

Minutes of the Meeting of the  
Arizona Game and Fish Commission  
Friday, June 13, 2014  
Saturday, June 14, 2014  
Mazatzal Hotel and Casino, Fireside Room  
Highway 87, Mile Marker 251  
Payson, Arizona 85541

PRESENT: (Commission)

(Director and Staff)

Chairman John W. Harris  
Vice Chairman Robert E. Mansell  
Commissioner Kurt R. Davis  
Commissioner James R. Ammons

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

Chairman Harris called the meeting to order at 8:00 a.m. and led those present through the Pledge of Allegiance, followed by Commission, Director, and Director's staff introductions. Commissioner Madden was not present for this meeting. This meeting followed an agenda revision #1 dated June 11, 2014.

Chairman Harris requested a moment of silence in honor of the following: Border Patrol Agent Alexander Giannini who was killed Wednesday, May 28, 2014, in an on-duty single vehicle accident near Benson; Salt River Police Officer Jair Cabrera who was killed during a traffic stop on May 24, 2014; and U.S. Army Command Sergeant Major Martin Barreras who died on Tuesday, May 13, 2014, from injuries sustained while serving in Afghanistan.

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### 1. Call to the Public

Tommie Martin, Gila County Supervisor, addressed the Commission and welcomed them to the Payson area.

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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 item "a" was removed for discussion.

#### b. 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.

c. 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.

d. Update on Reprioritization of the U.S. Fish and Wildlife Service's National Fish Hatchery System and the Cessation of Trout Production at Willow Beach National Fish Hatchery.

**Presenter:** Chris Cantrell, Fisheries Branch Chief

At the February, March and April Commission Meetings, the Commission was briefed on activities regarding the termination of trout production at Willow Beach National Fish Hatchery and the cessation of trout stocking in the lower Colorado River below Hoover Dam. This decision was based on the failure of the water delivery system that supports the trout production portion of the facility and a priority shift away from sportfish production in the National Fish Hatchery System of the U.S. Fish and Wildlife Service (the Service). Per Commission direction, the Commission is kept updated on the Service's decision to redirect priorities at the national level to production of native species and the cessation of trout production at Willow Beach National Fish Hatchery. There were no additional updates at this time, however, this item was placed on the consent agenda for approval or to be pulled from the consent agenda for questions and/or discussion.

e. Renewal of Inter-Governmental Agreements for the Community Fishing Program for 10 Cities.

**Presenter:** Chris Cantrell, Fisheries Branch Chief

The Department requests Commission approval for the renewal of Intergovernmental Agreements between the Department and the cities of Chandler, Mesa, Payson, Peoria, Phoenix, Sahuarita, Scottsdale, Surprise, Tempe and Tucson to continue the Community Fishing Program for the next four fiscal years. Commission action is required under the provisions of A.R.S. § 17-231 B.7 to enter into agreements with other entities for the operation of wildlife facilities and the conduct of related wildlife management.

In January 2014, the Urban Fishing Program was rebranded and renamed to the Community Fishing Program. In addition, the Program expanded from 21 to 36 waters. Angler participation has steadily increased in this program since inception 29 years ago. The importance of these waters to reaching and connecting with Arizona communities is vital and a high priority of the Sport Fish Program. The Community Fishing Program has charted a course to increase

participation from approximately 65,000 anglers to 200,000 anglers over the next 15 years. This Program generates the partnerships with municipalities to provide opportunities for inter-city residents to engage in recreational fishing. The motto of the program has been “If the people can’t get to the fish, we’ll bring the fish to the people.” The Program has historically operated under a self-supporting concept whereby license sales and municipal partnership fee revenues met or exceeded program expenses. As such, the operation of the Community Fishing Program requires continued renewal of Intergovernmental Agreements between the Department and participating cities.

The Department recommends THAT THE COMMISSION VOTE TO AUTHORIZE THE DEPARTMENT TO FINALIZE NEGOTIATIONS, EXECUTE AND AMEND AS NECESSARY INTERGOVERNMENTAL AGREEMENTS AND ANY FUTURE SUB-AGREEMENTS BETWEEN THE DEPARTMENT AND THE CITIES OF CHANDLER, MESA, PAYSON, PEORIA, PHOENIX, SAHUARITA, SCOTTSDALE, SURPRISE, TEMPE AND TUCSON TO CONTINUE THE COMMUNITY FISHING PROGRAM FOR FOUR YEARS, COMMENCING JULY 1, 2014 THROUGH JUNE 30, 2018 ON DESIGNATED COMMUNITY FISHING WATERS, AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO APPROVE THE AGREEMENTS AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

f. Road Use Agreement Renewal at Cunningham Tracts

**Presenter:** Joyce Francis, Habitat Branch Chief

The Department requests Commission approval to renew a road use agreement with the U.S. Forest Service, Tonto National Forest for roadway maintenance at Cunningham Tracts. In 1994, the Commission approved a road use agreement with the Tonto National Forest. The agreement allows the Tonto National Forest to access and maintain an existing roadway through the Commission owned Cunningham Tracts property near Young, Arizona. The term of the renewal is for ten years.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE RENEWAL OF A ROADWAY USE AGREEMENT WITH THE U.S. FOREST SERVICE, TONTO NATIONAL FOREST AND AUTHORIZE THE DIRECTOR TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY OFFICE OF THE ATTORNEY GENERAL.

g. A Memorandum of Understanding with the Altar Valley Conservation Alliance for Cooperative Activities

**Presenter:** Brian F. Wakeling, Game Branch Chief

The Department requests Commission approval of a Memorandum of Understanding (MOU) to allow the Department to cooperate with the Altar Valley Conservation Alliance on projects for public information and wildlife habitat enhancement. The Department and the Altar Valley Conservation Alliance (AVCA) agree to work cooperatively where mutually beneficial to meet common objectives for public information and wildlife management and habitat enhancement. This MOU provides a framework for the relationship with regard to future activities. AVCA is a

501(c)(3) organization that wishes to develop a formal agreement with the Department and Commission through this MOU.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE ALTAR VALLEY CONSERVATION ALLIANCE 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.

