issues surfaced at the public meetings or through written comments.

Motion: Harris moved and Madden seconded THAT THE COMMISSION VOTE TO AMEND COMMISSION ORDER 40 BY APPROVING THE SPECIAL REGULATION OF 1 BASS, MINIMUM SIZE OF 13-INCHES TOTAL LENGTH AT GOLDWATER LAKE.

Vote: Unanimous
3 to 0
Davis not present

8) Reduce the statewide roundtail chub daily bag limit from 1 fish, minimum size 13 inches, to catch-and-release only.

Rationale: Current statewide regulations identify a one fish, 13-inch minimum size daily and possession bag limit for roundtail chub. Roundtail chub are a unique native fish with good sport fishing qualities; they will bite on bait and lures and are strong fighters. But the roundtail chub is a very poor food fish with many bones and muddy tasting flesh. Actual angler harvest of roundtail chub is extremely limited. Roundtail chub are at risk of being listed as threatened or endangered under the Endangered Species Act. Additionally, a catch-and-release only special regulation already exists for roundtail chub in Fossil Creek. The catch-and-release designation will heighten angler awareness and need for conservation for this unique species and will also promote the need to properly and carefully release these special fish unharmed.

Public Opinion: The Statewide survey results indicate a 92% support level for this proposed change. No major issues surfaced at the public meetings or through written comments.

Motion: Madden moved and Mansell seconded THAT THE COMMISSION VOTE TO AMEND COMMISSION ORDER 40 BY APPROVING CATCH AND RELEASE ONLY AS THE GENERAL STATEWIDE REGULATION FOR ROUNDTAIL CHUB.

Vote: Unanimous
3 to 0
Davis not present

9) Consolidate fishing regulations on the Colorado River from the I-40 Bridge to the Southern International Boundary with Mexico.

Rationale: Special regulations are currently designated for multiple reaches along the Colorado River downstream of the I-40 crossing whereby the following bag limits would be in effect: 10 trout; six bass (minimum size 13 inches); 10 catfish in any combination; and 25 crappie. This proposal is intended to consolidate and simplify the regulations to reduce public confusion along this extensive waterway with connected backwaters.

Public Opinion: The statewide survey results indicate a 97% support level for this proposed change. No major issues surfaced at the public meetings or through written comments.

Motion: Madden moved and Mansell seconded THAT THE COMMISSION VOTE TO AMEND COMMISSION ORDER 40 BY APPROVING THE SPECIAL REGULATION OF 10 TROUT; 6 BASS, MINIMUM SIZE 13 INCHES TOTAL LENGTH; 10 CATFISH IN ANY COMBINATION; AND 25 CRAPPIE ON THE COLORADO RIVER FROM THE I-40 BRIDGE TO THE SOUTHERN INTERNATIONAL BOUNDARY WITH MEXICO INCLUDING LAKE HAVASU, MARTINEZ LAKE, MITTRY LAKE AND ASSOCIATED BACKWATERS.

Vote: Unanimous
3 to 0
Davis not present

11) Designate a spear and spear gun fishing season for striped bass on the Colorado River from Headgate Rock Dam downstream to the Southern International Boundary with Mexico.

Rationale: Spear and spear gun fishing for striped bass is currently allowed on Lake Pleasant, Lake Powell, Lake Mead and Lake Mohave including the Colorado River from Hoover Dam downstream to Cottonwood Landing. Also allowed in all state waters is the use of spear, spear gun, bow and arrow, crossbow, gig and snagging methods for the taking of carp, mullet, tilapia, goldfish or shad; species that are found in the Colorado River below Cottonwood Landing. State law (rule) prohibits use of spear and spear gun fishing within 200 yards of any boat ramp or designated swimming area. The Department received a request from the public to extend the allowable spear and spear gun fishing of striped bass in the Colorado River from Headgate Rock Dam to the Southern International Boundary with Mexico. This proposal is intended to increase opportunity for sportsmen and sportswomen participating in spear and spear gun fishing to take striped bass. California regulations do not currently allow spear or spear gun fishing for striped bass along the proposed section of the Colorado River.

Public Opinion: The statewide survey results indicate a 72% support level for this proposed change.

California Department of Fish and Wildlife opposes this proposed regulation and has provided the Department with written documentation in opposition.

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO DENY THE PROPOSED AMENDMENT OF COMMISSION ORDER 40 FOR THE DESIGNATION OF A SEASON FOR SPEAR AND SPEAR GUN FISHING FOR STRIPED BASS ON THE COLORADO RIVER AS PROPOSED.

Vote: Unanimous
3 to 0
Davis not present

12) Change special regulations at Home Creek and Wildcat Creek back to statewide regulations.

Rationale: The restrictive catch-and-release only regulations at Home Creek and Wildcat Creek were originally developed to protect very small populations of wild Apache trout in these small streams that were at one time identified as Apache trout recovery streams. However, these streams no longer support Apache trout due to significant reductions in base flows due to long-term drought conditions of the last two decades. Both streams will still be managed for Apache trout if and when suitable conditions return and base flows increase to historical levels, but there is presently no need for restrictive regulations on these creeks. The regulation for trout will revert to the statewide daily bag limit of six trout.

Public Opinion: Not solicited via licensed angler survey. No major issues surfaced at the public meetings or through written comments.

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO AMEND COMMISSION ORDER 40 BY APPROVING THE GENERAL STATEWIDE REGULATION OF 6 TROUT DAILY BAG LIMIT AT HOME CREEK AND WILDCAT CREEK.

Vote: Unanimous

3 to 0
Davis not present

* * * * *

5. Executive Session

The Commission went into Executive Session on Friday and there was no need to go back into Executive Session.

