

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, September 5, 2014
Saturday, September 6, 2014
Show Low City Council Chambers
181 N. 9th Street
Show Low, Arizona 85901

PRESENT: (Commission)

(Director and Staff)

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

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

Chairman Mansell called the meeting to order at 8:00 a.m. and led those present through the Pledge of Allegiance. The Commission and Director Voyles introduced themselves and Director Voyles introduced his staff. This meeting followed an agenda revision #1 dated September 3, 2014.

Chairman Mansell requested a moment of silence in honor of State Senator Chester Crandell who passed away on August 4, 2014 from injuries he incurred in a horse riding accident.

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1. Call to the Public

There were no requests to speak to the Commission.

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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, and/or they were previously presented to the Commission as a "first read" item. These items were provided to the Commission prior to this meeting and the Department requested that the Commission approve these matters as presented, subject to approval or recommendations of the Office of the Attorney General. Director Voyles presented each item to the Commission and there were no requests to pull any items for discussion.

a. Shooting Sports Activities Briefing

Presenter: Marty Fabritz, Shooting Sports Branch Chief

The Commission was provided with a written Shooting Sports Activities Briefing prior to this meeting (also available to the public) related to shooting sports including shooting programs and shooting range development statewide. The briefing covered activities and events that have

occurred since the last regular 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: Dr. 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. Approval of an Intergovernmental Agreement Renewal with the Town of Springerville at Becker Lake Wildlife Area

Presenter: Joyce Francis, Habitat Branch Chief

The Town of Springerville (Town) has an outreach program in which they conduct volunteer activities to support and take pride in their community. The Town wishes to assist the Arizona Game and Fish Department with maintenance and grading of the access road and shore line clean-up at the Becker Lake Wildlife Area. The Department has reviewed the request from the Town and has determined that assistance in maintenance of the Becker Lake Wildlife Area is of direct benefit to the Commission and the Town. These activities are also in the public interest and consistent and compatible with the Becker Lake Wildlife Area Management Plan.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE RENEWAL OF AN INTERGOVERNMENTAL AGREEMENT (FOR RIGHT-OF-WAY) WITH THE TOWN OF SPRINGVILLE FOR PURPOSES OF MAINTAINING AND GRADING THE MAIN ROADWAY AND PARKING LOT, AND CLEAN-UP OF THE SHORE LINE AS NEEDED AT THE BECKER LAKE WILDLIFE AREA, APACHE COUNTY, ARIZONA, AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

f. Approval of a License Agreement Renewal with Arizona Department of Public Safety at the Three Points Shooting Range

Presenter: Joyce Francis, Habitat Branch Chief

The Commission has two federal patents for property in Pinal County, Arizona, that are being managed as the Three Points Shooting Range. Since 1980, the Arizona Department of Public Safety (DPS) has an agreement with the Commission for use of a portion of that property for pistol, rifle, and shotgun ranges. The ranges are open to the public when not being use by DPS. The agreement is set to expire in November of 2014 and DPS desires to have it renewed.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE RENEWAL OF A LICENSE AGREEMENT WITH ARIZONA DEPARTMENT OF PUBLIC SAFETY FOR USE AND MAINTENANCE OF PISTOL, RIFLE, AND SHOTGUN RANGES AT THE THREE POINTS SHOOTING RANGE, AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

g. Approval of a License Agreement Renewal with Bryson Ranch at the Page Springs Hatchery Property

Presenter: Joyce Francis, Habitat Branch Chief

For the past three years, Bryson Ranch, LLC (Bryson Ranch) has been operating an equestrian trail through a small portion of the Page Springs Fish Hatchery property. The renewal Agreement would grant Bryson Ranch continued use of a three-foot wide by 1,300 foot long area across a portion of land that is not being used by the hatchery. The trail provides Javelina Leap Winery customers with access from parking to the winery and includes a short educational introduction to the Hatchery. The renewal agreement period for the equestrian trail is five years. The Department has determined that the equestrian trail will not interfere with the operation of the Page Springs Hatchery and will benefit the Commission and the Department by presenting an outreach opportunity and support positive relationships with private land owners in the area. This is consistent and compatible with the operation of the Page Springs Hatchery.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE RENEWAL OF A LICENSE AGREEMENT WITH BRYSON RANCH FOR THE PURPOSE OF OPERATING AN EQUESTRIAN TRAIL THROUGH A SMALL PORTION OF THE PAGE SPRINGS HATCHERY PROPERTY, YAVAPAI COUNTY, ARIZONA, AND EXECUTE THE

AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

h. Approval of a License Agreement at Horseshoe Ranch

Presenter: Jay Cook, Mesa Regional Supervisor

The Department would like to enter into a License Agreement with Northern Arizona University for approximately three acres at Horseshoe Ranch. The purpose of the agreement is for the creation of Fremont cottonwood trees and native upland grass/forb/shrub plant community understory on the upper terrace of the Agua Fria River on the property; on land previously used for agricultural crops. The habitat restoration will be done with research design and objectives (experimental garden) established through grant obligation with the National Science Foundation (NSF) for the *Macrosystems: Landscape Genetics of Fremont Cottonwoods* project for a 5-year research period; and in fulfillment of the property management goals set forth in the Horseshoe Ranch Property Operational Plan.

Over time, other native plants may be incorporated into the garden; and the garden could support threatened/endangered species; and serve as a cutting orchard for future in-channel restoration activities in the Agua Fria watershed and on the Ranch. This site would be one of three experimental gardens in a larger regional-scale research project to investigate the impacts of climate change and exotic species invasions on Fremont cottonwood, a foundation species for Southwestern native riparian habitats. The goal of the research is to identify superior source populations and genotypes that will be best suited to adapt to climate change and exotic species invasions; and to develop riparian conservation management strategies and restoration practices that will be shared with resource managers through participation with the newly NSF-funded Southwest Experimental Garden Array (SEGA).

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE LICENSE AGREEMENT WITH NORTHERN ARIZONA UNIVERSITY FOR HABITAT RESTORATION ON A PORTION OF HORSESHOE RANCH, AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

i. Approval of a Memorandum of Understanding (MOU) with the National Park Service (NPS) to establish cooperating agency status for a Bison Management Plan and Environmental Impact Statement (EIS) at Grand Canyon National Park, Arizona

Presenter: Craig McMullen, Flagstaff Regional Supervisor

In 2008, Grand Canyon National Park, the Department and the U.S. Forest Service (USFS) formed a workgroup to address cooperative management of bison from the House Rock Wildlife Area that have increased in number and now range widely on adjacent NPS and USFS lands. The NPS has initiated preparation of an Environmental Impact Statement and management plan for bison within Grand Canyon National Park. The NPS recognizes the special expertise and jurisdiction the Arizona Game and Fish Department has in managing bison outside the park, and has invited the Department to be a cooperating agency in the EIS process, pursuant to Council on Environmental Quality (CEQ) regulations, 40 C.F.R. Part 1500-1508, Executive Order 13352 on

cooperative conservation, and the Department of the Interior (DOI) NEPA regulations (43 C.F.R. §§ 46.225, 46.330).

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE MEMORANDUM OF UNDERSTANDING WITH THE NATIONAL PARK SERVICE GRANTING THE DEPARTMENT COOPERATING AGENCY STATUS IN THE PREPARATION OF A BISON MANAGEMENT PLAN AND ENVIRONMENTAL IMPACT STATEMENT.

j. Request to Allow Article 9 Rules, Addressing Arizona Wildlife Conservation Fund Grants, to Expire Under A.R.S. § 41-1056(J).

Presenter: Sherry Crouch, Funds and Planning Branch Chief

Under A.R.S. § 41-1056, an agency is required to conduct an internal review of all of its rules. If an agency fails to submit a five-year review report (5YRR) before the due date, the rules scheduled for review will expire and are no longer enforceable. The Governor's Regulatory Review Council (G.R.R.C.) establishes the 5YRR schedule and the scheduled due date for the Article 9 report is March 2015.

Since April 30, 2005 (Article 9 effective date), the Department has solicited Article 9 grants twice:

- In 2007, the Department solicited grant applications, and in 2008 the Department awarded \$260,000 for ten projects
- In 2008, the Department solicited grant applications and in 2009 the Department awarded \$300,000 for nine projects
- Since 2009, the Department has used Arizona Wildlife Conservation Fund monies to further Department projects and does not foresee issuing any grants under this Article in the future.

Subsequent discussions with Department personnel and Executive staff resulted in the recommendation to allow the Article 9 rules to expire as authorized under A.R.S. § 41-1056(J) because the Department uses monies held in the Arizona Wildlife Conservation Fund (WCF) for Department projects and does not foresee soliciting grants under this Article in the future. In the event the Department is in a position to award grants from the WCF in the future, the Department may do so without having to pursue rulemaking as A.R.S. 41, Chapter 24 Solicitation and Award of Grants prescribe competitive grant solicitation requirements and procedures that allow any state agency to solicit and award grants. If approved by the Commission, upon receipt of the Five-year review report due date notification from G.R.R.C., the Department will send a letter to the Council Chair notifying G.R.R.C. of the Commission's intent to allow the Article 9 rules to expire, as authorized under A.R.S. § 41-1056(J).

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE DEPARTMENT'S REQUEST TO ALLOW ARTICLE 9 ARIZONA WILDLIFE CONSERVATION FUND GRANTS TO EXPIRE UNDER A.R.S. § 41-1056(J).

k. Approval of a New Commission Policy on Recreational Shooting upon Arizona's Public Lands

Presenter: Marty Fabritz, Shooting Sports Branch Chief

The Department requests approval of a new Commission Policy, A2.10 Recreational Shooting upon Arizona's Public Lands (attached), that sets forth the Commission's position on the importance of maintaining all wildlife-related outdoor recreational opportunities on public lands, including recreational shooting.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE NEW COMMISSION POLICY A2.10 REGARDING RECREATIONAL SHOOTING UPON ARIZONA'S PUBLIC LANDS.