h. Memorandum of Understanding (MOU) with the Friends of Verde River Greenway

**Presenter:** Tom Finley, Kingman Regional Supervisor

The Department requests Commission approval of a Memorandum of Understanding (MOU) that will allow the Department to collaborate with Friends of Verde River Greenway in support of normal wildlife and habitat management projects and property maintenance of the Upper Verde River Wildlife Area. The purpose of this MOU is to establish a collaborative working relationship between the Commission and the Friends of Verde River Greenway (FVRG). The Commission is authorized to expend funds for the construction, operation, development and rehabilitation of wildlife habitat, facilities, conducting management studies, and implementing programs to measure and improve habitat conditions and population status for all wildlife species in Arizona. The Department has a need for a labor force and/or intern program to support its normal wildlife and habitat management projects, and property maintenance of the Upper Verde River Wildlife Area. The FVRG, an affiliate of Arizona State Parks Foundation, is a nonprofit organization with a mission to preserve, enhance and promote the scenic, natural, historic, cultural and recreational resources of the Verde River Greenway corridor. FVRG is committed to river restoration and enhancement projects that provides young adult work crews and volunteer development opportunities as well as natural and cultural resource conservation services in collaboration with a variety of community partners. Through direct, hands-on service, FVRG work crew members implement projects for state and federal land management and conservation agencies. Over recent years, FVRG has developed a program with a proven track record of meeting land management agencies' resource management needs in a cost effective and professional manner. Both the Department and FVRG derive mutual benefit from the enhancement of environmental and recreational resources and opportunities on lands within the state of Arizona.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE MEMORANDUM OF UNDERSTANDING FOR COLLABORATION WITH THE FRIENDS OF VERDE RIVER GREENWAY AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

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

**Vote:** Unanimous  
4 to 0  
Unanimous

a. 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. This briefing was pulled from the consent agenda in order for the Department to provide an additional update.

Kellie Tharp, Education Branch Chief, briefed the Commission on the first annual Brian Pinney Memorial Fishing Clinic held on May 17, 2014. The Department, in partnership with Anglers United, held the clinic at the Hirsch Conservation Education Area. The event was open to the public and included a 9:00 a.m. memorial for Brian Pinney. Department staff and Anglers United shared stories and memories of the avid conservationist. A plaque to memorialize Brian Pinney is located by the tank. Seventy-five anglers attended the fishing clinic. Brian Pinney was an avid sportsman that was recognized as a leader in the wildlife conservation community. He was devoted to introducing families to fishing and hunting and preserving the outdoor heritage. This annual fishing clinic will serve as a legacy that honors all of his contributions to Arizona's wildlife resources.

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### 3. Shooting Sports Activities Briefing

**Presenter:** Jay Cook, Shooting Sports Branch Chief

Mr. Cook provided the Commission with a PowerPoint presentation and update on shooting sports activities. The Commission was provided with a written Shooting Sports Activities Briefing prior to this meeting (also available to the public) of Department activities related to shooting sports, including shooting programs and shooting range development statewide.

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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

The Commission was provided with a 2014 Legislative Summary (also available to the public).

Legislative Accomplishments:

- Both bills sponsored by the Commission signed into law

- 2 out of 3 bills supported by Commission signed into law

The Department is currently looking for new internal legislative proposals for the next session.

### Federal Legislation

#### Commission Supported Sportsmen Package Bills:

- H.R. 1825 Recreational Fishing and Hunting Heritage - Passed House Natural Resources, June 12, 2013
- S. 1335 Sportsmen's Act - Reported Senate Committee, July 18, 2013

#### S. 2363 Bipartisan Sportsmen's Act:

- S. 1996 reintroduced in May 2014 by Senators Hagan and Murkowski
- 39 Cosponsors, Senator McCain
- Status: Proceed to Consideration of Measure – 6/5
- Key Provisions: Electronic Duck Stamps, TSCA (Toxic Substances Control Act) sport fishing exemption, Target practice and marksmanship (PR funds for ranges), Recreational hunt, fish, shooting on public lands, LWCF (Land and Water Conservation Fund) monies for public access, NAWCA (North American Wetlands Conservation Act) reauthorization, and the Hunt Act

#### McCain Amendments to S. 2363:

- National Fish Hatchery System, Mitigation Activities: Requires USFWS to meet mitigation hatchery obligations to support sport fish propagation; reaffirms the mitigation hatchery status of Willow Beach National Fish Hatchery; requires the Secretary of Interior to grant native and sport fish equal priority
- National Park Service (NPS) Wildlife Management: Requires NPS to use volunteers when culling wildlife and allow the removal of the carcass from the park; provides the Secretary of Interior the authority to use lethal means to reduce the population of wildlife inside a National Park that the Secretary of Interior determines is causing habitat or culture resources damage; states volunteers must be used for culling operations; states volunteers must retain a valid resident big-game hunting license issued by the appropriate state agency; allows the harvested carcass to be removed from the Park by the volunteer.

Commissioner Davis commended the Department's legislative staff for their work and wanted to publicly thank Senator McCain for his amendment.

**Motion:** Davis moved and Mansell seconded THAT THE COMMISSION VOTE TO SUPPORT S. 2363 AND BOTH OF SENATOR MCCAIN'S AMENDMENTS TO S. 2363.

**Vote:** Unanimous

4 to 0

Madden not present

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### 5. The Theodore Roosevelt Conservation Partnership

**Presenter:** Jim deVos, Assistant Director, Wildlife Management Division

Mr. deVos introduced John Hamill, Arizona Field Representative for the Theodore Roosevelt Conservation Partnership. Mr. Hamill provided a PowerPoint presentation titled "Working to unify and amplify the voice of hunters and anglers in Arizona." The presentation included an overview of the Theodore Roosevelt Conservation Partnership and the activities that the Partnership will be focused on in Arizona, including the Sportsmen's Values Mapping Project, conservation of Bureau of Land Management backcountry areas, and management of the Lees Ferry Trout Fishery.

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#### 6. 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 presentation included a mock up and examples (video) of an actual webpage designed for the Portal and what it will look like, both on a personal computer (including laptop and tablet) and on a mobile phone device. The Portal development progress is on schedule for implementation by January 2015.