Based upon discussions in Executive Session on Friday, the Commission took the following action:

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO DIRECT THE ATTORNEY GENERAL'S OFFICE TO FILE AN AMICUS BRIEF IN THE LAWSUIT *CENTER FOR BIOLOGICAL DIVERSITY V. U.S. FOREST SERVICE*.

Vote: Unanimous
3 to 0
Davis not present

* * * * *

6. Litigation Report

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

* * * * *

7. Approval of Minutes and Signing of Minutes.

Motion: Madden moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM AUGUST 2-3, 2013.

Vote: Unanimous
3 to 0
Davis not present

The Commission signed the minutes following approval.

* * * * *

8. Director's and Chairman's Reports

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

* * * * *

9. Commissioners' Reports

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

* * * * *

10. Future Agenda Items and Action Items

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

- Add to the Commission's resolution on the proposed Mexican wolf conservation scoping hearings to add a specific request that the USFWS conduct a public scoping hearing in the affected area of Arizona within the 10j
- Develop an information pamphlet to inform the public on Mexican wolf and related issues
- Revise the initial Mexican wolf planning principles by adding the Commission's comments and additions from this meeting and bring that back to the December Commission meeting for review and possible modification
- The Department will continue to present future rotenone briefings for additional Fossil Creek watershed treatments in a Commission open public session
- Develop the Wildlife Portal by January 1, 2015 and provide the Commission an update in December 2013 with greater detail including the plan regarding the paperless application licensing by January 1, 2016. The Department will continue to provide the Commission updates on this process throughout the 2014 Commission meetings
- The Department and Commission will continue its level of engagement, including in and out of state travel (locally, regionally, nationally and internationally) to meet the vision of being the leader in wildlife conservation
- Gene Elms will inform Nicholas Farenbaugh of the Commission actions today in re-opening his case
- Rename the Nongame Branch to Nongame Wildlife Branch.

* * * * *

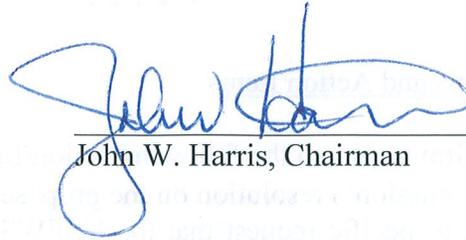
Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

Vote: Unanimous

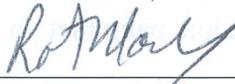
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Meeting adjourned at 12:16 p.m.

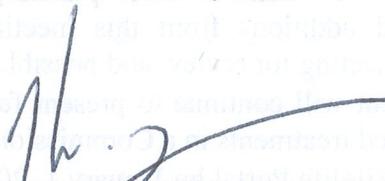
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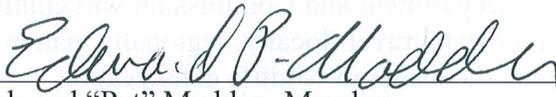
John W. Harris, Chairman



Robert E. Mansell, Vice Chair



Kurt R. Davis, Member



Edward "Pat" Madden, Member

ATTEST:



Larry D. Voyles
Secretary and Director

**Game and Fish Litigation Report
Presented at the Commission Meeting
September 6-7, 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.

On July 2, 2013, the court granted the Forest Service's motion to dismiss. The court agreed with the Forest Service that CBD did not have standing to bring the RCRA challenge against the Forest Service. The court found that CBD could not satisfy the requirements for standing because redressability was speculative on two grounds. First, in order for the Forest Service to regulate the use of lead ammunition, it would need to undertake a rulemaking process, comply with NEPA and consult with the Arizona Game and Fish Commission. Due to uncertainty with this process, the court found the outcome of the process speculative. Second, the court found that condors range in an area well beyond the Kaibab National Forest and into areas that do not prohibit the use of lead ammunition. Therefore, even if the Forest Service banned lead ammunition, this would not necessarily reduce the level of lead ingestion in condors.

Plaintiffs filed a notice of appeal on August 21, 2013.

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. 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". **The District Court granted summary judgment to BLM and dismissed TWS's complaint.**

The Ninth Circuit, in an unpublished memorandum decision issued May 28, 2013, affirmed the dismissal, concluding that BLM's decisions were not arbitrary, capricious or an abuse of discretion. The Court rejected TWS's argument that BLM had to analyze impacts from route designations on a route-by-route basis; the Court noted that NEPA requires analysis of route designations as a whole, and while NEPA requires a consideration of alternatives that minimize impacts, it does not actually require BLM to minimize impacts. The Court also affirmed BLM's reliance on a historic property survey that covered less than five percent of the areas within the Monument, because BLM committed to conducting ongoing inventories after adoption of its land management plans. Citing a National Historic Preservation Act regulation, the Court stated that an agency is permitted to use a phased approach to conduct identification and evaluation efforts when planning for large land areas or corridors.

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

August 30, 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 is finalizing its Revised Land and Resource Management Plan (LRMP), release of the Draft plan and Draft Environmental Impact Statement (DEIS) with three alternatives is expected October 2013.

The Forest is in the implementation phase of its Travel Management Rule (TMR) and has produced an updated Motor Vehicle Use Maps for distribution 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 Environmental Impact Statement (EIS) have been finalized internally and are currently being proofed for errors. The Forest expects the draft EIS to be available and published in September or October with a pre-publication version to be posted on the Coronado website at any time.

Kaibab National Forest

The Forest is in the implementation phase of its Travel Management Rule (TMR) and will soon release Motor Vehicle Use Maps to the public.

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 been meeting and working to provide data and input into that process for the development of the Environmental Impact Statement (EIS). The Department has

provided a Specialist Report to the team to provide subject matter expertise in the form of an analysis of the effects of motorized travel management on game and non-game species of wildlife and the effects of visitor satisfaction of motorized use management, focusing on hunters and anglers.