1. Approval of a Memorandum of Understanding (MOU) with the U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, and USDA Forest Service for Planning and Implementation of the West Fork Black River Aquatic Species Protection Project

Presenter: Chris Cantrell, Chief of Fisheries

The Department and the U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, and USDA Forest Service agree to work cooperatively where mutually beneficial to meet common objectives for the West Fork Black River Aquatic Species Protection Project, which includes the construction of a fish barrier to promote Apache Trout and Loach Minnow conservation. This Memorandum of Understanding (MOU) provides a framework for the relationship with regard to future activities.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING FOR THE WEST FORK BLACK RIVER AQUATIC SPECIES PROTECTION PROJECT AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

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

Vote: Unanimous

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3. Stakeholder Resolution Workgroup Recommendations to Reduce and Fund Operation and Maintenance Costs for Heritage Acquired Properties.

Presenter: Jim deVos, Assistant Director, Wildlife Management Division

Mr. deVos provided a PowerPoint presentation and briefing on potential options put forth by a stakeholder resolution workgroup to address increasing operation and maintenance (O&M) costs for Heritage acquired properties. At the direction of the Commission at the March 28, 2014 Commission Meeting, a stakeholder resolution workgroup (Workgroup) was convened under the leadership of the Department, to evaluate and put forth a list of potential solutions to address

increased costs and liabilities associated with operating and maintaining Heritage acquired properties. Over the course of three meetings, the Workgroup discussed options that adhere to the six tenets put forth by the Commission. The following information and options were presented to the Commission for consideration:

The workgroup adhered to the following tenets set forth by the Commission:

- Proposals considered must provide adequate protection of current properties
- Future Heritage Fund acquisitions must have O&M built-in
- Avoid further use of Sportsmen's dollars to subsidize O&M
- Will not negatively impact Nongame Endangered Wildlife Program & AGFD science foundation
- Solutions should not rely on federal grants
- Solutions should provide flexibility for current and future Commission actions

Workgroup discussion led to following three options:

Long Term Funding:

- Endowment – held by 501 (c) 3
- Divest of non-sensitive species value properties (those portions that no longer meet intent of purchase)
- Remove non-value added structures from Heritage properties (without historic value)
- Investigate economic potential of new programs such as wildlife watching Heritage stamp
- Modify Heritage language to change acquisition fund percent from 40 – 35% for 5% ends up in IIAPM from where O&M expenditures can be made
- Modify Heritage language to allow for acquisition via non-possessory language and divestiture of these properties using same
- Seek corporate sponsors
- Develop an O&M assessment with each new property considered for purchase.

Short Term Funding:

- Minimize acquisitions that have structures/buildings that require significant O&M
- Crowd funding for specific O&M actions
- Seek legislative refunding of funding swept by prior legislature in 2003 - \$10 million from Heritage acquisitions fund.

Legislative Changes:

- Change percentage in Heritage Acquisition fund from 40% to 35% so extra 5% ends up in IIAPM from where O&M expenditures can be made
- Allow for non-possessory acquisition such as conservation easements and disposal of property or portions of properties by “conservation buyer” under a conservation easement.

Public Comment

Bob Hernbrode (Former Game and Fish Commissioner) addressed the Commission via video teleconference from Region 5 Tucson. He appreciated the opportunity to participate in the

resolution workshop and supports the recommendations offered by the workshop members. In addition, he strongly supports creative crowd funding projects of IIAPM Heritage projects and he supports redesigning and offering a Wildlife Heritage Stamp for Arizona wildlife watchers.

Chairman Mansell stated that he received a letter regarding this issue from the Nature Conservancy and confirmed that each Commissioner received a copy. Chairman Mansell stated for the record that the TNC letter listed two short term and four long term solutions that would trigger their support of the Heritage acquisition fund change legislatively, and they mirror some of the options put forth by the workgroup.

Commissioner Davis discussed with the Director and Mr. deVos whether it would be a viable strategy to have a larger 501(c)3 strategy with a dedicated person or staff or possibly external contracting and fund that out of the success of those activities, and to consider combining everything from the Wildlife Center to Heritage.

Director Voyles stated that it was viable. There is a point at which a 501(c)3 begins to move enough money through the 501(c)3 for a variety of purposes that the indirect cost transfer begins to be adequate to pay for dedicated staff. The Department has already been working towards that direction.

Commissioner Davis recommended that the Department do the evaluative process for Wildlife Tomorrow to be the holding company for all these issues and develop a Board to drive towards their specific interests and potential fund raising capabilities, and bring that back to the Commission.

Director Voyles suggested a modification that the Department develop a forum for discussion with Wildlife for Tomorrow and similar non-profit organizations, and that the Department bring back recommendations to the Commission.

Commissioner Davis added that some of the Department's friends that have been involved in this process could be tapped for assistance and participation.

Director Voyles agreed and stated that it could be very helpful in structuring the Board. The Nature Conservancy has the capability to help build the foundation of a 501(c)3 that can be successful. There is a Wildlife for Tomorrow meeting scheduled for October 16, so that will be timely for this discussion, but the Department will also evaluate other sources to hold an endowment fund for property O&M.

The Commission discussed the legislative option and that 2015 may not be appropriate timing given the budget constraints, however, the Department and Commission should continue to evaluate the timing of proposing legislation on this issue.

Commissioner Davis stated that he believed the Department should continue to develop potential language for legislation. If the Legislature is evaluating the Heritage Fund as a potential target and the Department is discussing the issues with them, it may be the time to have a conversation with them about modification.

Director Voyles agreed with Commissioner Davis and added that the conversation should be broader and include why it is so important to Arizona for the Commission have those properties, including the benefit to businesses and industries that have to mitigate impacts to listed species and the development of the in lieu fee program.

Commissioner Davis asked if the Department could put a legislative package together by the December Commission meeting; not that it will move forward, but to have an idea of what the Commission might want to do.

Mr. deVos stated that a package could be done by the December Commission meeting.

Chairman Mansell asked Commissioner Davis to summarize direction to the Department.

Commissioner Davis stated the following:

1. Take the fundraising strategies and examine them being folded into the concept of a nonprofit organization holding an endowment; a larger multi-faceted strategy related to the current 501(c)3
2. Identify buildings and structures that may be helpful in reducing O&M cost, that don't really provide value and could get through a historic evaluation process for removal
3. Put together the strategies for fundraising, asset removal, mitigation potential, and potential partnerships
4. Put together a legislative strategy.

Commissioner Harris added that he would like to add to the legislative package that the Department look at different kinds of property ownership such as conservation easements, in addition to just a percentage for O&M.

The Commission further discussed the removal of structures and making sure structures were considered when purchasing properties, and to roll this into the strategies. In addition, the Department was directed to evaluate other fundraising options such as crowdfunding or a Heritage Use Stamp.

The Department understood the Commission's direction and will bring this back to the December Commission meeting.

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4. Legislative Engagement and State and Federal Legislation

Presenter: Jorge Canaca, 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 included the following updates:

State Legislation

Budget:

- Arizona is looking at a budget shortfall this coming legislation session; Maricopa County Superior Court Judge Katherine Cooper has issued a judgment in the long-standing lawsuit challenging school funding, requiring the state to boost funding to public and charter K-12 schools by \$317 million this fiscal year
- Arizona will have a new Governor in January 2015 and approximately one third of the Legislators will be freshman members.

2015 Department Legislative Proposals:

- Guides; Firearms; technical Correction (Title 17 currently prohibits a guide from carrying any firearm other than a pistol or revolver; Strike 17-362(D))
- Revocation for Hunter Harassment (Would allow the commission to revoke a person's license that has violated hunter harassment statutes)
- Violation; Live Wildlife (Adds the following language to A.R.S. § 17-309(D). *"Bartering, selling or offers for sale any live wildlife, or its progeny, taken under a hunting or fishing license in violation of a lawful rule by the Commission"*).

The Department will be drafting language for these proposals, meeting with stakeholders and potential sponsors, and then coordinate with the Governor's Office as well. In December, the Department will bring these proposals back to the Commission.

Commissioner Davis stated that he would like the Department to work with the Sheriffs' Association in regards to broadening and strengthening language of proposed legislation regarding travel management enforcement.

Mr. Canaca stated that the Department has been working with the Sheriffs to amend language and minimize impacts to Title 17. The Department will discuss and evaluate with the Sheriffs whether the Department or the Sheriffs should run the legislation.

Congressional Legislation

- Now that primaries are over the Department will be focusing on meeting with candidates
- Budget: A short term Continuing Resolution (CR) is a likely outcome as budget talks resume on Capitol Hill; a likely scenario would be a short term CR through late September followed by another CR until after the November elections.

Congressional Engagement:

- The Department hosted Senator McCain on tours and discussions of wolf and bison (Senator McCain will continue to look for avenues regarding the Park Service) and Willow Beach (two weeks from yesterday the USFWS and County will come to an agreement on a plan of action and price for the pipeline; a potential retreat with McCain staff members is planned for the BASF, Clay Target Range)
- The Department has planned a tour for Congressman Gosar to discuss quagga muscles and invasive species; Ben Alteneider will lead an invasive species roundtable in Lake Havasu City with Congressman Gosar on September 25, and on October 19 a Cast and Blast in the Lake Havasu City area is planned with Congressman Gosar and will include discussion of the economic impacts of hunting, fishing and sport shooting.

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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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5. Customer Portal Project

Presenter: Doug Cummings, Branch Chief, Information Systems

Mr. Cummings presented an update using a PowerPoint presentation on the development of the Customer Portal (website with Customer Login capabilities with improved customer access to information, products and services). The briefing included an update on progress since the August Commission meeting on the Portal framework development and an updated schedule for implementation by January 2015. The update included the following:

Portal Construction:

- The design phase is completed and construction on the Portal website has begun; currently, the functions of logging in, creating accounts and password recovery are completed, as well as the support infrastructure; the next steps are the functions of customer lookup/merge and the customer profile page, as well as infrastructure support
- The timeline is very tight, but the Department is on schedule for implementation for January 2015
- A review of what the Portal currently looks like was provided, with news and advertisement potential.