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#### 8. Sport Fish Program Priorities and Activities Briefing

**Presenter:** Chris Cantrell, Fisheries Branch Chief

Mr. Cantrell briefed the Commission using a PowerPoint presentation on the Department's Sport Fish Program priorities and activities for Fiscal Year 2014, 2015 and 2016. Annually, more than 350,000 anglers spend more than 5.9 million days angling on Arizona waters. Therefore, it is essential to conserve, manage, and enhance the quality, and availability, of sport fishery resources in order to provide sport fishing opportunities, and to disseminate information about Arizona's sport fish resources and sport fishing opportunities. As a commitment to Arizona anglers, the Arizona Game and Fish Commission has identified sport fishing as their highest priority for the Arizona Game and Fish Department. The Department's efforts in the Sport Fish Program are designed to meet the Commission's directive to optimize Sport Fish opportunity. This presentation and briefing focused on key activities of six priorities for the Sport Fish Program: Hatchery Production, Community Fishing, Managing through Data, Offsetting our Impacts, Native and Wild Trout and Fish Habitat.

#### Public Comment

James Goughnour, Owner of Rim Country Custom Rods, appreciates the Department's efforts in the Community Fishing Program in the town of Payson.

Frank Powell, Owner of Tackle Box, asked for the Department's continued help with the stocking of Roosevelt Lake and provided a check to the Chairman as donation to put towards that effort.

Joe Miller, Local Chapter Member of Trout Unlimited, expressed his appreciation of the cooperative relationship between his organization and the Department.

Don McDowell, AZ Bass Nation/The Bass Federation, expressed his appreciation to the Department and Commission and provided a letter of support for the Department's fisheries programs and appreciation for the Department working together cooperatively with his organization and other constituents.

Dennis Pirch, Payson resident, expressed his appreciation for Mr. Cantrell's presentation and for the long range plan for the cold water fisheries program. It's important to get our youth out fishing and get them the hands-on opportunity; "catching fish, catches on".

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

Meeting reconvened at 9:43 a.m.

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Ms. Morgan provided a PowerPoint presentation on budget related agenda items #9-19. The presentation highlighted several changes since the first read budget briefing at the May Commission meeting. In addition to the Commission meeting presentations, Ms. Morgan provided each Commissioner individually an informational budget briefing in preparation for the budget presentations. An informational budget packet was also provided to the Commission prior to this meeting for review and consideration. The entire budget packet was also made available to the public. An overview of highlighted changes included the following:

- Increase the Game and Fish Appropriation request from \$2.5 million to \$4 million
- Funded Tasers for Law Enforcement from FY 14 and FY15
- Shifted eligible additional expenses into PR, ultimately creating savings in WCF used for Sport Fish and Law Enforcement
- Savings on Kingman Office Remodel
- Other minor adjustments and corrections

Commissioner Davis asked about a chart in the presentation that showed \$15 million as the target for the FY 2016 Ending Cash Balance and discussed with Ms. Morgan whether there was a policy or strategic standpoint by which that number is arrived at, and once we have that number and we know it can weather the storms and allow for long term planning, then we could expend anything that goes over that number.

Director Voyles stated that there is a bottom line number that we must have. Historically, the Department has managed at that bottom line number and has managed on the tightest margin of any wildlife agency in the nation. We have been expanding on that, but have not developed a particular number that is the target. Director Voyles stated that the Department could work with the Commission to develop that particular number. Rather than one number, it will be several numbers, related to particular funds.

Chairman Harris requested that the Department work on developing that number with the Commission for the next fiscal year.

Ms. Morgan presented each budget agenda item, #9-19, for Commission approval as follows:

9. Request to Approve the Expenditure of Unspent Balances in the Heritage Fund, Wildlife Conservation Fund, Off Highway Vehicle Fund, Wildlife and Sport Fish Restoration, State Wildlife Grants, Coast Guard Grants, Endangered Species Act (Section 6), and Indirect Fund for Fiscal Year 2015

**Presenter:** Lizette Morgan, Chief Financial Officer

The Department requests Commission approval of the expenditure of unspent fund balances for Fiscal Year 2015. Approval was also requested for the expenditure of unspent fund balances from the Heritage Fund, Wildlife Conservation Fund, Off Highway Vehicle Fund, Wildlife and Sport Fish Restoration, State Wildlife Grants, Coast Guard Grants, Endangered Species Act (Section 6), and Indirect Fund for Fiscal Year 2015.

These requests will ensure that remaining unspent balances in the Heritage Fund, including all of its sub-funds, Wildlife Conservation Fund, Off Highway Vehicle Fund, Wildlife and Sport Fish Restoration, State Wildlife Grants, Coast Guard Grants, Endangered Species Act (Section 6), and Indirect Fund are available for expenditure in Fiscal Year 2015 for additional qualifying projects and to allow the Department to respond to revenue shortfalls and unforeseen needs. All property acquisition proposals utilizing unspent Heritage Acquisition monies will be brought before the Commission for individual review and approval for actual funding authority.

**Motion:** Davis moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE EXPENDITURE OF UNSPENT FUND BALANCES FROM THE HERITAGE PROGRAMS AND SUB-PROGRAMS; WILDLIFE CONSERVATION FUND, THE OFF HIGHWAY VEHICLE FUND, WILDLIFE AND SPORT FISH RESTORATION, STATE WILDLIFE GRANTS, COAST GUARD GRANTS, ENDANGERED SPECIES ACT (SECTION 6), AND THE INDIRECT FUND FOR FISCAL YEAR 2015.

**Vote:** Unanimous  
4 to 0  
Madden not present

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10. Request to approve the Game and Fish Fund Budget Request for Fiscal Year 2016

**Presenter:** Lizette Morgan, Chief Financial Officer

The Department requests Commission approval for proposed expenditures from the Game and Fish Fund for Operating and Capital Outlay programs for Fiscal Year 2016. The Game and Fish Fund consists primarily of revenue generated from the sale of licenses and tags. The Fiscal Year 2016 Budget Request is a continuation of the Fiscal Year 2015 appropriated budget adjusted for the following:

\$4.0 Million of Additional Appropriation Authority:

- \$1.5M of application fees as designated by the Commission for:
  - Habitat

- \$525,000 for mule deer and quail initiatives
- Access
  - \$525,000 access programs
- Hunter Recruitment/Retention
  - \$250,000 wildlife center funding
  - \$200,000 license marketing campaign
- \$587,000 Customer Service
  - \$120,000 network/infrastructure refresh
  - \$30,000 security analysis project
  - \$400,000 portal development
  - \$37,000 cash register replacement
- \$83,200 Law enforcement
  - soft body armor replacement
- \$530,000 building maintenance
- \$500,000 sport fish habitat
- \$800,000 vehicles

**Motion:** Davis moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED BUDGET REQUEST OF \$38,184,300 FOR FISCAL YEAR 2016 FOR THE GAME AND FISH FUND.