U.S. FOREST SERVICE – GENERAL UPDATES

Four Forest Restoration Initiative- 4FRI

The Four Forests Restoration Initiative (4FRI) 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 Planning team is currently reviewing and preparing responses to comments provided on the draft Environmental Impact Statement (DEIS). The Department served on the DEIS Interdisciplinary Team and support the preferred alternative in the DEIS. Comments provided by at least one environmental group suggest that they are planning administrative challenges and possibly litigation of the 4FRI project. The Forest Service expects to complete the final EIS in early 2014. The selected Stewardship Contractor (Pioneer Industries) was unable to secure funding and has made a novation request to the Forest Service, that would facilitate transfer of contract responsibilities to new owners.

Apache-Sitgreaves National Forest (A-S)

Rim Lakes Forest Restoration Project

The A-S released the Record of Decision for the Rim Lakes Forest Restoration Project on the Black Mesa Ranger District, Coconino County. The project will include selective cutting of trees and broadcast burning on approximately 23,615 acres in ponderosa pine and pine-oak, with additional broadcast burning occurring on approximately 9,339 acres. Maintenance burns will occur after the initial treatments except within dry mixed conifer. . Implementation is now authorized to begin.

Apache Trout Enhancement Project

The A-S signed the Decision Notice and Finding of No Significant Impact for the Supplement to the Environmental Assessment for the Apache Trout Enhancement Project. The decision will allow for the continuation of stream renovations for Apache trout with the use of rotenone piscicide CFT Legumine™ and the neutralizing agent sodium permanganate in place of antimycin A piscicide Fintrol® and potassium permanganate as analyzed in the original EA. The switch of piscicide was necessary as a result of Fintrol being no longer available and concentrations in existing stock being highly variable.

Boat Access Improvement Projects

On August 15-16, Department personnel met with Apache-Sitgreaves National Forest engineers and recreation staff to discuss and plan a number of boating access improvement projects on selected lakes on the Forest. Fishing piers were also discussed as part of several projects but will have to be funded out of a different source. The projects will occur at Crescent Lake, Big Lake, and Luna Lake in Apache County, at Black Canyon Lake in Navajo County, and at Willow Springs Lake, Woods Canyon Lake, and Chevelon Canyon Lake in Coconino County over the next several years. Forest personnel were extremely supportive and eager to cooperate with the Department on these projects.

Coconino National Forest

Flagstaff Watershed Protection Project (FWPP)

FWPP is a voter-approved, \$10 million bond to conduct thinning and prescribed fire treatments on U.S. Forest Service lands on the slopes of Mt. Elden, the Dry Lake Hills above Flagstaff and the Mormon Mountain area. The overall goal is to reduce risk of catastrophic wildfire and potential flooding, which would severely impact the city and local economy. The Department supports this effort, has reviewed and made comments on the FWPP project Proposed Action, and serves as a formal member on the FWPP Interdisciplinary Team.

Hunter Access to Aspen Depredation Area

The Department worked with the Flagstaff Ranger District to seasonally open 10.8 miles of road, previously closed under the Travel Management Rule, within the Peak Subunit of 7E. This cooperative project will put increased pressure on elk in the San Francisco Peaks with the goal of improving aspen regeneration. The appeal period ends August 21, 2013 and if not appealed this decision will be implemented this year with the result of increased access for hunters from Sept 1-Dec 31st.

Coronado National Forest

Galiuro Firescape Project

The Department reviewed the Environmental Assessment for the Galiuro Firescape Project on the Safford Ranger District. The project area encompasses the entire Galiuro Mountain Range (approximately 135,000 acres) including all of the Galiuro Wilderness Area. It will include the treatment of nine burn units over a ten year period, and utilize hand, mechanical, or aerial ignition techniques to complete the prescribed burns. Years of fire suppression in the Galiuros has resulted in dense, decadent stands of oak brush and chaparral with little herbaceous production. Prescribed fire in the project area will open up some of the denser stands and increase herbaceous production, which will benefit many species of wildlife in the Galiuro Mountains that require more open conditions; including Gould's turkey, desert bighorn sheep, and white-tailed deer. The Department, through the Safford Habitat Partnership Committee, has already assisted in the funding of this project, awarding \$38,000 for the completion of the first burn block, the Rock House prescribed fire. The Department supports implementing the prescribed fires outlined in the EA.

Rosemont Copper Project

The Department submitted 39 pages of comments on the Preliminary Final Environmental Impact Statement (PFEIS) for the Rosemont Copper Project. The Department's comments were centered on the lack of analysis of the impacts on State Trust Responsibility Species and on water quality concerns. The Coronado National Forest expects to review all comments and publish the final EIS by September 27th.

Kaibab National Forest

North Kaibab Ranger District (NKRD) Westside Project

This is a long-term partnership effort to improve mule deer winter range and habitat for other wildlife in Unit 12A-W. In Fall 2012 and Spring 2013, the NKRD applied strategic herbicide

applications to kill invasive cheatgrass and create “brownstrip” fuel breaks in areas of the winter range that are highly vulnerable to wildfire. Field assessment of these treatments will be done in Summer 2013. The Department is also supporting a ‘firescape analysis’ of this area, which will begin in August 2013, to help design future fuels management and habitat protection efforts.

North Kaibab Ranger District (NKRD) Moquitch Project

Primary objectives of this project are reducing fire risk and improving wildlife habitat. The NKRD has begun mechanical treatments (grinding) on portions of the project area dominated by thickets of small ponderosa pine trees. Department staff are monitoring the project and working with USFS to accomplish wildlife objectives.