Scott Lavin, Wildlife Recreation Branch Chief, provided an update on advertising and bundled services related to the Portal. The update included the following:

- Advertising: Initially, the advertising will be mostly internal Department programs and possibly some nonprofit partners; pay for use advertising will come later with an external organization handling that process
- New product assortment: Active fish stocking and reports, hunt unit mapping interface, 1 year hard copy / online subscription to Wildlife Views
- Potential product delivery may be grouped together as part of an annual sponsorship and/or sold at a discount with purchase of a Combo License
- Sponsorship Programs:
 - The average market price for sponsorship/membership programs is \$35 per year
 - The Department is looking at an “I’m a Wildlife Sponsor” program that provides customers with enhanced mobile friendly services (Customers have the option to be a Wildlife Sponsor a Non Sponsor – buying a license may provide a discounted rate for the Wildlife Sponsor)
 - The Wildlife Sponsorship would include: Active fish stocking / reports; hunt unit mapping interface; 1 year subscription to Wildlife Views; window sticker; thank you letter from the Director; peace of mind that your sponsorship provides funding to sustain conservation efforts in Arizona.

Mr. Cummings reminded the Commission that the next update will be at the December Commission meeting, one month before the go live date, and a lot will be accomplished between now and then.

Commissioner Davis asked for an additional update at the November Commission Workshop.

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6. Rulemaking and Rule Review Activity Briefing

Presenter: Jennifer Stewart, Rules and Risk Branch Chief

Ms. Stewart provided a PowerPoint presentation and update on the status of Department activities related to rule reviews and rulemakings. The presentation included a review of current rulemaking packages and a review of proposed timelines for Article 1 rulemaking based on direction received at the August 2014 Commission Meeting.

At the August Commission meeting, the Commission directed the Department to incorporate a proposed out of cycle rulemaking package into the current Article 1 rulemaking with an implementation effective date of January 2016. Direction also included recommendations for unintended consequences for bonus point reinstatement (tag transfer/surrender), application requirements for 501c3 groups (tag transfer), and bonus points.

A Department rulemaking team is currently working on those recommendations with a target to bring a preview of those recommendations to the Commission at the December Commission meeting for discussion and direction. By April 2015, the Department will bring to the Commission for approval a proposed Article 1 rulemaking package. If approved, the Department will go through the filing processes, collect formal comments, and then bring the final rulemaking package back to the Commission for approval in August 2015. This timeline must be adhered to in order for the package to become effective by January 2016.

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7. Approval of Final Rulemaking Amending Article 2 Rules Addressing Licenses, Permits, Stamps, and Tags.

Presenter: Johnathan O'Dell, Small Game Biologist

Mr. O'Dell provided a PowerPoint presentation and briefing on a Notice of Final Rulemaking and Economic Impact Statement amending rules within Article 2. The Department proposes to amend rules within Article 2 rules, governing licenses, permits, tags, and stamps issued by the Department, to enact amendments developed during the preceding Five-year Review Report approved by the Commission at the September 2013 meeting and by the Governor's Regulatory Review Council at their December 2013 meeting. In addition to nonsubstantive amendments made to ensure compliance with the Administrative Procedures Act, Secretary of State, and Governor's Regulatory Review Council; the Department proposes the following rule amendments:

R12-4-201 - Pioneer License and R12-4-202. Disabled Veteran's License:

- Clarify license requirements
- Clarify licenses (originals and duplicates) are complimentary (no-fee) lifetime license
- Clarify the duplicate paper license is also complimentary.

R12-4-208 - Guide License:

- Increase consistency between Title 17/Article 2 rules by citing definition of aquatic wildlife
- Clarify the guide license holder is responsible for compliance with all applicable regulatory requirements
- Incorporate questions regarding off-highway vehicle laws into the guide license exam
- Require acceptable proof of identity to ensure the person taking the exam is the applicant
- Allow an applicant who failed an exam to retake it again on the same day or as otherwise agreed upon to ease the burden on the Department and the applicant. Require an applicant who failed the exam twice on the same day to wait at least seven calendar days before retaking the exam to ease the burden on the Department and allow the applicant time to study for the exam
- Allow the Department to deny a guide license to an applicant who provided false information on the annual report within the previous three years immediately preceding application to ensure consistency between the guide rule and A.R.S. § 17-340
- Clarify date of receipt for guide license applications and guide reports.

R12-4-216 - Crossbow Permit:

- Define "healthcare provider" and clarify who may complete the Physician's Certification portion of the crossbow permit application to ease the burden on the Department and the applicant. These changes are in response to customer comments received by the Department
- Allow a person who possesses a valid CHAMP to qualify for a permanent crossbow permit without having to obtain the medical certification. These changes are in response to customer comments received by the Department
- Establish a temporary crossbow permit for applicants who are temporarily disabled to reduce the regulatory burden on the applicant. These changes are in response to customer comments received by the Department
- Expand the list of qualifying medical conditions. These changes are in response to customer comments received by the Department
- Clarify the crossbow permit does not exempt the permit holder from any other applicable method of take or licensing requirement and that the applicant is responsible for all costs associated with obtaining the medical documentation.

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

- Define "healthcare provider" and clarify who may complete the Physician's Certification portion of the crossbow permit application to ease the burden on the Department and the applicant. These changes are in response to customer comments received by the Department
- Expand the list of qualifying medical conditions by defining "severe permanent disability." These changes are in response to customer comments received by the Department

- Clarify the CHAMP holder is responsible for compliance with all applicable regulatory requirements and the permit does not exempt the permit holder from any other applicable method of take or licensing requirement and is responsible for all costs associated with obtaining the medical documentation.

The Commission approved the Notices of Rulemaking Docket Opening and Proposed Rulemaking and Economic Impact Statement at the May 2014 Commission Meeting. The notices were published in the *Arizona Administrative Register* on May 30, 2014. The public comment period ran from May 30 to July 1, 2014 and no public comments were received during this time. The Notice of Final Rulemaking and Economic Impact Statement were 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 submit the rulemaking to the Governor's Regulatory Review Council (G.R.R.C.) for review and placement on the G.R.R.C. November 2014 agenda.

Motion: Harris moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE NOTICE OF FINAL RULEMAKING, AND ECONOMIC IMPACT STATEMENT AMENDING RULES WITHIN ARTICLE 2, ADDRESSING LICENSES; PERMITS; STAMPS; TAGS.

Vote: Unanimous

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8. Approval of New Commission Policy on Bonus Points

Presenter: John Bullington, Assistant Director Special Services

Mr. Bullington briefed the Commission on a draft new Commission Policy (A2.41 attached) regarding the Commission's position on Bonus Points, which reflects the Department's current practices and includes the evaluation and consideration of new proposals in response to direction given at the November 2013 Commission Workshop.

Public Comments

Bruce Johnson, representing himself from Flagstaff (via video teleconference from Region II), addressed the Commission in opposition to conservation/volunteer bonus points. Mr. Johnson discussed a Commission meeting in 2005 in which the Commission reviewed and discussed the conservation bonus point concept and voted 4 to 1 to oppose it because they decided it was not fair to all across the board.

Chairman Mansell stated that at this point, the Commission was only looking to put this concept in the toolbox. He has personally not seen a conservation bonus point plan that he would support, but he would like to have this option to look at in the future.

Commissioner Davis stated that he is open to the idea and sees some narrow windows of opportunity that should be looked at.

Commissioner Harris stated that he has concerns about adding more bonus point opportunity because it limits the ability to recruit new hunters, which is one of our primary goals. For some of our premier hunt units, you almost must have maximum points to draw those tags. The Commission may want to look at how tags are allocated with the bonus point system in the future to better meet those needs. Also, non-residents who buy a license and apply for hunting in Arizona is a main revenue stream. If it becomes more difficult for non-residents to participate in the draw process, that revenue stream will begin to be eliminated.

Mr. Johnson added that if the Commission gets to a point where they are seriously considering a conservation bonus point for volunteers, it has to be widely available, it has to be fair to those who are not members of a select group, and it has to consider a person's abilities and handicaps. Mr. Johnson read from a summary in the 2005 Commission meeting minutes. A question asked was "is the Department committed to providing enough projects to satisfy the demand if certified record keepers do not submit enough projects to satisfy the demand" and the Department's response was "it's not possible for the Department to accurately project the demand for the conservation bonus point program in advance for the program's implementation, therefore, the answer to this question is no."

Commissioner Davis stated that Mr. Johnson and Commissioner Harris have convinced him of the issues related to a conservation/volunteer bonus point.

Chairman Mansell stated that he agreed with Commissioner Harris regarding looking at how tags are allocated with the bonus point system and asked the Department to put that on the radar for future discussion.

Motion: Madden moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE NEW COMMISSION POLICY ON BONUS POINTS.

Vote: Unanimous

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9A. Request for Commission Approval for the Acquisition of the Page Property, Yavapai County, Arizona.

Presenter: Chris Cantrell, Chief of Fisheries

Mr. Cantrell provided a PowerPoint presentation and briefing on the Department's request for Commission approval for the acquisition of the Page Property. The Department was approached by landowners to acquire five (5) parcels, for a total of 31.5 acres, adjacent to the Page Springs Fish Hatchery, in Yavapai County, Arizona, here forward referred to as the Page Acquisition. The Page Acquisition contains a court approved water right for 106.8 acre feet per year. The property consists of approximately 0.25 mile of riparian stream habitat, and is predominantly Semi desert Grassland. The Department has received an appraisal, dated December 12, 2012, for \$1,465,000, and would use Heritage Acquisition Funds for purchase cost.

With the funding source for the purchase being Heritage Acquisition Funds, the Department plans to manage the Page Acquisition for the northern Mexican gartersnake as part of Measure 27 within the Conservation and Mitigation Program (CAMP). CAMP Measure 27 requires the Department to secure existing or reintroduce two new conservation populations for northern Mexican gartersnake. In addition, as part of Measure 27, the Department is required within five years to begin stocking or securing one population; within seven years begin stocking or securing a second population. As part of the CAMP program requirements the Department must also spend an average of \$500,000 per year over a 10-year period, through 2021. To date, the Department has spent \$2,664,697 dollars on conservation actions to meet CAMP requirements. The acquisition of the Page Acquisition would bring the total spent to \$4,129,697, which will nearly complete the financial obligation from CAMP. Failure to meet these required actions puts the Department's entire statewide sportfish stocking program in jeopardy and would likely result in reinitiating of the sportfish stocking consultation.

The Page Acquisition also increases our public's access to Oak Creek for recreational fishing. With the addition of this property, the Department will have secured access on over one mile of Oak Creek in the Cornville area for our recreating public.