**Vote:** Unanimous  
4 to 0  
Madden not present

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#### 11. Request to approve the Watercraft Licensing Fund Budget Request for Fiscal Year 2016

Presenter: Lizette Morgan, Chief Financial Officer

The Department requests Commission approval for proposed expenditures from the Watercraft Licensing Fund for Fiscal Year 2016. Watercraft Licensing monies are generated from watercraft registration and boating infrastructure surcharge fees. The Fiscal Year 2016 Operating Budget request for the Watercraft Licensing Fund is a continuation of the Fiscal Year 2015 appropriated budget adjusted for the following:

Other Operating Expenditures:

- The Department requests base increases of:
  - \$15,000 for Lake Havasu aids to navigation
  - \$25,000 for postage and printing of renewal notices
- The Department requests one-time increases of:
  - \$37,000 for cash register replacements
  - \$70,000 for public service advertising
  - \$165,000 for aquatic invasive species outreach and management

Capital Equipment:

- The Department requests one-time increases of:

- \$105,000 for aquatic invasive species decontamination stations
- \$1,047,100 for patrol boats and trucks
- \$50,000 for floating docks

**Capital Outlay:**

- The Department requests a one-time increase of \$60,000 for covered patrol boat parking and storage at Region VI

**Cash Transfer:**

- The Department requests base increases of \$70,000 for officer pick-off

**Motion:** Ammons moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED BUDGET REQUEST OF \$6,199,900 FOR FISCAL YEAR 2016 FOR THE WATERCRAFT LICENSING FUND.

**Vote:** Unanimous

4 to 0

Madden not present

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12. Request to approve the Game, Nongame, Fish and Endangered Species Fund Budget Request for Fiscal Year 2016

**Presenter:** Lizette Morgan, Chief Financial Officer

The Department requests Commission approval for proposed operating expenditures from the Game, Nongame, Fish and Endangered Species Fund for Fiscal Year 2016. The Game, Nongame, Fish and Endangered Species Fund consists of revenue generated from the Arizona Income Tax Check-Off. The Fiscal Year 2016 budget request for Game, Nongame, Fish and Endangered Species Fund is a continuation of the Fiscal Year 2015 budget as appropriated by the Legislature. The Department is requesting \$346,300 in Fiscal Year 2016 for the Game, Nongame, Fish and Endangered Species Fund Operating Budget.

**Motion:** Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED BUDGET REQUEST OF \$346,300 FOR FISCAL YEAR 2016 FOR THE GAME, NONGAME, FISH AND ENDANGERED SPECIES FUND.

**Vote:** Unanimous

4 to 0

Madden not present

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13. Request to approve the Capital Improvement Fund Budget Request for Fiscal Year 2016

**Presenter:** Lizette Morgan, Chief Financial Officer

The Department requests Commission approval for the proposed expenditures from the Capital Improvement Fund for Fiscal Year 2016. Revenues for the Capital Improvement Fund are generated from fund transfers from the Conservation Development Fund, which receives revenues from surcharges on the sale of fishing, hunting, and combination hunting/fishing licenses. The Department requests a budget of \$1,500,000 in Fiscal Year 2016 for the following projects:

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

**Motion:** Davis moved and Ammons seconded THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED BUDGET REQUEST OF \$1,500,000 FOR FISCAL YEAR 2016 FOR THE CAPITAL IMPROVEMENT FUND.

**Vote:** Unanimous  
4 to 0  
Madden not present

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14. Request to approve the Wildlife Endowment Fund Budget Request for Fiscal Year 2016

**Presenter:** Lizette Morgan, Chief Financial Officer

The Department requests Commission approval for proposed expenditures from the Wildlife Endowment Fund for Fiscal Year 2016. The Wildlife Endowment Fund receives revenues from the sale of lifetime hunting and fishing licenses. The Fiscal Year 2016 Budget Requests are a continuation of the Fiscal Year 2015 budget, as appropriated by the Legislature. This appropriation facilitates an annual interest transfer to the Game and Fish Fund per ARS §17-271. The Department requests \$16,000 in Fiscal Year 2016 to facilitate an annual transfer of accumulated interest to the Game and Fish Fund.

**Motion:** Mansell moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED BUDGET REQUEST OF \$16,000 FOR FISCAL YEAR 2016 FROM THE WILDLIFE ENDOWMENT FUND.

**Vote:** Unanimous  
4 to 0  
Madden not present

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15. Request to approve the Off-Highway Vehicle Fund Budget Request for Fiscal Year 2016

**Presenter:** Lizette Morgan, Chief Financial Officer

The Department requests Commission approval for proposed expenditures from the Off-Highway Vehicle Fund for Fiscal Year 2016. The Off-Highway Vehicle Fund consists of

revenues generated from motor vehicle fuel taxes and off-highway vehicle decal sales. Annual revenue projections are estimated to be \$1,725,000 for Fiscal Year 2016.

**Other Operating Expenses:**

- The Department requests a base increase of \$8,000 for renewal notice postage.
- The Department requests one-time increases of:
  - \$1,200 to wrap a sand rail for educational outreach
  - \$25,000 to purchase accident reporting software
  - \$55,000 for public service advertising
  - \$75,000 for a user survey

**Capital Equipment:**

- The Department is backing out a FY2015 one-time request of \$136,000 for vehicle purchases
- The Department requests one-time increases of:
  - \$34,700 to purchase ATVs
  - \$248,400 to fund the continuation of the Department's fleet replacement program

**Cash Transfer:**

- The Department requests a base increase of \$43,200 to cover an overall agency increase to the Indirect rate charge

**Motion:** Davis moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED BUDGET REQUEST OF \$2,228,000 FOR FISCAL YEAR 2016 FROM THE OFF-HIGHWAY VEHICLE FUND.

**Vote:** Unanimous

4 to 0

Madden not present

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16. Request to Approve the Heritage Fund Budget Request for Fiscal Year 2016.

**Presenter:** Lizette Morgan, Chief Financial Officer

The Department requests Commission approval for proposed expenditures from the Public Access; Identification, Inventory, Acquisition, Protection, and Management; Habitat Evaluation and Protection; Urban Wildlife and Urban Wildlife Habitat; Environmental Education; and Administration and Support Services (Interest Monies) sub-funds for Fiscal Year 2016. The Heritage Fund request for the Department is summarized as follows:

Environmental Education: The requested budget for Fiscal Year 2016 is \$467,800.

