

Minutes of the Telephonic Meeting of the
Arizona Game and Fish Commission
Tuesday, September 23, 2014 – 10:00 a.m.
Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

In person:
Vice Chairman Kurt R. Davis
Commissioner Edward "Pat" Madden

In person:
Special Assistant to the Director Jim E. Paxon

Via telephone:
Chairman Robert E. Mansell
Commissioner James R. Ammons
Commissioner John W. Harris

Via telephone:
Director Larry D. Voyles
Assistant Attorney General Jim Odenkirk

Vice Chairman Davis called the meeting to order at 10:00 a.m. and conducted roll call confirming that all Commissioners were present. Several members of the public and several Department staff members were present. Vice Chairman Davis led those present through the Pledge of Allegiance. This meeting followed an agenda dated September 19, 2014.

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1. Mexican Wolf Update

Presenter: Jim deVos, Assistant Director, Wildlife Management Division

Mr. deVos provided an update using a PowerPoint presentation on new information and negotiations with the U. S. Fish and Wildlife Service (USFWS) regarding resolution of issues associated with the Mexican Wolf proposed 10(j) rule and the associated draft Environmental Impact Statement (DEIS) since the last Commission meeting. At the August 2014 Commission meeting, the Commission provided the Department with direction to continue to work with the USFWS to develop a redrafted 10(j) proposal for the Mexican wolf that is acceptable to the Department, would preserve the Department's wildlife management authority, and balance the needs of Mexican wolf reintroduction with that of other state trust species. Mr. deVos provided an update that included the following:

Comments are due today for the published USFWS draft 10(j) rule and draft EIS. The Department is preparing comments and will submit them timely. The Commission has steadfastly worked with the Department, cooperators and stakeholders to develop a Mexican wolf management approach that is balanced and achieves the Congressional intent of the 10(j) rule, which is to further the conservation and ultimate recovery of the Mexican wolf. In August and September of 2014, the Commission asked the Department to provide regular briefings on the Department's approach to dealing with Mexican wolves and interactions with the USFWS.

Since the last Commission meeting update, the Department has continued to review the DEIS, and Director Voyles and Mr. deVos met with the USFWS Regional Director to

advocate for changes to the 10(j) rule. The following are contentious elements of the proposed 10(j) rule and possible resolutions:

1. Number of Wolves: No cap on number of wolves allowed in AZ and NM

Possible resolution: 300-325 in AZ and NM with clear and enforceable removal strategies to ensure that this number is not exceeded. Importantly, this number is consistent with the science underpinning of a relationship of a wolf-elk ratio that is sustainable. This number will contribute to recovery but it is essential that the USFWS and Department assist in meaningful recovery in Mexico

2. Definition of “Unacceptable Impacts” to Ungulates: Does not define level of impact constituting “unacceptable impacts” to ungulates and shifts the burden to the Department to demonstrate predation impacts, and convince the USFWS that impacts are unacceptable

Possible resolution: 15% impact trigger to begin wolf removal

3. Area for Wolf Management: Three wolf management zones in AZ - Allows dispersal to almost entire state south of I-40

Possible resolution: Wolf management in the experimental population area:

Phase 1: No translocations west of Hwy 87, but wolves can disperse to the area of the MWEPA north of Hwy 260 between Hwy 87 and I-17

Phase 2: No translocations west of I-17, but wolves can disperse to Hwy 89

Phase 3: No translocations west of Hwy 89 but wolves can disperse throughout the MWEPA.

Evaluations will be conducted after the first 5 years of the rule and then every 3 years to determine if the next phase is needed. The evaluation will consider: adverse human interactions with wolves; impacts to ungulates; and whether the wolf population is achieving an average of 10% annual growth, based on end-of-year count.

This does not foreclose on the option to pursue legal challenges to the final 10(j) rule. The Department will continue to develop comments that will preserve the Department’s legal standing and identify all Department concerns with the draft EIS and draft 10(j) rule in the event that the Commission directs the Department at a future date to initiate any of the three actions as previously directed by the Commission: prepare for litigation, congressional involvement, and possible withdrawal from the program.

Public Comment

Mike Sorum, representing himself, addressed the Commission in support of the Mexican wolf program and encouraged the Department to engage the USFWS and not withdraw from the program.

Dale Volz, representing himself, addressed the Commission as an avid longtime supporter of Mexican wolf reintroduction and reminded the Commission that they have a legal and moral responsibility for all wildlife species, and encouraged the Commission to work cooperatively with the USFWS.

Jim Unmacht, President of Arizona Sportsmen for Wildlife Conservation, representing 19 organizations that have supported the cooperators alternative, continues to support the Department and Commission's efforts and agrees with the proposed resolutions.