Key beneficial values of the Page Acquisition are the water rights and increased control of the water pipeline for Bubbling Ponds Fish Hatchery. This acquisition comes with 9.53 acres, or 106.8 acre-feet/annum, of court-approved surface water rights. When the Department acquired the Page portion of the existing Bubbling Ponds Hatchery property in 1954, these water rights were severed and transferred from the hatchery back to the Page Family and other water users in the area. Acquisition of this land would allow the Department to restore a large portion of those water rights.

The additional water rights with the adjacent land will allow the Department to expand its fish production line of business. A proposed plan for the property includes the construction of ponds and/or production facilities that would be used to stock native fish, gartersnakes, and perhaps lowland leopard frogs to meet mandated mitigation for the Department and our partners. These production facilities could be also be designed to provide beneficial habitat for gartersnakes as well.

The Page Acquisition will allow the Department to expand warm water sportfish production capacity at the existing Bubbling Ponds Facility. Currently, only four, quarter acre ponds are secured for Florida strain bass production. An approximate 2.5 acres of additional production ponds would be available if the Department has the ability to transition all native production to the proposed acquisition property.

Three buildings exist on the Page Acquisition property. Two of the buildings are proposed and needed for hatchery staff occupancy. Having hatchery staff occupy and manage provides 24 hours a day, 7 days a week safety, security, and management for the fish production operation. The operation and maintenance funding for the buildings would be provided by current contracts in place for mitigation fish production and/or existing hatchery funding. The third building may be occupied by the Bubbling Ponds Research Facility staff as office space, used as a conference center or demolished and removed. If occupied for office space or conference center, current contract funds would be used for operation and maintenance costs.

The Commission was provided with additional detailed information on all of the benefits to the Department and the public from the proposed Page Acquisition prior to this meeting for review and consideration.

The Commission discussed and asked questions regarding a potential MOU with the Bureau of Reclamation related to the acquisition of this property and discussed with the Department the values of acquiring the property even if the MOU does not come to fruition.

Motion: Madden moved and Ammons seconded THAT THE COMMISSION VOTE TO APPROVE THE PAGE ACQUISITION, YAVAPAI COUNTY, ARIZONA, AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE ALL NECESSARY AGREEMENTS AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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10. Petition to Lock a Gate on State Trust Land Approximately Seven Miles, West of Eager, Arizona

Presenter: Chris Bagnoli, Pinetop Regional Supervisor

Mr. Bagnoli provided a PowerPoint presentation to the Commission regarding a request by Maryhelen Peters to lock a gate on State Trust Land located approximately seven miles west of Eager, Arizona. Maryhelen "Sug" Peters, MLY Ranch, has requested a closure to vehicular access at a gate on State Trust lands in Apache County; the gate is located in Game Management Unit 1. The proposed closure would only affect public vehicular access on two existing two-track roads totaling approximately 392 yards in length. These roads do not provide access through the parcel as it is bordered by private land. One road, approximately 272 yards in length, ends at a gate to the MLY Ranch private property into which there is access only if allowed by the ranch. The second road, 120 yards long, branches off the first road and ends at a cinder pit that is used by shooters for target practice, which is an unlawful activity on State Trust land.

The purpose of this proposed road closure is to prevent further resource damage to soils and vegetation due to off-road travel. This grassland area has had recurring problems with people driving cross country around fences and up cinder cones. The proposed closure would also prevent problems with illegal target shooting and dumping at the cinder pit.

A vehicular closure granted in 2000 for an area approximately one-half mile to the west has been successful and well received over the past fourteen years. The lessee works cooperatively with the Department and also assists hunters with big game retrieval. If the proposed closure to vehicles is granted, non-motorized access by sportsmen and other properly permitted recreationists will continue to be allowed. Regional personnel and the Arizona State Land Department support this closure for natural resource protection.

Commissioner Davis suggested that the Commission vote on this item now since the next Commission meeting is not until December and there will likely be a lot of activity between now and then.

Motion: Davis moved and Mansell seconded THAT THE COMMISSION VOTE APPROVE THE PETITION TO LOCK THE GATE AS PRESENTED.

Vote: Unanimous

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12. Approval of a License Agreement with Verizon Wireless at Ben Avery Shooting Facility

Presenter: Joyce Francis, Habitat Branch Chief

Ms. Francis briefed the Commission using a PowerPoint presentation on a license agreement authorizing Verizon Wireless to install and maintain telecommunications equipment at the Ben Avery Shooting Facility. The Department desires to enter into an agreement with Verizon Wireless for the installation of small cell telecommunications equipment on a tower located behind the ADOT building on the Ben Avery Shooting Facility (BASF) Headquarters Facility. Commission approval will authorize a license for the placement of equipment on the tower, placement of a small base station (approximately 4' X 6' area) at the base of the tower, and a 5' wide underground utility easement extending from the base station along the west property line of BASF to Carefree Highway. Access to the tower and base station will be along Archery Drive. Access would be granted as needed for providing and maintaining wireless communication services. No other uses would be authorized. Verizon will pay an annual fee of \$3,600 for use of the premises.

Motion: Davis moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE A LICENSE AGREEMENT WITH VERIZON WIRELESS AT BEN AVERY SHOOTING FACILITY AS PRESENTED.

Vote: Unanimous

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13. Approval of Revised Commission Policy A2.2, Land Use Agreements, and repeal Commission Policy A2.3, Grazing Policies

Presenter: Joyce Francis, Habitat Branch Chief

Ms. Francis briefed the Commission on a revised policy A2.2, Land Use Agreements regarding the leasing of Commission lands. The Department has also incorporated policy A2.3, Grazing Policies, into the revised policy and will ask that the Commission to repeal policy A2.3. The policy will establish the Commission's position on land use agreements as they pertain to Commission property for leases, licenses, rights-of-way, and easements for utility, agricultural, grazing, recreational, or other lawful purposes. The policy was revised to include all land use agreements, reflect current procedures and processes, and incorporate the provisions of A2.3,

Grazing Policies, which established the guidelines for grazing of privately owned livestock on Commission owned lands.

Chairman Mansell asked about the section of the policy regarding renewal of leases where it says that renewals will be done by the Department. He would like for all renewals to be brought to the Commission because it would be educational and the Commission would be better informed.

The Commission was in consensus for the wording to be changed as proposed by Chairman Mansell and that this item to be brought back to the December Commission meeting on the consent agenda. If the Commission has further questions, the item can be pulled from the consent agenda for discussion.

* * * * *

14. Approval of Revised Commission Policy A2.7, Fish Stocking

Presenter: Chris Cantrell, Fisheries Branch Chief

Mr. Cantrell briefed the Commission on revised policy A2.7, Fish Stocking, which would allow the Department more flexibility to manage wildlife on private lands. The revised policy establishes the Commission's position on the stocking of sport fish and the requirement that areas are accessible to the public. The policy was revised to allow the Department more flexibility to manage wildlife on private lands.

Chairman Mansell stated that he supports the Department engaging landowners and putting certain aquatic wildlife on private land such as endangered species and native fish that is not sportfish, but we need to say that if we don't have written permission for public access, sportfish will not be stocked, and sportfish needs to be identified rather than just say aquatic wildlife.

Mr. Cantrell stated that he can clarify the language as requested.

Commissioner Davis requested a future agenda item for discussion about the community fish stocking program and related enforcement issues, such as what percentage of anglers at the community lakes have appropriate licenses.

The Commission was in consensus for the clarification as requested by Chairman Mansell and to place this item on the consent agenda for the December Commission meeting.

* * * * *

16. Mexican Wolf Update

Presenter: Jim deVos, Assistant Director, Wildlife Management Division

Mr. deVos provided a PowerPoint presentation and update on new information or negotiations with the U.S. Fish and Wildlife Service 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 U. S. Fish and Wildlife Service 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. The presentation included the following summary of Department activities since the August Commission meeting:

- Continued to review draft Environmental Impact Statement (dEIS)
- Conducted field trip and briefing for Senator Flake's staff
- Attended Pinetop USFWS public hearing
- Discussions with Senator McCain
- Two telephonic discussions with Arizona Cattle Growers Association
- Prepared Mexican wolf briefing for Farm Bureau annual meeting
- Prepared Mexican wolf briefing for Gila County Cattle Growers
- Participated in joint meeting with Arizona Cattle Growers Association and New Mexico Cattle Growers to discuss Arizona Cooperator's Alternative
- Discussion with New Mexico Game and Fish regarding their agency response to dEIS
- Two telephonic discussions with USFWS staff to discuss position on approach to numbers, impacts to ungulates and management areas
- Scheduled meeting between AGFD (Director and WMD AD) and USFWS Regional Director to seek concurrence on Mexican wolf management issues
- Attended Natural Resources Conservation District Annual meeting (Director and WMD AD)

The Commission expressed appreciation for all the activity and hard work.

Commissioner Harris reminded Mr. deVos to also continue to look at maintaining standing so that litigation is possible if necessary.

Mr. deVos stated that the Department will continue to look at all three points of direction from the August meeting including legislation and litigation.

Motion: Harris moved and Madden seconded THAT THE COMMISSION VOTE TO PROVIDE THE DEPARTMENT DIRECTION TO CONTINUE TO NEGOTIATE WITH THE FISH AND WILDLIFE SERVICE FOR THE DEVELOPMENT OF AN ACCEPTABLE 10(j) RULE FOR THE MEXICAN WOLF.

Vote: Unanimous

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17. 2014 Annual Commission Awards Selection

Presenter: Ty Gray, Deputy Director

The Commission was provided with a list of 2014 Commission Award nominees and nominee background information for review and consideration prior to this meeting. Mr. Gray provided the Commission with an overview and facilitated the Commission's ballot selection process. The following 2014 award recipients were selected by the Commission:

- Award of Excellence: Arizona Sheriffs' Association/Western States Sheriffs' Association
- Youth Environmentalist of the Year: Carter Lawrence
- Outdoor Writer of the Year: Cheryl Hartz
- Media of the Year: Don McDowell
- Conservation Organization of the Year: Catalina Bighorn Sheep Advisory Committee
- Conservationist of the Year: Tom Mackin
- Natural Resource Professional of the Year: Lorraine Christian
- Volunteer of the Year: Jared Young
- Educator of the Year: John Warren
- Mentor of the Year: Terry Herndon
- Advocate of the Year: Congressman Paul Gosar and AZ House Rep. Frank Pratt
- Buck Appleby Hunter Education Instructor of the Year: Keith and Jan Nash
- Wildlife Habitat Stewardship Award: John Holbrook
- North American Model of the Year Award: Craig McMullen

The Commission discussed that these are very difficult decisions because all of the nominees are very qualified for the awards.