North Kaibab Ranger District (NKRD) Raspberry Project

In cooperation with Department staff, the NKRD has initiated planning for an approximately 3,000 acre thinning and prescribed fire project in mixed-conifer forest on the Southeastern portion of the Kaibab Plateau. The primary objective is wildlife habitat improvement, particularly for blue grouse.

Tonto National Forest

Red Creek, Six Bar and Skeleton Ridge Allotments

The forest has scoped the proposal and released the Draft EA (DEA) to improve ecological conditions and to authorize continued livestock grazing on the these allotments in the Cave Creek Ranger District. The Department has reviewed and provided comment on the DEA. The Department provides support for the forests strategies and recommendations for current management under Alternative 2 as well as proposed mitigation measures to improve resource (vegetation/soils/watershed) trends which are fair/poor/unsatisfactory with downward trends in many portions of the 3 allotments included in the analysis.

BUREAU OF LAND MANAGEMENT (BLM)

Grand Canyon-Parashant National Monument/Arizona Strip Field Office

Uinkaret Vegetation Management Project

The BLM has initiated planning for a 130,000 acre area in GMU 13A in the Mt. Trumbull/Mt. Logan area. The overall goal is to reduce catastrophic wildfire risk, improve watershed health, and restore ponderosa pine forest and pinyon-juniper woodlands. The Department accepted an invitation for cooperating agency status and will assist BLM in preparing an MOU to facilitate membership on the interdisciplinary planning team.

Kingman Field Office

Route Evaluation

Department personnel attended and participated in BLM’s travel management rule (TMR) implementation process during the week of August 19 – 23. In support of BLM’s implementation of TMR, Regional personnel received their customary invitation to assist BLM staff in 5 days of Route Evaluation for the Cerbat Mountain Planning area.

Black Mountains Burro Surveys

The Department submitted a letter to the BLM Washington Office, forwarded to Congressman Paul Gosar, to apprise the Arizona Bureau of Land Management (BLM) of the need to restore programmed funding for a helicopter burro survey to establish a current population estimate for burros in the Black Mountain Ecosystem (Blacks) in Northwestern Arizona, as well as maintenance gathers to restore the burro population in the Blacks to the appropriate management level (AML) – as required of BLM by provisions embodied in the Black Mountain Ecosystem Plan (BMEP) to which the BLM, the Department, and Wild Horse and Burro non-government organizations are signatories.

Earlier this year (*April 2013*), the Department became aware of a proposed action to dismantle the Kingman Field Office's (KFO) wild horse and burro holding and shipping facility in Golden Valley, AZ; and additionally, that funding previously programmed for planned burro surveys and maintenance gathers in the Blacks (*for 2013*) had been swept.

With the sweep of 2013 funding for programmed burro surveys and gathers in the Blacks, it is likely that the swelling burro population will induce increased pressure on, and competition for important forage resources in the Joint Management Area (JMA) established in the Black Mountains Ecosystem Plan. The JMA is key desert bighorn sheep habitat in the Blacks, wherein livestock and/or burros compete with desert bighorn sheep for forage, water, and other habitat resources.

In January 2012, the Department's Habitat Branch produced an estimate of burro populations for all of the Herd Management Areas Statewide. At that time, the Department estimated the burro population in the Blacks to be approximately 730 animals, roughly 252 animals in excess of AML.

Lake Havasu Field Office

Travel Management

Department staff participated in route evaluations for the Bouse/Cactus Plain Travel Management Plan in August.

Lake Havasu

BLM, Lake Havasu City and other government agencies have been receiving comments from the public on their uncertainty as to which activities on Lake Havasu require permits and from which agencies. All government agencies with jurisdiction on the Lake have been to meeting to resolve the issue. A spreadsheet with the permitting information has been developed and reviewed. The agencies have agreed to meet at least annually to coordinate on this and other issues. The agreement will be memorialized in a Memorandum of Agreement.

Tucson Field Office

Madrean Archipelago Rapid Ecoregional Assessment (MAREA)

Department staff have been reviewing the reports for the conservation elements and providing feedback on the reports and inputs for the conceptual models. The next meeting for the technical team is September 26.

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.

Ironwood Forest National Monument, RMP Travel Management Implementation

The BLM plans to solicit public comments on implementation of the IFNM RMP Travel Management Plan from September 30th to October 11th. The Department has already provided input.

WILDLIFE AREAS

Cibola Valley Conservation and Wildlife Area

A temporary closure will be placed on portions of the Cibola Valley Conservation and Wildlife Area from August 20 to September 30, 2013. The temporary closure is for the protection of nesting western yellow-billed cuckoos currently listed as wildlife of special concern in Arizona by the Department and a candidate species for listing as threatened under the Endangered Species Act. This temporary closure is not anticipated to have any significant adverse impacts on dove hunting opportunities within the wildlife area and Cibola Valley.

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-** A follow-up stakeholders meeting is being held this month to finish up the results chains and situational analysis along with an interagency team meeting for discussion of NEPA and the draft CRMP.

RENEWABLE ENERGY DEVELOPMENT

WIND

Boquillas Wind Energy Project

The Department continues to participate in ongoing evaluation of the Boquillas Wind Energy Project proposed by the Navajo Tribal Utility Authority and EDF Renewable Energy for the area atop the Aubrey Cliffs. In May the Coconino County Board of Supervisors upheld the Planning and Zoning Commission's prior decision to require removal one of five meteorological testing towers that NTUA and EDF had installed without the necessary use permits; County use permits

were allowed for the other four. Subsequent to this hearing, the developer failed to apply for separate building permits for the permitted towers by the required deadline, thus a revocation hearing has been scheduled for late August before the Planning and Zoning Commission at which the County will decide whether to revoke all use permits for met towers on the project site.