**Capital Equipment:**

- The Department is backing out a FY2015 one-time request of \$50,000 for a vehicle purchase.

## Cash Transfer:

- The Department requests a base increase of \$65,400 to cover the Indirect rate charge.

Habitat Evaluation and Protection: The requested budget for Fiscal Year 2016 is \$1,746,700.

## Other Operating Expense:

- The Department requests one-time increases of:
  - \$15,000 for Habitat branch database development
  - \$20,000 for Geographic Information System web map software

## Capital Equipment:

- The Department requests a one-time increase of \$20,000 for a large format scanner.

## Cash Transfer:

- The Department requests base increases of:
  - \$50,000 for the Federal habitat match
  - \$111,300 to cover the Indirect rate charge

Heritage Fund Administration: The requested budget for Fiscal Year 2016 is \$194,900.

## Cash Transfer:

- The Department requests a base increase of \$41,900 to cover the Indirect rate charge.

Public Access: The requested budget for Fiscal Year 2016 is \$593,300.

## Other Operating Expense:

- The Department is backing out \$100,000 in base from Adopt-A-Ranch and \$22,500 from road maintenance.

## Cash Transfer:

- The Department requests a base increase of \$78,900 to cover the Indirect rate charge.

Identification, Inventory, Acquisition, Protection, and Management: The requested budget for Fiscal Year 2016 is \$ 4,474,500.

## Other Operating Expense:

- The Department is backing out \$21,500 in base for computer purchases. These expenses will be paid from the Indirect Cost Recovery fund.

## Capital Equipment:

- The Department is backing out a FY2015 one-time request of \$72,000 for vehicle purchases.

## Cash Transfer:

- The Department requests a base increase of \$521,100 to cover the Indirect rate charge.

## Acquisition:

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

Urban Wildlife and Urban Wildlife Habitat: The requested budget for Fiscal Year 2016 is \$1,981,600.

Capital Equipment:

- The Department is backing out FY2015 one-time requests of \$92,000 for vehicle purchases.
- The Department requests \$58,100 to fund the continuation of the Department's fleet replacement program.

Cash Transfer:

- The Department requests a base increase of \$262,000 to cover the Indirect rate charge.

**Motion:** Mansell moved and Ammons seconded THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED EXPENDITURES FROM THE PUBLIC ACCESS; IDENTIFICATION, INVENTORY, ACQUISITION, PROTECTION AND MANAGEMENT; HABITAT EVALUATION AND PROTECTION; URBAN WILDLIFE AND URBAN WILDLIFE HABITAT; ENVIRONMENTAL EDUCATION; AND ADMINISTRATION AND SUPPORT SERVICES (INTEREST MONIES) FOR FISCAL YEAR 2016.

**Vote:** Unanimous

4 to 0

Madden not present

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17. Request to approve the Arizona Wildlife Conservation Fund Budget Request for Fiscal Year 2016

**Presenter:** Lizette Morgan, Chief Financial Officer

The Department requests Commission approval for proposed expenditures from the Arizona Wildlife Conservation Fund for Fiscal Year 2016. The Wildlife Conservation Fund monies are generated from shared gaming revenues, through the Arizona Benefits Fund, with the State of Arizona and local governments, to support specified state and local programs. Annual revenue projections are estimated to be \$6,240,000 for Fiscal Year 2016.

The Department is transferring the operational costs and salaries of Silver Creek Hatchery from Federal Sport Fish grant funding to Wildlife Conservation Fund in the amount of \$177,400. Additionally, the Department moved the operating costs, but not the salaries of the remaining hatcheries from Federal Sport Fish grant funding to Wildlife Conservation Fund.

Personal Services and Employer Related Expense:

- The Department requests a base increase of \$140,800 for the transfer of two employees at the Silver Creek Hatchery from Federal Sport Fish grant funding to Wildlife Conservation Fund.

Other Operating Expenses:

- The Department is backing out \$9,400 in base for computer purchases. These expenses will be paid from the Indirect Cost Recovery fund.
- The Department requests base increases of:
  - \$7,500 In-state travel and operating costs for the Watchable Wildlife Program Manager
  - \$11,900 In-state travel for Canyon Creek, Page Springs, Silver Creek, and Sterling hatcheries
  - \$563,700 Operating costs for Canyon Creek, Page Springs, Silver Creek, and Sterling hatcheries
- The Department is backing out FY2015 one-time requests of \$217,000 for software purchases and hatchery repairs
- The Department requests one-time increases of:
  - \$115,000 to construct a barrier on Haigler Creek for Gila trout recovery and headwater chub conservation
  - \$200,000 to renovate Bubbling Ponds hatchery

Capital Equipment:

- The Department is backing out FY2015 one-time requests of \$92,500 for vehicle purchases.
- The Department requests one-time increases of:
  - \$45,000 to replace an electrofishing boat in Region VI
  - \$68,000 to purchase law enforcement ATVs
  - \$124,000 to purchase one fish stocking truck and hatchery stocking tanks

Capital Outlay:

- The Department requests a one-time increase of \$35,000 to construct a new building to store fish feed at Silver Creek Hatchery

Cash Transfer:

- The Department requests a base increase of \$500,200 to cover the Indirect rate charge

**Motion:** Ammons moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED BUDGET REQUEST OF \$8,751,800 FOR FISCAL YEAR 2016 FROM THE WILDLIFE CONSERVATION FUND.

**Vote:** Unanimous

4 to 0

Madden not present

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18. Request to approve the Indirect Cost Recovery Fund Budget Request for Fiscal Year 2016

**Presenter:** Lizette Morgan, Chief Financial Officer

The Department requests Commission approval for the amended Fiscal Year 2015 and proposed Fiscal Year 2016 expenditures from the Indirect Cost Recovery Fund. The Indirect Cost Recovery Fund is used to collect and recover indirect costs from federal grants and agreements, Heritage Fund, Off Highway Vehicle Fund, Watercraft Fund and Wildlife Conservation Fund. Monies are recovered by transferring a set percentage of personal services costs from the subject accounts. In FY 2016, estimated recoveries are \$5,360,800.

The Department is requesting an increase of \$1.3 million to fund leave payoff and the shifting of expenses from other funds for agency support in the Fiscal Year 2015 budget. The Fiscal Year 2016 budget request is a continuation of the amended Fiscal Year 2015 amounts.