Motion: Harris moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE AWARD RECIPIENTS AS SELECTED.

Vote: Unanimous

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19A. Commission affirmation to make voluntary payments in lieu of taxes

Presenter: James F. Odenkirk, Assistant Attorney General

Mr. Odenkirk addressed the Commission regarding the Commission's intent to make voluntary payments in lieu of taxes when it acquires Planet Ranch as part of the Big Sandy River-Planet Ranch Settlement Agreement. When the Commission made its decision at the August 22, 2014 telephonic Commission meeting to approve the settlement agreement that will eventually transfer Planet Ranch to the Commission in fee title ownership, it was implicitly understood that the Commission also agreed to make voluntary contributions in lieu of taxes as the Commission does with all its other eligible properties. However, the issue with regard to property taxes is a contentious issue with Mohave County. Mohave County has objections to the overall settlement agreement and the property tax issue is one of their concerns. The concern is that the county will lose revenue if the property is transferred into public ownership. The Department has tried to ensure Mohave County that the Commission has routinely made payments in lieu of property taxes with all of its properties and there is no indication that it would not continue. Given the sensitivity of this issue, the Department decided to bring this back to the Commission for a formal affirmation of the Commission's position that it would make these contributions in lieu of taxes for Planet Ranch, if and when the Commission does eventually take ownership of the property.

Motion: Madden moved and Ammons seconded THAT THE COMMISSION VOTE TO AFFIRM THAT IT WILL MAKE CONTRIBUTIONS IN LIEU OF PROPERTY TAXES FOR PLANET RANCH WHEN AND IF IT DOES ACQUIRE THE PLANET RANCH PROPERTY.

Vote: Unanimous

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

Meeting reconvened at 1:30 p.m.

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20. Executive Session

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

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

Vote: Unanimous

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18. 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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19. Rehearing Request Regarding Previous License Revocation/Civil Assessment

Presenter: Gene F. Elms, Law Enforcement Branch Chief

Mr. Elms briefed the Commission on a rehearing request by Kenneth K. Black regarding the suspension of his license privileges. On December 5, 2013, Mr. Black was convicted in the Flagstaff Justice Court for unlawfully taking wildlife without a tag. On June 13, 2014, the Commission revoked Mr. Black’s hunting, fishing and trapping licenses for a period of five years and further required him to complete a Hunter Education Course before obtaining any license(s) to take wildlife in the State of Arizona. Mr. Black has requested a rehearing of this matter and decision because he said he was out of town when the certified Notice of Hearing was attempted to be delivered, therefore he was unaware of the June 13, 2014, Commission meeting. Mr. Black was notified of the rehearing by certified mail.

The Case Officer was not present.

Mr. Black was present.

Motion: Harris moved and Madden seconded THAT THE COMMISSION VOTE TO DENY MR. KENNETH K. BLACK'S PETITION FOR A REHEARING.

Vote: Aye - Mansell, Madden, Ammons, Harris
Nay - Davis
Passed 4 to 1

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22. Approval of Minutes and Signing of Minutes

Motion: Harris moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM AUGUST 1-2, 2014 AND AUGUST 22, 2014.

Vote: Unanimous

The Commission signed the minutes following approval.

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23. Director and Commissioner Comments

The following comments were made:

Chairman Mansell:

- He appreciated spending a couple of days with Senator McCain and Department staff and thanked the Department for putting the tour together. He also wanted to publicly thank Senator McCain for spending time with them and advocating for our causes.

Commissioner Davis:

- Commended Department Wildlife Specialist Darren Julian for representing the Department so well at a neighborhood HOA meeting near the Phoenix Mountain Preserve regarding the sighting of bobcats
- Enjoyed the tour with Senator McCain and appreciates the Department's efforts.

Commissioner Madden:

- Attended the WFT banquet; enjoyed his time there and met with a lot of people, including several who were interested in expanding and continuing hunting in Arizona

Commissioner Harris:

- Attended the Heritage Committee meeting in Flagstaff
- Attended the HPC meeting in Prescott
- Attended the RMEF banquet in Flagstaff
- Attended Rod Lucas' retirement party

- Attended the Catalina Bighorn Sheep Advisory Committee meeting; it is a pleasure to see a diverse group of people working together to solve problems.

Commissioner Ammons:

- Participated in a tour with Department staff and representatives from Senator Flake's office and Congressman Gosar's office; toured Marble Canyon regarding the condors and bison, and then went to Lee's Ferry. It was very educational.

Director Voyles:

- Expressed appreciation to Department staff for their support during a difficult time dealing with a family illness
- Attended a meeting at the Governor's Office in which the Department was asked for support relative to the efforts of the State to position military reservations to be as competitive as possible; there is a biological nexus and the Department has good reason to be at the table, but the individual leading this effort was impressed by the expertise of the Department and is thankful that the Department is assisting, particularly Assistant Director John Bullington
- Assisted Arizona Forward Now with judging their Environmental Excellence awards; being asked to participate in the process reflects how the Department is showing up on a more broad radar screen
- Met with the Arizona Association of Natural Resources Conservation Districts at their summer conference in Prescott; they are passionate about the wolf issue and are looking to partner with the Department in that regard
- Attended a meeting of the America's Wildlife Conservation Partners; this is the broadest coalition of NGOs and representative from industry involved in hunter and angler conservation; had extensive discussion of challenges in protecting the North American Model of Conservation; had a request from the National Sportsman's Foundation to meet with them in Washington DC
- Went on a Director's dove hunt; several kids went along from the SCTP Program and their parents; also had a hunter that bought a "Hunt with the Director" at the Save Recreational Shooting Fun Shoot and Dinner
- Went to Austin, Texas to meet with Carter Smith and his leadership team
- Has a meeting scheduled with Ben Tuggle and his team regarding Mexican wolves and a meeting scheduled with Dan Ashe in Washington DC to discuss Mexican wolves; has a verbal agreement for a follow up meeting with both Ben Tuggle and Dan Ashe.

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20. Executive Session

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

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

Vote: Unanimous

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21. Litigation Report

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

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Meeting recessed at 4:00 p.m.

Meeting reconvened at 5:00 p.m.

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24. Tour of Silver Creek Fish Hatchery.

Following the regular agenda items, the Commission reconvened at the Silver Creek Fish Hatchery, 8800 Hatchery, Show Low, Arizona 85901, for a tour and an informational briefing by Department staff. The briefing included general information, background, history, and future goals for the hatchery. The Commission did not take any legal action on this agenda item.

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Meeting recessed for the day at 6:00 p.m.

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Meeting reconvened Saturday at 8:00 a.m.

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Chairman Mansell called the meeting back to order and led those present through the Pledge of Allegiance, followed by introductions. Chairman Mansell announced that agenda item #1, the community forum, is an informal meeting for presentations and discussions with regional staff and the public.

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1. Pinetop Region Community Forum

Presenter: Chris Bagnoli, Pinetop Regional Supervisor

Mr. Bagnoli facilitated an informal forum and discussion of current and future matters involving the Arizona Game and Fish Department and the Pinetop regional community. The community forum included presentations from outside agencies on partnerships, projects and future matters with focus on the Pinetop regional area. Topics presented and discussed included the following:

- Special Recognition – Navajo County Sheriff's Office: Director Voyles presented awards of "Commendations for Excellence" to Navajo County Deputy Sheriffs Connor Francis and Don Griffiths in appreciation for their life saving actions on October 2, 2013 involving Arizona Game and Fish employee Richard Dreyer

- Arizona White Mountain Trail System: Nick Lund with Tracks briefed the Commission on the Tracks organization and their efforts in the White Mountain Trail System
- Youth Hunter Recruitment Efforts: Woody Farnsworth with Youth Outdoors Unlimited provided a PowerPoint presentation on youth hunter recruitment efforts
- White Mountain Community Fishing Plans: Department Fish Program Manager Mike Lopez provided a PowerPoint presentation and overview of the Department's White Mountain Community-based Fisheries Plan, along with representatives from two partnership organizations, the White Mountain Lakes Foundation and Friends of Luna Lake
- Morenci Mine Rocky Mountain Bighorn Sheep Translocations: Wildlife Specialist Rick Langley and Wildlife Manager Steve Najjar provided a PowerPoint presentation and overview of 2014 Rocky Mountain bighorn sheep translocations
- Apache-Sitgreaves National Forest Restoration Efforts: Partnering for a Healthy Forest: Jim Zornes with the U.S. Forest Service provided a PowerPoint presentation and briefing on the effects of several fires and activities related to tree thinning and prescribed fires
- Silver Creek Fish Hatchery: Wildlife Specialist Mike Lopez briefed the Commission using a PowerPoint presentation on the multiple uses of the Silver Creek Fish Hatchery property. Curtis Asselstine with White Mountain Bowhunters provided a briefing on the White Mountain Archery Range located on the property.

Public Comment

Kathy Dahnk, representing the White Mountain Wildlife and Nature Center, briefed the Commission on the Nature Center and its activities.

Seth Nadel, President of White Mountain Shooters Association, thanked the Department and the Commission for their assistance in getting the USFS permit for the Second Knoll Shooting Range.

Maurice Colwell, representing the White Mountain Open Trails Association (WMOTA), briefed the Commission on activities of WMOTA and their efforts in establishing an OHV trail through the Apache-Sitgreaves National Forest.

The Commission expressed their appreciation for the community members that participated in this forum and for the presentations.

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Meeting recessed for a break at 10:50 a.m.

Meeting reconvened at 11:05 a.m.

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2. Consideration of Proposed Commission Orders 25, 41,42, and 43 for the 2015-2016 Hunting Season.