The Department continues to participate in collaboration with the U.S. Fish and Wildlife Service in ongoing review of an Eagle Conservation Plan (ECP) for the Boquillas wind energy project being developed by the NTUA and project partner EDF Renewable Energy. The USFWS Eagle Technical Assessment Team recently completed its own independent estimate of eagle fatalities from the proposed wind project which it shared with the developers along with general recommendations for project re-design which could reduce estimated fatalities. USFWS will evaluate the final ECP and associated biological data to help determine whether a federal eagle incidental take permit for the project is warranted.

Marcou Mesa Wind Facility

Disgen Holdings, LLC, continues to move forward with their Marcou Mesa Wind Facility project, 390 MW (130-190 turbines) north of Holbrook and Joseph Cities, Navajo County. Department personnel recently responded to Disgen with a requested comment letter on the status of the wildlife studies for the project. The letter details the coordination that has occurred between the Department and Disgen and provides information on the Departments concerns associated with the Marcou Mesa project. While Disgen has completed some pre-siting studies they do not meet the level of requested studies in the Department's Wind Guidelines nor the level that the Department has requested in past comment letters and meetings with Disgen. The Department is requesting further studies be completed for turbine micrositing as well as an Eagle Conservation Plan and a Bat and Bird Conservation Strategy. There is golden eagle issues associated with this project location. Also, according to Navajo County, Disgen has included a second Special Use Permit Application for a proposed 200 MW (2,500 acres) photovoltaic solar facility that will be close to the potential wind facility. To date Disgen has not coordinated with the Department concerning this potential solar facility. This was also mentioned in the Department's comment letter and that the Department would like to work with Disgen on studies and siting for this potential solar facility.

Mohave County Wind Farm

The ROD for the BP Mohave County Wind Project was signed on June 27, 2013 by the BLM Washington office. The next step in the process will be construction and operation of the project.

Redhorse Wind Project

The Department received, and has reviewed, Interim Data Report #1 for the proposed Red Horse Wind Energy Facility in Cochise County AZ. Redhorse is providing avian and bat use data as they are collected during the preliminary data collection period and are currently developing and preparing a Bat and Bird Conservation Strategy (BBCS), Eagle Conservation Plan (ECP) and Wildlife Conservation Strategy (WCS)_for the project. The proponent is on a very aggressive schedule, and informs us that they will be soon submitting formal outlines of the three documents, with face-to-face/teleconference meetings to follow to receive feedback from the Department as they develop the documents. [Based on the data](#), the Department still has concerns

about the impacts this project may pose to golden eagles and raptors in the area. We are not confident that they can be mitigated through development of BBCS, ECP, and WCS. The Department has requested a meeting to discuss our concerns and possibly ways to modify data collection to address some of the concerns.

Background

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 Wilcox, in Cochise County. 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 and run parallel to an existing 345-kilovolt (kV) transmission 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 this project will have on bats, golden eagles, and other raptors in this area. Additionally the project is being proposed in an 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 met on June 11, 2013 to discuss the appeal. The Department sent another letter asking the county to put some conditions on the permit. The conditions reflect recommendations from the Department's wind guidelines. The Board of Supervisors approved the project with conditions that Audubon Arizona asked for which were similar to the Department's conditions.

TRANSMISSION LINES

SunZia Transmission Line Project

The SunZia Transmission Line protest period ended June 24th. The Department continues to work on the project with the State Land Department and Bureau of Land Management to ensure that state wildlife resources are adequately addressed in the Plan of Development and stipulated

in the Right of Way Grant. The project has yet to go to the Arizona Corporation Commission's Line Siting Committee which must issue a Certificate of Environmental Compatibility and The Arizona State Land Department must concur on route alignment with the line siting committee for the project to proceed. Both entities may make stipulations and requirements on the project. The Department is interested in providing input to these processes. The timeline before final approval appears to be another year and a half of detailed planning in which wildlife resources may also be considered.

TRANSPORTATION

Greenway Parkway

Department personnel have recently provided comments on the proposed Greenway Parkway. The study area is approximately nine miles in length and two miles wide, is generally centered on the Greenway Road section line, and stretches from one mile west of the planned future Hassayampa Freeway alignment (approximately 339th Avenue alignment) to one mile east of the planned future Turner Parkway (approximately 279th Avenue alignment). Most recently the Department commented on Tech Memos 1-3. The Greenway parkway alignment sits immediately north of the White Tanks linkage and traverses linkage strands in a couple locations associated with major washes (tributaries to the Hassayampa). The Department will be working with MCDOT to develop a corridor alternative and language that recommends crossing structure designs to minimize impacts to the proposed linkage.

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 Department has reviewed the DEIS and coordinated with the Gila River Indian Community. The Department participated on this project as necessary or requested by the project team over the last 8-10 years. Recommendations include consideration on overpasses, underpasses not for multi-functional use, surveys for several species including big game and mitigation for loss of habitat and water sources. The Department has responded to 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 continues to participate on stakeholders team for the project. The next phase of the project is underway for the

development of the corridor concept report, future connectivity corridor study for Phoenix to Mexico, development of evaluation criteria for alternative corridors, level 1 screening (high level to limit alternatives application to the entire corridor) and level 2 screening (more detailed and weighted evaluation).

FOR4--Department staff met with ADOT and their consultant to discuss Department's input on the Interstate 11 Study. The Department and ADOT agreed to partner on evaluating impacts, mitigation potential and opportunities for enhancement for the Study. The Department will provide its evaluation for the Level 1 analysis by September 15.