John Koloszar, President, Arizona Deer Association, encouraged the Department and the Commission to support all wildlife; expressed concerns about the lack of activity and numbers in New Mexico; agrees with relocating skilled wolves to Mexico.

Motion: Harris moved and Mansell seconded The Department recommends that the Commission VOTE TO PROVIDE THE DEPARTMENT DIRECTION ON PURSUING AN AGREEMENT WITH THE FISH AND WILDLIFE SERVICE ON AN ACCEPTABLE 10(j) RULE FOR THE MEXICAN WOLF THAT WILL MIRROR TO THE MAXIMUM EXTENT POSSIBLE THE ARIZONA COOPERATOR'S ALTERNATIVE WITH PARTICULAR ATTENTION TO ESTABLISHING A NUMERIC POPULATION GOAL, DEFINED METRICS FOR IMPACTS TO UNGULATES AND FOCUSES ACTIVE WOLF MANAGEMENT ACTIVITES IN AREAS WITH ROBUST ELK POPULATIONS.

Commissioner Davis read a statement into the record:

"First, Mexican wolf management has been controversial since the beginning of the program and it will continue to be so into the future. A number of cooperating agencies and stakeholders developed a lawful and biologically relevant alternative for the Fish and Wildlife Service to include in the draft environmental statement and asked the Service to evaluate this alternative as a method to improve social tolerance and conservation success of Mexican wolf reintroduction in the Southwest. This compromise position was hard won with all entities involved yielding some principles of value to them, but in the end there was compromise and unprecedented support of those cooperating entities for a well thought out Mexican wolf reintroduction approach. The Service failed to recognize the importance of this unprecedented compromise and excluded the alternative from analyses. This was and is unfortunate.

The Arizona Game and Fish Commission has long been supportive of a balanced plan to reintroduce the Mexican wolf into historic habitat. Seeing the failing of the Fish and Wildlife Service to pay heed to the wishes of the Cooperating agencies and stake holders, the Commission provided direction to the Department to continue to negotiate with the Service to modify the final rule to include key elements of the Cooperating agencies alternative. The Commission also voted unanimously to direct the Department to prepare strategies to implement congressional involvement, possible litigation, and even withdrawal from the Mexican wolf field program. One of the key issues that the Commission had with the Services' proposed rule is that there was no cap on the number of wolves that could roam the state and impact both ungulates and

livestock operations. Relying on a poorly documented projection of 10% annual increase in the wolf population, the Service projected less than 300 wolves on the landscape in 12 years. It is important to note that the last three years have averaged greater population growth rates than this, and based on this year's preliminary production data, the population will again exceed 10% growth, and perhaps greatly so. Simply put, without a clearly articulated number, the impact to Arizona wildlife and livestock resources would be too large for the Commission to accept.

The reintroduction of the Mexican wolf is mandated by the Endangered Species Act and the discussion of having no wolves or even 100 wolves is a failed argument at this time in history. The Department and Commission have sought a balanced approach to Mexican wolf reintroduction rather than the Fish and Wildlife Service alternative that has the potential for unregulated wolf population growth that would clearly have greater impact to the people and its wildlife of Arizona. The Commission's action today is to have a managed scientific approach to Mexican wolf reintroduction rather than the clear uncertainty provided by the Services' preferred alternative.

In addition, the alternative that is being proposed by the Department and suggested to the Fish and Wildlife Service is based on being able to set markers so we will know when we've achieved success, we will know what the impact is on all of our state's wildlife. I commend the Department for working the Cooperators and coming up with a plan based on science to achieve a counter proposal that is rational, realistic and reasonable. To actually achieve success and balance among all God's creatures in Arizona. With that, I will be supporting the motion so that we can continue the dialogue and hopefully achieve a rule that works for both advocates of wolves and those who also view the wolves as part of numerous and many species that wander our habitat.

Vote: Unanimous

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Vice Chairman Davis adjourned the meeting.

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Meeting adjourned at 10:45 a.m.

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Robert E. Mansell, Chairman



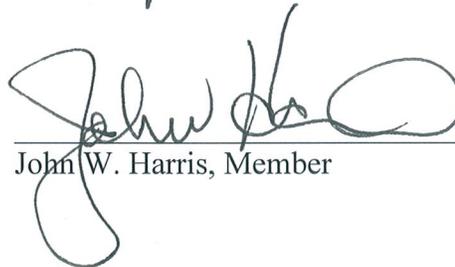
Kurt R. Davis, Vice Chair



Edward "Pat" Madden, Member



James R. Ammons, Member



John W. Harris, Member

ATTEST:



Larry D. Voyles
Secretary and Director