Presenter: Mike Rabe, Nongame Wildlife Branch Chief

Mr. Rabe provided a PowerPoint presentation and briefing on Commission Orders 25 (raptors), 41 (amphibians), 42 (crustaceans and mollusks) and 43 (reptiles) establishing seasons and season dates, bag and possession limits, and open-closed areas. From April through May 2014, the Department received recommendations from stakeholders, other government agencies, and Department employees for proposed changes to Commission Orders 25, 41, 42, and 43. Only Commission Order 25 received public comments. Department employees provided the only comments on the other orders. The Department evaluated all comments with regard to current rules, regulations and Department conservation priorities. Mr. Rabe provided the following information to the Commission:

Commission Order 25 - Raptors

In June 2014, the Department brought forward eight possible changes to Commission Order 25 for public comment: Format and rewording for clarity; re-define Open Areas for passage ferruginous hawk due to the changed hunt unit numbers; adding the call-in number to note #5 for the resident Commission Order Harris' Hawk Quota; adding clarifying wording to note #6 resident and note #5 nonresident Commission Order stating that peregrine falcons may be trapped within the nest area after fledging; adding "adult" in various places to note #1 of the nonresident Commission Order to clarify that adult western screech owls and adult great horned owls may be taken; changing the License Required due to changes in the License Structure; reducing the peregrine falcon bag limit for nonresident harvest from 3 to 1 while maintaining the resident harvest at 5; and clarifying the definition of "passage" to by inserting the phrase "prior to beginning its first molt."

From June through July 2014, the Department received 11 public comments on Commission Order 25. All supported the comments submitted by the Arizona Falconer's Association (AFA). The AFA drafted a three page document in support of all the Department's recommended changes, except the reduction in nonresident peregrine falcon bag limit, and the clarification of the definition of passage. Audubon Arizona also provided comments, which were largely related to Article 4 rather than Commission Order 25.

No requests for formal public meetings were received by the Department; however, staff scheduled a meeting with AFA on July 8, 2014 to review concerns, the Department's data, and potential alternatives to the recommendations. A similar offer was made to Audubon Arizona but it was determined that a meeting was not needed.

Concern #1 - Reduction of Nonresident Peregrine Falcon Bag Limit:

The Department recommends a bag limit reduction for the nonresident peregrine falcon hunt due to post-delisting monitoring data that shows a reduction of occupancy and productivity over time. The Department's historical bag limit of eight peregrine falcons for both resident and nonresident harvest within Arizona is no longer within the 5% Maximum Take Limit as established by the *Final Environmental Assessment for the Take of Raptors from the Wild under the Falconry Regulations and the Raptor Propagation Regulations*(USFWS 2007). Allowing for the harvest of eight peregrine falcons would equal 7% of the productivity of the statewide population; this would exceed Arizona's allowable take. The Department recommends a bag limit of six.

Peregrine harvest is determined using a formula that considers the number of occupied breeding areas, productivity and harvest success to calculate allowable take. This basic technique has been used since 2001. The following table reflects data collected during the 2012 post-delisting monitoring and results in an overall bag limit of six:

Number of breeding areas	X	Occupancy rate	=	Number of occupied breeding areas	X	Productivity	=	Number of young produced	X	Maximum Take Level (%)	=	Number harvestable peregrines	÷	Harvest Success	=	Number of permits to offer
201	x	0.58	=	117	x	0.40	=	47	x	0.05	=	2.35	÷	0.41	=	5.73

Department led post-delisting monitoring for the species in 2006, 2009, and 2012 have showed a declining trend for the population since delisting. Occupancy rates from this monitoring effort were 72%, 57%, and 58% respectively, and productivity was 1.05, 0.85, and 0.4 young/occupied nest respectively (Abbate 2006, 2010, 2013).

Arizona falconers have taken 39 of the 55 (average 3.5 annually) permits offered by the Department since 2001, and nonresidents 24 of 33 (average 2.2 annually). While harvest information is not detailed to separate harvest success by residents and nonresidents, falconers collectively have taken 26 of the 88 peregrine falcons authorized (average 2.36 annually) since 2001.

Peregrine falcon harvest limits for each state are allocated through the Pacific Flyway. Nine of 11 western states within the Pacific Flyway have established a peregrine falcon season for falconry in the last five years.

Concern #2 - Definition of Passage:

The Department recommended the clarification of the definition of passage to include the phrase “prior to beginning its first molt” due to the inability of Wildlife Managers and Department personnel to determine the age of each individual raptor (i.e. less than one year of age). Molting raptors could be 10 to 19 months of age depending on their health. The AFA commented that they would like the ability to take later aged juveniles and recommended a replacement phrase, “with at least one immature tail feather remaining.” The Department and the AFA compromised on the insertion of a parenthetical phrase, “typically raptors less than 1 (one) year old have no more than 50% adult tail feathers.” This solution preserves the integrity of the definition and identifies a metric for Wildlife Managers and Department personnel to regulate take pursuant to the definition. The Department supports this language.

Additional Recommendations from the Public Comment Period:

A member of the falconry community asked the Department to extend the peregrine falcon season as other northern states have a season ending date of August 31. In 2009, the Department extended the season from July 11 to August 15. The purpose of the August 15 end date was to avoid take of passage peregrines migrating south from Canada. Migrant peregrine falcons are observed at the end of August (the first day researchers arrive) at the Grand Canyon. However, there is no data on the occurrence of the species prior to that date. Extending the season to August 31 would make Arizona’s season dates consistent with northern states while providing

little risk that falconers would harvest migrant peregrine falcons. The Department recommends that the peregrine falcon season be changed to July 11 to August 31.

The Department recommends the following with regard to Commission Order 25 for 2015-2016:

- Format and rewording for clarity
- Re-define Open Areas for passage ferruginous hawk due to recently changed hunt unit boundaries
- Add the call-in number to note #5 for the resident commission order Harris' Hawk Quota
- Add clarifying wording to note #6 resident and note #5 nonresident commission order stating that peregrine falcons may be trapped within the nest area after fledging
- Add "adult" in various places to note #1 of the nonresident commission order to clarify that adult western screech owls and adult great horned owls may be taken
- Change the License Required due to recent changes in the License Structure
- Reduce the peregrine falcon bag limit for nonresident harvest from 3 to 1 while maintaining a bag limit of 5 for residents
- Clarify the definition of "passage" to by inserting the phrase "(typically raptors less than 1 (one) year old have no more than 50% adult tail feathers)"
- Extend the peregrine falcon season closing date to August 31

Commission Order 41 - Amphibians

The Department received no comments from the public during the open comment period. A few changes were made to reflect recent rule changes and to clarify language. The Department recommends the following with regard to Commission Order 41 for 2015-2016:

- Add Note 10: "Unit 25M, bullfrogs may only be taken by minnow trap, crayfish net, hand, or with any hand-held, non-motorized implement that does not discharge a projectile, as prescribed in R12-4-313(D.6)"
- Make minor typographical edits and reorder notes to make them more readable.

Commission Order 42 - Crustaceans and Mollusks

The Department received no comments from the public during the open comment period. The Department recommends the following with regard to Commission Order 42 for 2015-2016:

- Add red-claw crayfish (*Cherax quadricarinatus*) and rusty crayfish (*Orconectes rusticus*) to the list of species under Note 4, concerning prohibited intentional transport of live or dead aquatic invasive species in Arizona. This is consistent with the Director's Order #1 in recognizing aquatic invasive species of crustaceans and mollusks
- Remove Rosemont talussnail (*Sonorellarosemontensis*) as a closed season species to reflect recently accepted taxonomic changes; this species is no longer recognized as a valid taxon by the U.S. Fish and Wildlife Service
- Make minor typographical edits to notes to make them more readable.

Commission Order 43 - Reptiles

The Department received no comments from the public during the open comment period. The changes suggested below reflect recent changes in rule, clarify text, update species names, or

address conservation goals. The Department recommends the following with regard to Commission Order 43 for 2015-2016:

- Change the Limited Weapon Reptile season to Limited Weapon Hand or Hand-held Implement Reptile season to match Rule language
- Change notes to reflect changes to Rule and reorder notes to reduce confusion
- Add “Statewide” to the Open Areas under the Limited Weapon Hand or Hand-held Implement Reptiles season to allow year-round take of reptiles by hand or hand-held implement
- Replace the species name *Gopherusagassizii* (desert tortoise) with two species: *Gopherusagassizii* (Mojave desert tortoise) and *Gopherusmorafkai* (Sonoran desert tortoise)
- Reduce the bag limit of *Kinosternonsonoriense* (Sonoran mud turtle) from four (4) per year and four (4) in possession to two (2) per year or four (4) in possession.

Public Comment

Matt Hankins, Member of the Board of Directors of the Arizona Falconers Association, addressed the Commission in support of the Department’s recommendation.

Motion: Madden moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDERS 25, 41, 42, AND 43 AS PRESENTED.

Vote: Unanimous

* * * * *

3. Request to Amend Commission Order 40: Fish, for Calendar Years 2015 and 2016.

Presenter: Chris Cantrell, Fisheries Branch Chief

Mr. Cantrell provided a PowerPoint presentation and briefing on Commission Order 40, Fish, establishing open seasons, open areas, closures and bag and possession limits for calendar year 2015 and 2016. The Department biennially reviews Commission Order 40 and proposes amendments to the Commission Order. Proposed amendments frequently come from the public, fisheries program personnel, or from Commissioners. This year, the Department is approaching the Commission to consider 11 proposed amendments and one administrative change to Commission Order 40 for calendar year 2015 and 2016.

As part of the public input process, the Department held eight public meetings (Pinetop, Flagstaff, Kingman, Yuma, Parker, Tucson, Tonto Basin, and Phoenix Headquarters). In addition, the proposed changes were posted on the Department web page from July 15 until August 20 and comments were accepted by email, phone and mail. On a community level, regional fisheries program personnel networked with local residents and clubs to inform them of the proposed changes to fishing regulations and provide an opportunity for feedback. Due to costs and the low level of controversial proposals, a formal statewide angler opinion survey was not utilized. All public comments along with a detailed description of proposed amendments to

Commission Order 40 were provided to the Commission prior to this meeting for review and consideration.