FOR5-- The Department has attended stakeholder partner meetings introducing the potential alternative alignments for I-11 connecting Casa Grande to Mexico. Five alternatives are currently proposed linking Casa Grande to Ports of Entry at San Luis (Yuma), Sasabe, Nogales, Naco, and Douglas. The Pima County Administrator has submitted a memo to the Pima Association of Governments supporting an alignment through the Avra Valley, through the BOR Wildlife Mitigation Corridor. Four years earlier the Commission and The Pima County Board of Supervisors both issued resolutions in opposition to a proposed I-10 bypass route that would have gone through this same area. The Department plans to address these same concerns again in comments submitted to ADOT.

FOR6--ADOT has just released the I-11 Corridor Justification Report. The report details the key justifications for expansion of the I-11 corridor as: enable economic development, add needed north-south capacity, integrate the economies of the Southwest Triangle megaregion and improve connections to other regions, capitalize on Mexico's growing role in North American manufacturing and trade, support economic development initiatives of Arizona and Nevada, prevent congestion from crippling economic competitiveness, and comply with enabling federal legislation. Existing and Natural and Built Environment Tech Memo due to be posted on web in 2-3 weeks. Phase 2 begins this month and a series of workshops will be held every 2 months over next 6-8 months. The development of Corridor Alternatives for multimodal (interstate, bus transit, train (passenger/freight), utility/communication) needs will be accomplished in this phase.

US 191 Realignment

Department personnel provided Arizona State Land Department comments concerning the Right-of-Way application by Golder Associates to test ground stability for one of the US 191 realignment alternative routes. This project will re-route US 191 around the expanding Morenci Mine. As BLM lands are involved in the potential realignment, BLM is expected to be the lead agency in the NEPA analysis for this project.

GENERAL UPDATES

Becker Lake

On July 29-30, Department personnel attempted a catfish removal effort on Becker Lake, Apache County. Becker Lake is currently managed as a blue ribbon trout fishery and has been extremely successful in growing rainbow trout up to 25 inches. These large trout have attracted anglers from all over the state, who have been very happy with the fishery. Recently, a number of anglers have reported seeing several very large catfish cruising the shallows in this clear lake.

Catfish are not stocked or managed at Becker Lake and therefore must be from an illegal stocking. Catfish have not shown up in the regular fish population surveys conducted each spring and fall, so their numbers must still be very low. This removal effort attempted to selectively catch these individual catfish by snorkel spearing, so that other fish in the lake are not harmed or stressed. Several very large catfish were observed, but the spearing attempt was unsuccessful. A number of smaller catfish, and juvenile largemouth bass, another recent illegal introduction, were also observed, indicating a larger problem than initially thought. The lake will be monitored to track the population trends of these illegally stocked species while a solution to the problem is being developed.

Hidden Cove Park

On July 17, Department personnel met with City of Holbrook officials and National Park Service representatives to discuss Hidden Cove Park in Holbrook, Navajo County. The primary discussion topics included selecting 150 of the most common wildlife and plant species that may be seen by visitors at Holbrook's Hidden Cove Park for inclusion into a wildlife viewing guide and determining a list of useful field guides, type of binoculars, and other miscellaneous items to be included in daypacks for visitor checkout and use. Funding to print the viewing guide and acquire the contents for the daypacks has been made possible by an Urban Heritage Grant which the city successfully applied for during the last grant cycle. Final refinements and photo selections are underway for the brochure, and it should be delivered to the printer within the next month or two.

On August 20, Department personnel conducted a fish population and limnological survey on Hidden Cove Lake. This small lake is associated with the wastewater treatment facility that is run by the City of Holbrook, but is being evaluated for its potential for natural resource based recreation for the local community, and as a possible tourist draw to the area. Recreational sportfishing is one of the potential activities being considered. The fish population surveys were conducted to determine what fish species already exist in the lake and the limnological surveys will determine what may be able to survive. A previous fish survey was conducted in December 7, 2012 but found no fish. This follow-up fish population survey was conducted in an effort to detect warm-water fishes that may not have been active in the cold water in December. However, the only fish collected were plains killifish, a small minnow-like fish that is also found in the nearby Little Colorado River in the Holbrook area. A previous limnological survey conducted in March 2013 revealed some water quality issues that may cause problems for a sportfishery, so this follow-up limnological survey was conducted to gather more data with which to make a decision. The limnological data has not yet been analyzed.

HPC Projects

Kingman HPC

The Kingman HPC met at the Kingman Regional Office on August 21, 2013. In attendance were representatives from the Mohave Livestock Association, the Kingman Chapter of the Mule deer Foundation, Regional personnel and interested public. At the meeting, participants presented proposed projects for submission by the September 1st HPC deadline. At this meeting, HPC members participated in a project prioritization exercise, and identified the projects that will be carried forward for consideration.

Diamond Bar Allotment

In cooperation with the Kingman BLM, the Mule Deer Foundation and Ranch Management, Region 3 personnel conducted a site visit to the Diamond Bar Ranch in Northern GMU 15BE to inventory waters the Ranch has proposed for development or redevelopment. The Department and MDF have identified two water projects that will provide benefit to wildlife, and in partnership have initiated the development of HPC proposals that will be submitted this current cycle.

Ray Mine Tailings Facility in GMU 37B

The Department received notice from the Army Corps of Engineers regarding the potential to be a Cooperating Agency on the Ray Mine Tailings Facility proposed for 12 sections of land currently owned by the Arizona State Land Department. The Department has had no coordination with the Land Department on this issue, however, in discussions with the county, has learned that the State Land will be auctioned and is expected to be sold to ASARCO for the purpose of the tailings facility. This facility will occupy a major tributary to the Gila River in a scenic and wildlife rich area of upper Sonoran Desert Scrub habitat formerly evaluated as having high potential for cactus ferruginous pygmy owl due to its' diverse habitat elements containing dense ironwood and saguaro. The facility would impact a significant area of the A-Diamond Ranch, which has been a strong cooperator with the Department in the Habitat Partnership Committee. The Department is concerned that impacts to wildlife resources may not have been adequately evaluated in selecting the location of the facility since there has been no previous coordination with the Department.