**Motion:** Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE THE REVISED BUDGET REQUEST OF \$5,204,500 FOR FISCAL YEAR 2015 AND THE PROPOSED BUDGET REQUEST OF \$5,204,500 FOR FISCAL YEAR 2016 FROM THE INDIRECT COST RECOVERY FUND.

**Vote:** Unanimous  
4 to 0  
Madden not present

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19. Request to approve the amended Fiscal Year 2015 Wildlife and Sport Fish Restoration grants and the Fiscal Year 2016 Federal Assistance Funds Budget Request

**Presenter:** Lizette Morgan, Chief Financial Officer

The Department requests Commission approval for proposed expenditures from the modified budget for Wildlife and Sport Fish Restoration grants for Fiscal Year 2015 and the Wildlife and Sport Fish Restoration Grants, Coast Guard Boating Safety; Section 6 Endangered Species Act and State Wildlife Grants for Fiscal Year 2016. The Federal Assistance request for the Department was summarized and provided to the Commission in the budget packet. The Fiscal Year 2015 Pittman Robertson Wildlife Restoration modified budget increased approximately \$6.6 million for a total of \$20.85 million. The Fiscal Year 2016 Pittman Robertson Wildlife Restoration proposed budget increased approximately \$7.3 million above the Fiscal Year 2014 budget for a total of \$21.5 million. The Fiscal Year 2016 Dingell Johnson Sport Fish Restoration proposed budget decreased by \$930,000 for a total of \$7.77 million.

Pittman-Robertson (Federal Assistance in Wildlife Restoration): The federal apportionment for Fiscal Year 2015 is \$19.2 million; an increase of 49.5% for Wildlife Restoration and an increase of 30% for Hunter Education from Fiscal Year 2014. The apportionment for Fiscal Year 2016 is anticipated to be \$16.4 million. With the addition of carry forward funds from unspent grant balances, we are projecting the total federal contribution from "Federal Assistance in Wildlife Restoration" to be \$19.6 million in Fiscal Year 2016.

FY 2015 Modifications to the Pittman Robertson Wildlife Restoration Budget:

- The Department requests base increases of \$938,000:
  - \$271,000 for personal services and employer related expense increases
  - \$617,000 for positions moved from the Wildlife Conservation Fund that are more appropriate to the Wildlife and Sport Fish Restoration grants
  - \$25,000 Southern Wings program
  - \$25,000 Dove banding
- The Department is backing out \$37,000 in base for computer purchases. These expenses will be paid from the Indirect Cost Recovery fund
- The Department requests one-time increases of \$4,764,500:
  - \$20,000 for plans to construct new buildings on the Raymond Ranch wildlife area
  - \$25,000 Research branch support
  - \$29,000 Gunnison prairie dog monitoring
  - \$30,000 Regional support
  - \$35,000 Helicopter big game surveys
  - \$37,500 to fund the continuation of the Department's fleet replacement program
  - \$57,000 Wildlife health technician
  - \$59,000 Access Geographic Information System support
  - \$175,000 Game date management software upgrade
  - \$400,000 Access programs
  - \$1,147,000 Birds and mammals programs
  - \$750,000 Water catchments
  - \$1,000,000 Outreach
  - \$1,000,000 Mule deer and quail initiative
- The Department requests one-time increases of \$930,000:
  - \$30,000 Sonora pilot project
  - \$120,000 Hunter education class resources, instructional development and volunteer training
  - \$100,000 Hunter education coordination and event management system
  - \$150,000 Renovations to the Hunter Education building
  - \$50,000 Shooting range berm enhancements
  - \$150,000 Shooting range road improvements
  - \$150,000 Clay Target Center building improvements
  - \$100,000 BASF operations
  - \$80,000 BASF online registration system

**FY 2016 Pittman Robertson Wildlife Restoration Budget increases:**

- The Department requests base increases of \$97,000:
  - \$7,000 for regional other operating expenses
  - \$40,000 Kaibab check station and habitat improvements
  - \$50,000 Fuel
- The Department requests one-time increases of \$6,686,700:
  - \$3,700 Mesquite Bosque habitat restoration
  - \$10,000 Helicopter big game surveys
  - \$10,000 Wildlife area buoys
  - \$25,000 Research branch support
  - \$25,000 Bighorn sheep monitoring cameras
  - \$29,000 Gunnison prairie dog monitoring
  - \$30,000 Regional support

- \$50,000 Game data software upgrade
- \$50,000 Ash Creek pipeline replacement
- \$57,000 Wildlife health technician
- \$59,000 Access Geographic Information System support
- \$75,000 Disease testing on Bighorn sheep
- \$75,000 Waterfowl pump at Roosevelt Lake
- \$85,000 Survey modeler
- \$97,000 Research branch biometrician
- \$666,000 Native birds and mammals
- \$115,000 Marshall Lake renovation
- \$160,000 two aircraft engines and one turbo installation
- \$285,000 to fund the continuation of the Department's fleet replacement program
- \$300,000 to purchase a dump truck and a tractor
- \$330,000 to construct new buildings on the Raymond Ranch wildlife area
- \$750,000 Water catchments
- \$1,400,000 Access programs
- \$1,000,000 Outreach
- \$1,000,000 Mule deer and quail initiative
- The Department is backing out FY2015 one-time requests of \$160,000 for vehicle purchases
- The Department requests one-time increases of \$670,000:
  - \$20,000 Hunter recruitment and retention other operating expenses
  - \$30,000 Sonora pilot project
  - \$110,000 Hunter education class resources, instructional development and volunteer training
  - \$100,000 Hunter education coordination and event management system
  - \$30,000 Hunter education classroom and range improvements
  - \$50,000 Shooting range berm enhancements
  - \$180,000 BASF operations
  - \$50,000 Statewide shooting range enhancements
  - \$100,000 Clay Target Center trap line

Dingell-Johnson/Wallop-Breaux (Federal Assistance in Sport Fish Restoration): The federal apportionment for Fiscal Year 2015 is \$6.4 million, which is a reduction of 9% from Fiscal Year 2014. The apportionment for Fiscal Year 2016 is anticipated to be \$6.4 million. With the addition of carry forward funds from unspent grant balances, we are projecting the total federal contribution from "The Federal Assistance in Sport Fish Restoration" to be \$6.9 million in Fiscal Year 2016.