The following summarizes the Department's proposed amendments to the Fishing Regulations for 2015-16:

- Reduce the statewide bag limit for all species of catfish to 10, in the aggregate
- Designate all public waters as Community Fishing Program Waters within the municipal boundaries of the cities of Phoenix, Maricopa, Avondale, Scottsdale, Gilbert, San Tan Valley, Cave Creek, El Mirage, Sun City, Sun City West, Beardsley, Goodyear, Buckeye, Chandler, Youngstown, Peoria, Glendale, Surprise, Payson, Tucson, Sahuarita, Yuma, Somerton, Tempe, Litchfield Park, and Fountain Hills except the portions of the Verde River, Salt River, Gila River and Lake Pleasant within those boundaries
- Change regulations at Freestone Park (Gilbert) and Friendship Park (Avondale)
- Change Water Ranch Lake to a single barbless hook requirement and place catch and release regulations on bass and sunfish and reduce daily bag limit to 2 catfish and 2 trout
- Change regulations for Horton Creek and Grant Creek to single barbless hook, artificial fly and lure only, and catch and release only for trout
- Change regulations on Chevelon Creek above and below Chevelon Lake to artificial fly and lure only with reduced daily bag limits
- Modify regulations for trout, catfish and bass within the Williams Area Lakes, Kaibab, Cataract, Dogtown, City, and Santa Fe Reservoirs
- Reduce the bag limit on sunfish and crappie in the lower Colorado River, including Lake Havasu and Mitty Lake
- Modify regulations to catch and release for largemouth bass on Dankworth Pond and Pena Blanca Lake with a sunset date of December 31, 2016
- Open Frye Creek and Upper East Fork Little Colorado River, upstream of Colter Dam to native trout angling under catch and release, single barbless hook, artificial fly and lure only regulations
- Allow goldfish to be used as live bait when collected and used onsite only in specific waters
- Briefing Item: Remove snagging language for Alamo Lake and Lake Havasu.

Motion: Davis moved and Madden seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 40 (FISH) AS AMENDED, ESTABLISHING BAG AND POSSESSION LIMITS, SPECIAL REGULATIONS, OPEN SEASONS, OPEN AREAS, AND SPECIFIC CLOSURES FOR CALENDAR YEAR 2015 AND 2016 AS PROPOSED.

Vote: Unanimous

* * * * *

4. Future Agenda Items and Action Items

Deputy Director Ty Gray captured the following action and agenda items:

- The Department will discuss strategies and options with Wildlife for Tomorrow, regarding the Heritage O&M and will work toward implementing short and long term

fixes with a final package to be brought back to the Commission at the December Commission meeting. The final package will include fundraising strategies, disposal strategies, legislative strategies to meet financial needs and easement issues, and repurposing strategies regarding partnerships and in lieu fee potential opportunities.

- The Department will work with the Sheriffs' on legislation to strengthen the OHV language related to enforcement issues
- The Department will provide the Commission with an update on the Customer Portal at the November Commission workshop
- The Department will agenda for discussion at a future Commission meeting the bonus point application process, including the maximum bonus point pass through and recruitment and retention
- The Department will revise Commission Policy A2.3 to incorporate the Commission's desire to approve renewals regarding land lease agreements, and will bring that back at the December Commission meeting
- The Department will revise Commission Policy A2.7 to clarify that no sportfish stocking will happen on private closed waters, and will bring that back at the December Commission meeting
- The Department will provide the Commission with a presentation at a future Commission meeting on the Community Fishing Program, including a briefing on license compliance.

Commissioner Harris requested to continue on the Catalina Bighorn Sheep Advisory Committee after he is no longer a Commissioner. He would become the liaison to the Commission rather than the liaison from the Commission. Members of the Committee have requested that the Committee Council discuss and vote, and if approved, then they will bring the matter to the Commission at the December Commission meeting.

The Commission was in consensus.

Commissioner Harris will let Mr. Gray know if the Committee Council approves and it needs to be on the December Commission meeting agenda.

* * * * *

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

Vote: Unanimous

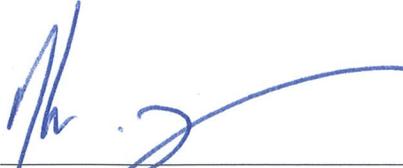
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Meeting adjourned at 11:25 a.m.

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Robert E. Mansell, Chairman



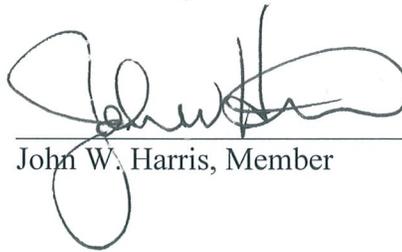
Kurt R. Davis, Vice Chair



Edward "Pat" Madden, Member

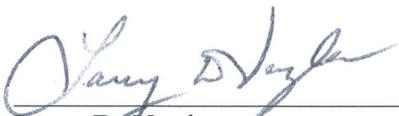


James R. Ammons, Member



John W. Harris, Member

ATTEST:



Larry D. Voyles
Secretary and Director

**Game and Fish Litigation Report
Presented at the Commission Meeting
September 5-6, 2014**

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. On November 27, 2013, plaintiffs (now appellants) filed an opening brief with the Ninth Circuit Court of Appeals. The Forest Service filed its opening brief on January 29, 2014 and the Commission filed its amicus brief on February 7, 2014. Plaintiffs filed their reply brief on March 21, 2014.

2. *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.

Oral argument occurred on January 24, 2014. The Court's questions focused primarily on the jurisdictional issues of sovereign immunity and standing. The Court issued an opinion on February 19, 2014. The Court held that Plaintiffs had no standing due to a lack of redressability because the Chair of the New Mexico Commission had no authority alone to correct any alleged violations. The Court ordered the case remanded back to the District Court with instruction to dismiss the case without prejudice to allow Plaintiffs to refile the case.

On March 7, 2014, the Tenth Circuit granted New Mexico's motion for clarification, in which New Mexico requested that the Court's decision would not affect the District Court's decision dismissing as to Director Lane. The District Court's decision as to Director Lane stands. On March 18, 2014, the District Court dismissed without the prejudice the case against the Chairman.

On April 17, 2014, New Mexico filed a motion for attorney fees and costs. New Mexico is seeking reimbursement for \$580,000.00 in costs and fees. This represents 1231 hours for six different lawyers who worked on the case.

Lands Update

For the Arizona Game and Fish Commission

August 29, 2014

Phoenix, Arizona

U.S. FOREST SERVICE

General Planning Status – Please see attached table.

Four Forest Restoration Initiatives (4FRI)

- Revisions to the draft Environmental Impact Statement (EIS) for 4FRI are on-going; the Record of Decision (ROD) is expected in early 2015.
- The Governor’s office, several environmental groups and the four Forest Supervisors have been meeting to explore potential solutions to issues which could trigger administrative or legal challenges to the EIS. Results of these discussions are forthcoming.
- The timber contractor continues working on task orders.

Apache-Sitgreaves National Forest (A-S)

- Department personnel participated in a tour of forest restoration projects that was organized by A-S personnel and included Senator Jeff Flake and his staff. The tour highlighted the results of the Woolhouse Restoration Project, Coon Mountain prescribed fire and White Mountain Stewardship Contract projects, and how they positively affected control efforts on the recent San Juan wildfire near Greens Peak.

Coconino National Forest

- The Department is working with the Forest to correct errors on the Motor Vehicle Use Map.
- The Coconino NF planning team continues revisions to the draft LRMP. The Department will be meeting with the Forest once a preferred alternative has been chosen and responses to Department comments have been developed.
- The Department served on the planning team for the Flagstaff Watershed Protection Project and provided comments on the recently released draft EIS.

Coronado National Forest

- The draft Travel Management Plans (TMP) are being developed for each District and will be released successively for public comment. The Catalina Ranger District TMP was re-released July 16, 2014. Comments are due August 15th.
- The Environmental Assessment (EA) for helicopter landing in the Wilderness titled “Authorizing Helicopter Use by the Arizona Game and Fish Department within Pusch

Ridge Wilderness” was posted on July 1, 2014; comment period ended July 31, 2014. The Forest will now review the 30 comments received, revise the EA if needed, and finalize, at which time the objection period begins.

- The Minimum Requirements Decision Guide (MRDG) addressing helicopter landings in the Pusch Ridge Wilderness has been drafted and is under review by the Coronado National Forest Supervisor’s Office. If approved, it will be forwarded to the Regional Forester.
- The Catalina Ranger District has been petitioned to allow goat packing operations Forest wide. The Department has expressed its concerns and opposition to allowing goats on the Santa Catalina District due to the disease transmission risk to bighorn sheep. The Forest recently sent an official letter denying the use of pack goats on the district.
- Rosemont Copper Project
 - An ocelot observation in the Santa Rita Mountains in April has prompted the USFWS to reinitiate consultation with the Coronado Forest under Section 7 of the Endangered Species Act (ESA). This may result in a revised, amended, or supplemental Biological Opinion (BO) from the USFWS requiring additional conservation measures to minimize impacts to the ocelot.
 - Recently, new information has come to light which raises prospects of mine operations having greater impact than what the Final EIS (FEIS) predicts. It is unclear what impact such new information would have on the existing FEIS and other documents used in obtaining regulatory permits for the mine which still requires permitting under the Clean Water Act.

Kaibab National Forest

Nothing new to report.

Prescott National Forest

Nothing new to report.

Tonto National Forest

- The Department continues to participate as part of the ID Team for the TMP; the TMP draft EIS was released and the comment period has been extended to September 18th. The Forest has indicated there will be another opportunity during the revision process for the Department to work with District Staff.
- The Department continues to work through the NEPA process for the authorization of helicopter landings in wilderness for bighorn sheep management over 10 years. The initial scoping process back March/April resulted in 11 responses from the public. The draft EA is currently open for public comment, closing on September 2nd. The Department and Forest staff will then be reviewing the comments and providing revisions.

BUREAU OF LAND MANAGEMENT (BLM)

Arizona Strip Field Office

- The BLM is beginning planning the next round of travel management on the AZ Strip. This process will begin with interagency route evaluations in September and concurrent development of an EA over the next several months. The Department has requested cooperating agency status for this process and an MOU is being developed. Based on prior travel management planning efforts on the AZ Strip, the Department does not anticipate significant concerns or issues related to our mission or our constituency.
- The Department and BLM are finalizing an MOU for Cooperating Agency status in preparation of the EIS for the Uinkaret Vegetation Management Project.