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. We met with the County for further discussion on incorporation of the Pinal County Wildlife Linkages Assessment Stakeholders Report into the Pinal County Comprehensive Plan. The County would not commit to incorporation at this time; however, would like to continue to work with the Department for refinement and potential for a future amendment. The Department will be meeting with the County Planning and Zoning in the near future for continued discussion. The County recently budgeted for a County Parks and Trails Department and named a Director. The Department continues to work on the drainage protection subcommittee and plans to meet with the County Flood Control District, along with the other 8 districts for discussion on important drainage identification and efforts to produce a mutually beneficial map product. The committee has brought forward a recommendation to include wildlife linkages as part of the development checklist.

Forest	Status	Next Step	Projected Next Step Completion
Apache Sitgreaves	The Proposed LRMP and Draft EIS public review period ended 5/16/2013.	Final LRMP EIS, TMP on hold.	Final EIS (LRMP) 5/2014 TMP start after LRMP complete, draft out late 2014. (separate decisions)
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 LRMP EIS anticipated 10/2013	Decision anticipated 6//2015
Issues:	Dispersed camping 300 ft from designated roads, else 30 ft. MBGR for elk only, 1 mile from roads except GMUs 5A & 5B.		
Coronado	Draft EIS imminent	Public comments	Final EIS 7/2014
	TMP in Process in all Districts.	Final TMP	Final TMP end of 2013 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. TMP completed by district. MVUM's available.	Final LRMP	LRMP Decision Sept 2013
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	Final EIS in Federal Register imminent. AGFD personnel were invited to participate in Strategic planning	Review aof final EIS (LRMP).	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. Wilderness under consideration		
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 meetings have been held.	LRMP public scoping in 2014. TMP final EIS anticipated 11/13	Final LRMP Fall 2017
Issues:	Consistency across forests, enforceability, MBGR, road closures, and Dispersed Camping all addressed in response to NOI.		

Mexican Wolf Plan Principles and Requirements



PRINCIPLES (values): The Department will manage Mexican wolves under the Commission's guidance, on non-tribal lands in Arizona pursuant to the state's authority to manage all wildlife within the state of Arizona, and in a manner that is consistent with and reflects the following principles:

- The Department will use appropriate public, government-to-government and stakeholder engagement processes to inform Mexican Wolf management in Arizona.
- The return of the Mexican wolf to its historic range in Arizona will be implemented within approved levels of funding and human resource capacity, which will be supported with appropriate financial support from both federal and private sources.
- Mexican wolf restoration in Arizona will only occur within manageable areas of the state's historic range.
- Mexican wolf cannot be recovered with Arizona as the only participant. Successful recovery can only occur with concurrent recovery efforts in Arizona, New Mexico, Texas and Mexico.
- Because genetic diversity is essential for a biologically sound, sustainable wolf population, the Department will work to optimize genetic diversity in Mexican wolves to the extent possible.
- Because wolf-dog hybridization has been documented in free ranging Mexican wolves and poses a potential threat to the genetic integrity of the Mexican wolf population, wolves must be managed to minimize wolf-dog-hybrid interactions.
- Successful reintroduction and management of Mexican wolves in Arizona is dependent upon wolves being accepted and tolerated by the public in the context of modern Arizona's working landscapes, which provide for multiple public uses.
- The Department is experienced and uniquely positioned to form partnerships with local communities, stakeholders, and businesses that may be positively or negatively affected by the restoration of Mexican wolves. Mexican wolf restoration must not result in unacceptable impacts to the economic well-being of Arizona's rural communities and the state's hunting opportunities.
- Because in some circumstances wolves may dramatically influence native ungulate populations, the Department will implement management strategies to drive a Mexican wolf management plan that considers long-term sustainability of both predators and their prey such that current baseline hunting opportunity is maintained in terms of both the quality and quantity of hunting recreation. The Department and the Commission will establish acceptable ungulate loss rates to wolf density ratios to sustain populations of those species, preserve associated hunting opportunity and maintain economic viability for the State of Arizona.

Mexican Wolf Plan Principles and Requirements

- The Arizona State Wolf Plan (Plan) will serve as the mechanism for AGFD to continue to represent the interests of the Commission and the State of Arizona in all areas of Mexican wolf conservation including how the efforts in Arizona relate to overall Mexican wolf recovery.
- The Arizona Plan assumes a revised 10(j) rule allowing state management under an approved state management plan supported by appropriate Endangered Species Act Section 4(d) wolf management provisions.
- The Arizona State Wolf Plan can be endorsed by USFWS before record of decision on USFWS Recovery Plan.
- The Arizona State Wolf Plan can achieve formal recognition/certification of ESA compliance by USFWS and Mexican P.A.S.E.