FY 2015 Dingell Johnson Sport Fish Restoration Budget reductions: The Department is reducing the budget by approximately \$325,000 by transferring the Sterling Springs water conveyance pipe, Page Springs Visitor Center and CAMP AOO to the Wildlife Conservation Fund, transferring computers to the Indirect Cost Fund, reducing one full time position and reducing other operating expenses.

FY 2016 Dingell Johnson Sport Fish Restoration Budget reductions: The Department is transferring the operational costs and salaries of Silver Creek Hatchery to the Wildlife Conservation Fund in the amount of \$177,400. Additionally, the Department moved the operating costs (but not the salaries) of the remaining hatcheries in the amount of \$392,600 to the

Wildlife Conservation Fund. The Department is backing out FY2015 one-time requests of \$338,500 for vehicle purchases and \$20,000 for lab equipment.

Program Income: Ben Avery Shooting Range is supported with the Wildlife Restoration grant, and as a result, gross revenues are spent in support of the range and reported annually to U.S. Fish and Wildlife Service. Estimated revenue is \$3 million for Fiscal Year 2015 and \$3.1 million for Fiscal Year 2016.

State Wildlife Grants: State Wildlife Grants (SWG) are only eligible for expenditure on Species of Greatest Conservation Need as identified in Arizona's State Wildlife Action Plan, which was developed following eight elements required by Congress for state eligibility in the program. SWG is matched with Heritage IIAPM funds. Collectively, these funds support the Nongame and Endangered Wildlife Conservation Program, with focus areas being native birds, mammals, fish, amphibians, reptiles and some invertebrates. Implementation is conducted by the Phoenix, regional, and associated remote location field offices. The funding is appropriated annually and fluctuates from year to year. The federal allocation for Fiscal Year 2015 is \$1.2 million, and the projected federal allocation for Fiscal Year 2016 is estimated to remain the same. The funds are utilized for multi-year projects, and revenues will be received over the course of the project periods. The estimated funding in Fiscal Year 2016 will allow for continuation of projects to conserve wildlife.

Coast Guard Boating Safety: The federal allocation is \$1.4 million for Fiscal Year 2015 and \$1.3 million for Fiscal Year 2016. The budget request for Fiscal Year 2016 represents a reduction of the Fiscal Year 2015 budget. The additional Fiscal Year 2015 and Fiscal Year 2016 budget requests represent specific use of Coast Guard prior year unspent balances.

Section 6, Endangered Species Act: Section 6 funds are only eligible for expenditure on candidate, threatened, and endangered species. For nearly a decade, the Department has allocated the majority of this grant to the Mexican wolf reintroduction project. The funds, coupled with annual federal contracts provided specifically for the wolf program, are used to support personnel services and project costs of the Department's Interagency Field Team, which typically consists of up to five personnel. The budget request for Fiscal Year 2016 represents a continuation of the Fiscal Year 2015 budget. The projected allocation for Fiscal Year 2016 is anticipated to be \$300,000.

Contract Monies: The estimated budget for Fiscal Year 2016 represents a continuation of the Fiscal Year 2015 budget. Projected revenue for Fiscal Year 2016 is anticipated to remain stable at approximately \$6.25 million each year. These are generally contracts for wildlife inventory and research. Examples of Fiscal Year 2015 contracts include studies of Sonoran Pronghorn and Desert Tortoise, and Wildlife/Vehicle Collision Studies.

**Motion:** Davis moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED EXPENDITURES FROM THE DINGELL-JOHNSON/WALLOP-BREAUX; PITTMAN-ROBERTSON; PROGRAM INCOME; STATE WILDLIFE GRANTS; COAST GUARD BOATING SAFETY; AND SECTION 6 ENDANGERED SPECIES ACT FOR FISCAL YEAR 2016.

**Vote:** Unanimous  
4 to 0

Madden not present

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20. Nongame Subprogram Activities Briefing; April 1, 2013 through April 1, 2014

**Presenter:** Michael Rabe, Nongame Wildlife Branch Chief

Mr. Rabe presented the Commission with a PowerPoint presentation and briefing on the activities of the Nongame Wildlife Subprogram from April 1, 2013 through April 1, 2014. The Commission was also provided with a written briefing as follows, consisting of three parts: 1) a brief narrative, 2) a table of USFWS proposed rules concerning the Endangered Species Act for wildlife in Arizona, and 3) a series of bullets describing activities of select nongame wildlife projects:

Status of endangered, threatened and candidate wildlife in Arizona

The federal status of wildlife in Arizona is unchanged since the last Commission update, but is likely to change soon based on pending listing decisions. At this time, there are 30 endangered species, 12 threatened, 13 candidates, and 7 experimental populations in Arizona. The status of four candidates: Northern Mexican gartersnake, narrow-headed gartersnake, yellow-billed cuckoo, and New Mexico jumping mouse will likely change in the near future. The seven experimental populations in Arizona are California condor, Aplomado falcon black-footed ferret, Sonoran pronghorn, Mexican wolf, Colorado pikeminnow, and woundfin.

The Department comments on all listing proposed rules involving wildlife in Arizona. The following table summarizes the current and pending proposed listings, the USFWS proposed status changes, and predicted implications for the Department should the proposed status become final. Proposed rules listed in the table were precipitated by a settlement between the USFWS and litigants in 2011 called the Multi-District-Litigation settlement. This settlement resulted in a work plan for listing decisions nationwide. This settlement is the primary reason for the high number of listings the Department commented on in the last year.

Table 1. Proposed Fish and Wildlife Service rules for wildlife in Arizona.