Kingman Field Office

- The Kingman Field Office plans to continue conducting burro surveys throughout the Black Mountains, GMU 15D in September 2014.

Lake Havasu Field Office

- ADOT/BLM/AGFD held the biannual coordination meeting in August. Due to budget constraints, ADOT is not planning any new projects that would impact wildlife or wildlife recreation planning for the next six months in the area covered by the Lake Havasu BLM Field Office.
- Twelve federal, state and county agencies are developing an MOU to establish better coordination with management and permitting on Lake Havasu. The Department is participating in the development.

Phoenix/Lower Sonoran Field Office

- Department staff participated in the quarterly conference call with the BLM's Phoenix/Lower Sonoran Field Office on August 15th to discuss projects, NEPA and planning efforts.

Tucson Field Office

- The Draft TMP and EA for the Ironwood Forest National Monument are out for public review. Comment period deadline is September 2nd. Department staff met with BLM to identify key access routes for recreationists as well as routes to be designated for administrative use.

DEPARTMENT OF DEFENSE

- The Department hosted a joint Barry M. Goldwater Range (BMGR) Integrated Natural Resource Plan (INRMP) annual review. Participants included, Luke Air Force Base, Marine Corps Air Station, Yuma (MCAS), BLM Yuma Field Office and Sonoran Desert National Monument, Cabeza Prieta NWR, Bureau of Reclamation, University of Arizona, and AGFD Region IV and Contracts Branch. Ongoing and future natural resource monitoring projects on BMGR were reviewed. Both Luke and MCAS are meeting their monitoring objectives established in the INRMP. Contracts Branch is conducting or has proposed several monitoring projects.

ENERGY DEVELOPMENT

Dolan Springs/Pacific Wind

- The 3 year renewal permit for a Type II Wind test facility expired with the Bureau of Land Management on December 2013. The Pacific Wind project has been terminated due to a lack of wind and/or financial resources. The BLM has issued a 10 month renewal permit for removal of MET towers from the public land, and to rehabilitate the respective sites.

TRANSPORTATION

State Route 303L – State Route 30 to I-10

- The Department prefers Alternative 3 for the Gila River crossing and Rainbow Valley Road (corridors 1 &2) for the alignment. If the cultural findings support the recommendation to carry forward only the *Rainbow Valley Road Corridor 2*, then ADOT will be reassembling their Team and reinitiating planning with stakeholders. If the findings determine no differences between Alternatives, ADOT will consult with FHA and may have to redo the Feasibility analysis.

Sonoran Parkway

- BLM completed their review of Administrative FEIS on 7/17/14 and released it to cooperating agencies for review. Agency comments are due August 29th.

GENERAL UPDATES

Peterson Ranch Pond- Native fish translocation

- The Department has drafted an internal EAC and is obtaining signatures to allow wild translocations of longfin dace to Peterson Ranch Pond in the Huachuca Mountains. These actions will work towards meeting mitigation actions defined in the CAMP.

Emigrant Canyon and Circle I Hills Roads

- The Department has been in contact with the Bureau of Land Management - Safford Field Office and State Land Department (ASLD) - Natural Resource Program regarding two road access points on State Trust Lands.
 - The first is the Emigrant Canyon Road on the north end of the Chiricahua Mountains. Progress has been made with the lessee to ensure access points remain open in order to access BLM land and by-pass this private parcel. The BLM has plans to blade a new road around this private parcel, but would like the Department to pursue an access agreement with the landowner at this location. The State Land Department also informed the lessee that the gate along the Emigrant Canyon Road on State Trust Land has to remain open and unlocked.
 - The second road is north of Willcox in the Circle I Hills where a lessee unlawfully closed a road by using a bulldozer to construct several berms. In the process he uncovered some artifacts/bones. The ASLD is conducting an investigation and found the lessee in default on the grazing lease. The ASLD contacted the Department regarding closing the road for resource protection. The Department provided the ASLD with the process to petition the Commission for a road closure, but the roads the ASLD was referring to are user-created roads going around the berms. Once the ASLD completes their investigation, the status of the existing road will need some resolution, but they did place road closed signs on the user-created roads.

Central Arizona Grasslands Conservation Strategy (CAGCS) Implementation Team Project Status Updates

- The interagency Implementation Team met on August 4th to discuss proposed projects and prioritize the 2014-15 implementation budgets. The first kick off stakeholders meeting is anticipated this fall.

Forest	Status	Next Step	Projected Next Step Completion
Apache Sitgreaves	<u>LRMP</u> - Draft released Jan 2013, Dept. commented. <u>TMP</u> - Dept. commented on 2010 draft (forest wide), process halted due to Wallow Fire.	A/S finalizing LRMP. TMP process will resume once LRMP is finalized.	Final LRMP ~Fall/Winter 2014. TMP draft anticipated ~late 2014.
Issues:	<u>LRMP</u> - 7100 new acres of Wilderness recommended (mostly expanding existing Wilderness) <u>TMP</u> - draft allows for Motorized Big Game Retrieval (MBGR) 1 mile from road for elk, mule deer & bear. Provides for 658 miles of corridors for dispersed camping 300 ft off established roads.	Region working with A/S to identify additional camping sites in areas deficient in 2010 draft.	
Coconino	<u>LRMP</u> - Draft released Dec 2013, Dept. commented. <u>TMP</u> - Final 2011 (forest wide), MVUM's available; AGFD appealed plan on MBGR and dispersed camping decisions, appeal denied.	Coconino finalizing LRMP. Department to meet with Coconino in August to discuss preferred alternative and respond to Department comments. Coconino to open scoping process to revise TMP.	Final LRMP ~Spring 2015. TMP revision process ~Fall 2014.
Issues:	<u>LRMP</u> - draft reduces motorized access 6%, inconsistent with current TMP, recommends small additional Wilderness acreage, potential pre-emption of Dept. authorities. <u>TMP</u> - limited dispersed camping 300ft from specifically identified roads, 30ft from all other roads. MBGR for elk only, 1 mile from roads except GMUs 5A & 5B.	Region working with Coconino planning team to resolve LRMP issues. TMP evaluated annually with opportunity for revision.	

Forest	Status	Next Step	Projected Next Step Completion
Coronado	<u>LRMP</u> - draft released Dec 2013, Dept. commented.	Coronado finalizing LRMP.	Final LRMP ~late 2014
	<u>TMP</u> - drafts in process (district by district).	Coronado finalizing TMPs through 2014. Region addressing district-specific road closures and access issues in TMPs.	TMP decisions by district: Douglas 7/2014; Nogales 3/2014; Safford 3/2014; Santa Catalina Public comments under review; Sierra Vista 9/2014
Issues:	Reduces use of locatable mineral withdrawal. General inconsistencies and State Land access issues. NO MBGR. MVUM's show access through roads that have locked gates. District-specific road closures and access issues.		
Kaibab	<u>LRMP</u> - Final Feb 2014.	Dept. comments (excluding Wilderness recommendations) incorporated in Final LRMP.	Note: Wilderness recommendations subject to future process and not appealable.
	<u>TMP</u> - completed by district. MVUM's available. AGFD appeal on North Kaibab TMP declined.		
Issues:	LRMP recommends small areas of additional Wilderness to clarify boundaries. North Kaibab TMP: MBGR restricted to bison and elk only. Current designated dispersed camping opportunities at lower elevations insufficient to accommodate late season deer hunters and other campers. Tusayan & Williams TMP: MBGR 1 mile from road for elk in designated areas. Dispersed camping in camping corridors, or 30 feet from road.	Tusayan & Williams TMP initiating scoping; Region working with FS to expand dispersed motorized camping opportunities.	

Forest	Status	Next Step	Projected Next Step Completion
Prescott	<u>LRMP</u> - Draft released 2012. <u>TMP</u> - no new TMP, amending 2005 plan for travel management.	Prescott finalizing LRMP.	Final LRMP ~Fall 2014
Issues:	MBGR: Elk only, within 1 mile of designated open road. May be changed by amendment. Dispersed camping 300' from centerline of designated roads. Recommended new Wilderness 23,000 acres. MVUM's available.		
Tonto	<u>LRMP</u> - Initiating Planning Process/public scoping 2014. <u>TMP</u> - elevated to EIS from EA. Draft released with comment period extended to September 18th.	AGFD participating as Cooperating Agency throughout LRMP and TMP processes.	Final LRMP ~Fall 2017
Issues:	Consistency across forests, enforceability, MBGR 1 mile off road for elk and bear only. MVUM's are inaccurate.	ID Team meetings held in individual Ranger Districts. Region working with Forest on 'bubble sites' for dispersed camping.	



A2.41 Commission Position on Bonus Points

Effective: ###/##/2014
Policy Process Owner: Deputy Director

The authority to implement bonus points resides with the Arizona Game and Fish Commission (Commission). The Arizona Game and Fish Department (Department) implements this policy and awards bonus points only as approved by the Commission. The Commission authorizes the following types of bonus points:

1. **Application:** Awarded to a person who is unsuccessful in the drawing or the application is for a bonus point (when authorized by Commission Order);
2. **Hunter Education:** Awarded to a person who successfully completes an approved Hunter Education Course or is certified by the Department as an active Arizona hunter education instructor on or after January 1, 1980 (one permanent hunter education bonus point is awarded for each genus); and
3. **Loyalty:** Awarded to a person who submits a valid application for five consecutive years for a specific genus.

The Commission supports the North American Model of Wildlife Conservation which outlines basic democratic principles and a sense of fair-play among hunters. The Commission has been steadfast in only approving bonus points that are consistent with the spirit and intent of the North American Model of Wildlife Conservation.

The Commission may consider requests for bonus points that promote education, hunter loyalty and participation, and volunteer activities that are in line with the Department's mission. As part of the consideration process, the Commission will determine the logistical impact to the Department for implementing and managing the bonus point system.

Notwithstanding the Department's bonus point application process, under no circumstance will a bonus point be sold or utilized for a commercial purpose.

Requests for consideration of a new bonus point category will only be considered during the normal Article 1 rule review and rulemaking cycle, which occurs every five years. Any requests submitted before the review cycle begins will be placed in the rulemaking record for consideration during the next cycle. These requests should be submitted to the Deputy Director, Arizona Game and Fish Department, 5000 W. Carefree Hwy, Phoenix, AZ 85086.