The plan:

- Must be developed through strong public engagement, including suitable outreach with targeted constituents such as livestock producers, sportsmen conservationists, local governments, tribal governments, conservation groups (and the public at large) in deploying adaptive management approaches in managing a sustainable wolf population;
- Must recognize that, to achieve and maintain a range-wide, sustainable population of Mexican wolves managed at levels sufficient to meet population objectives, requires a strong recovery program in Mexico, and;
 - Must clearly articulate the limited potential role of Arizona, New Mexico and Texas contributing to Mexican wolf recovery efforts in the U.S., and emphasize the critical role of Mexico in achieving recovery of Mexican wolf range-wide.
- Must include a research component to ensure that questions are answered with sound science, both biological and sociological, and must incorporate measures of effectiveness and success where applicable. Questions to be clearly addressed include: population census methodology; prey requirements, predator-prey relations, genetic purity, and taxonomic validity;
- Must define where in Arizona Mexican wolf recovery will be supported – such that:
 - Mexican Wolf recovery will only occur within components of its historical range in Arizona determined to be viable by the Commission/Department;
 - Identified areas will require contiguous and suitable habitat that serves to minimize human conflict, and supports a corresponding wolf population distribution as a required condition for any proposed expansion of wolf restoration areas in Arizona;
 - Must be supported by the White Mountain Apache and San Carlos Apache Tribes as participants in Mexican Wolf recovery and acceptable to other affected Tribes such that they will participate in productive planning efforts;
 - Mexican wolf restoration plans must be designed to minimize wolf-domestic dog hybridization potential by limiting wolf occupation of areas in close proximity to known areas of domestic dog concentration.

Mexican Wolf Plan Principles and Requirements

- Must include an **enforceable** upper limit on wolf impacts upon game ungulate populations in Arizona such that the current quantity and quality of hunting opportunity in Arizona remains at current levels as a minimum, and include **enforceable** provisions to successfully manage wolf populations to maintain those levels including provision to financially compensate the State of Arizona for exceedances that reduce hunting opportunities below current baseline levels;
- Must include a provision to ensure the manageability for wolves that move outside the 10(j) area;
- Must provide for clear delineation of an **affordable** Interagency Field Team (IFT) structure and function that can be cost effective, be implemented within the 10(j) nonessential/experimental population designation, such that responses to potential depredation incidents in Arizona are initiated within 24 hours of receiving such reports and that initial releases and planned translocations of Mexican wolves in Arizona are vetted with the public;
- Must ensure that wolf conservation efforts are appropriately balanced by on-the-ground interdiction, incentive, and compensation measures that offset impacts to the private sector;
- Appropriately note that the States of Arizona and New Mexico, the White Mountain Apache Tribe, the newly formed, State Resource Council, various local governments and local stakeholders are willing participants, able to use incentives and interdiction measures to manage Mexican wolves, and;
- Will ensure that appropriate private or federal funds are identified, procured and directed to support the wolf reintroduction project that provide incentives to:
 - Productively engage public lands grazing permittees and private lands livestock operators in voluntary, incentives-based Mexican wolf conservation measures;
 - The Mexican Wolf – Livestock Coexistence Council whose interdiction, incentives, and compensation program appropriately addresses the impacts of Mexican wolf reintroduction and recovery on the private sector and creates incentives for enhanced conservation and stewardship;
 - Willing Native American Tribes within the existing experimental population area in Arizona, particularly the White Mountain Apache Tribe, which has demonstrated its substantial commitment to wolf conservation over these past several years.

**A RESOLUTION OF THE ARIZONA GAME AND FISH COMMISSION
CONCERNING SCOPING HEARINGS ON THE EXPANSION
OF MEXICAN WOLF CONSERVATION**

WHEREAS, the Arizona Game and Fish Commission and Arizona Game and Fish Department (AGFD) have been partners with the United States Fish and Wildlife Service (USFWS) in Mexican wolf conservation since the effort's inception; and

WHEREAS, the Endangered Species Act (ESA) envisions a significant role for state fish and wildlife agencies in endangered species conservation and recovery efforts; and

WHEREAS, since the Mexican Wolf conservation effort promulgated under section 10(j) of the ESA, Arizona has been the only state in which primary releases of Mexican wolves have been allowed; and

WHEREAS, the primary capacity for the Interagency Field Team has been supplied by personnel from AGFD, and

WHEREAS, the congressional record clearly reflects congressional intent that rules promulgated under section 10(j) of the ESA will reflect an agreement between the USFWS and the affected states; and

WHEREAS, the National Environmental Policy Act requires adequate public notice and opportunity to comment which should involve public hearings near the location of the proposed action; and

WHEREAS, the USFWS has received written requests to hold public scoping hearings in Arizona directly from the AGFD, Graham County, Greenlee County, Navajo County, Apache County, Gila County, and specifically from US Congressman Paul Gosar, US Congresswoman Ann Kirkpatrick, and Senator Jeff Flake; and

WHEREAS, the USFWS has publicly announced its decision to hold scoping hearings in Washington, DC, where there are no plans to conserve Mexican wolves; and to hold public scoping hearings in Sacramento, CA where there are no plans to conserve Mexican wolves; and

WHEREAS, the USFWS has elected to hold a public scoping hearing in Albuquerque, NM as the only state in which Mexican wolf conservation would be involved; and

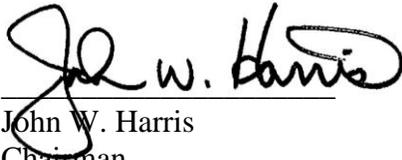
WHEREAS, the USFWS has specifically not elected to hold any public scoping hearings in Arizona; and

WHEREAS, the citizens of Arizona will unarguably be the most affected by the decisions to be made;

NOW, THEREFORE, BE IT RESOLVED that the Arizona Game and Fish Commission expresses its extreme concern that the USFWS has refused to hold public scoping hearings in Arizona regarding proposals to expand Mexican Wolf conservation efforts;

BE IT FURTHER RESOLVED that the Arizona Game and Fish Commission demands that the Secretary of the Interior and Director of the USFWS reconsider this decision and schedule public scoping hearings in the State of Arizona with at least one meeting to occur in a community geographically located within the proposed 10(j) area.

ADOPTED on the 6th day of September, 2013 by the Arizona Game and Fish Commission.



John W. Harris
Chairman
Arizona Game and Fish Commission