<u>Species</u>	<u>Location</u>	<u>Proposed status change</u>	<u>Date comments due</u>	<u>Implications for Department</u>
New Mexican Meadow Jumping Mouse	White mountains along perennial streams	List as endangered with Critical Habitat designated	Comments submitted on listing and Critical Habitat, awaiting final rule	Minor: 1 Dept. property (PS ranch) included in Critical Habitat but ranch management unlikely to be affected; already accounted for in CAMP for recreational fishing impacts.
Northern Mexican gartersnake	Oak Creek, including Page Springs and Bubbling ponds hatchery, Tonto Creek,	List as threatened with Critical Habitat designated	Comments submitted on proposed threatened status and Critical Habitat, awaiting final rule	Little to none: Page Springs, Bubbling ponds, Horseshoe Ranch and Upper Verde River Wildlife Area recommended for

	southeastern Arizona, Bill Williams River, and the upper Verde River; formerly on Agua Fria			exclusion from CH because of Department's commitment to conservation.
Narrow-headed gartersnake	Perennial streams draining the Rim in Northern Arizona	List as threatened with Critical Habitat	Comments submitted on proposed threatened status and Critical Habitat, awaiting final rule	Little to none: mostly Forest Service and tribal lands. Fisheries management already takes Narrow-headed gartersnake into consideration.
Yellow-billed cuckoo	Perennial streams below Rim in southern and central Arizona, and in cottonwood restoration sites along Colorado River, Bill Williams Refuge	List as threatened in distinct population segment in western US only	Comments submitted on proposed threatened status and distinct population segment, awaiting final rule	Minor: may impact Federal agency planning overlaps much of already designated willow flycatcher Critical Habitat.
Lesser long-nosed bat	Southern Arizona deserts	Down-list from endangered to threatened	Comments submitted AGFD agreed with down-listing, awaiting final rule	Positive: Department involvement and data contributed to down-list proposal

### Activities of major nongame wildlife projects in Arizona

The bulleted section below summarizes activities of select nongame wildlife projects from April 2013 through April, 2014. Projects include Black-footed ferret, plague vaccine trials for prairie dogs, California condor, Northern Leopard Frog, Conservation agreements, Jaguar/Ocelot, Mexican wolf, Mt. Graham red squirrel, the International Borderlands program, and Sonoran pronghorn. Each project addresses an identified conservation need for nongame wildlife in Arizona.

#### Black-footed ferret spotlighting:

- 98 individual ferrets were counted in Aubrey Valley in 2013; not a record for AZ but the highest number in the country for 2 years in a row
- 58 ferrets from the BFF Conservation Center in Colorado were released in Aubrey Valley in October and November 2014
- Two ferrets, one male one female were released on the Espee Ranch in May; these were the first ferrets released on the Espee Ranch since 2009.

#### Oral Sylvatic Plague Vaccine (SPV) field trials for prairie dogs:

- Completed year 1 of the SPV field trials on the Espee Ranch in summer 2013
- Over 100 prairie dogs were trapped and processed on the SPV paired plot; this included microchipping, eartagging, collecting blood, and obtaining hair and whisker samples
- Year 2 of the SPV field trials to begin in summer 2014.

#### California condor:

- This last hunting season (2013), the Department continued a hunter participation rate of >85% in the voluntary lead reduction program. This is in spite of the extreme difficulty in providing non-lead ammunition to the hunters. 75% of the hunters who were using lead bullets packed out their lead shot gut piles
- 2013 was the lowest percentage of birds tested with toxic levels of exposure in 9 years (blood lead levels greater to than or equal to 65 ug/dl.)
- Successful first year participation of the Kaibab Paiute tribe at the gut pile removal effort. This was heralded as an outstanding first step. Thanks to Danny Bullets of the tribe for his leadership on this project. Experiences from this first year will inform process improvements for future years
- 3 of the 4 chicks from last year have survived to this point; they have fledged and are feeding and being tended by their parents
- There are 4 active nesting pairs still this year, including the first nesting attempt ever in program history in Utah
- 20 satellite transmitters were installed onto the condors from grants received by the Department. These will help to understand better where the lead poisoning events are occurring, which is a critical next step in the program progress.

#### Northern leopard frog:

- The Department's 2<sup>nd</sup> refugium for Northern Leopard Frogs on BLM lands on the Paria Plateau is doing well after two years of wild to wild eggmass translocations from a Utah source population. In April 2013 and again in April 2014, frogs reproduced successfully. This refuge population will be used in future translocations to sites on the Arizona Strip, including the Kaibab Plateau
- After completing environmental compliance for northern leopard frog translocations to the Kaibab National Forest, the Department is ready to repatriate frogs to historical locations such as Coleman Lake, south of Williams. Our source will be our first refugium for the species established at House Rock Wildlife Area where frogs continue to thrive.

#### Conservation agreements:

- The Department continued to participate in the implementation of the Conservation Agreement for the flat-tailed horned lizard. The Department has taken the lead for data analysis and reporting for the other agencies in Arizona and California who monitor this species. This agreement has served to preclude listing for flat-tailed horned lizard
- A draft Candidate Conservation Agreement with Assurances (CCAA) for roundtail and headwater chub was completed by staff from nongame wildlife program, fisheries branch, and wildlife management division headquarters. That draft is in review with the USFWS. When implemented, this agreement will provide take authority for non-federal landowners should those species become listed.
- Babbitt Ranches signed a Safe Harbor Agreement (SHA) and the Reintroduction Plan for black-footed ferrets in April 2014. This was the first SHA for black-footed ferret signed in Arizona

#### Jaguar/Ocelot:

- There have been 41 events and 73 new photos taken of the same individual jaguar in scattered locations of the Santa Rita Mountains during this reporting period; the latest photo was taken on April 10, 2014

- There have been 3 individual ocelots photographed in southeastern Arizona during this reporting period
- One individual ocelot, first documented in February 2011, was photographed during 2 events during this reporting period. The last photo of this individual occurred in May 2013
- One individual ocelot, first documented in May 2012, was photographed during 3 events during this reporting period. The last photo of this individual occurred in November 2013
- A single photograph of a new individual ocelot was taken during a single event on April 8, 2014.

#### Mexican wolf:

- In April 2013 the Arizona contingent of the Mexican wolf project documented three packs denning and conducted den visits and pup counts for two of those packs. The Bluestem Pack produced 6 pups and the Maverick Pack produced a minimum of 2 pups. The Tsay-o-Ah Pack denned on the Fort Apache Indian Reservation (FAIR) and the Interagency Field Team (IFT) did not obtain a pup count from that pack
- The Arizona contingent of the IFT successfully trapped and collared 7 wolves in Arizona during the August to November of 2013 trapping season
- During the summer of 2013 the Paradise Pack killed four head of livestock within a 365 day period. On September 1, a removal order was issued for the Paradise Pack which consisted of two adult wolves (AM795 and AF1056)
- On October 23, the IFT captured and permanently removed AM795 from the Paradise Pack with the aid of a helicopter. During this operation the IFT captured and collared a previously uncollared wolf from the Maverick Pack (m1336) and re-collared a single wolf (M1249) with a new GPS collar
- On December 3, the USFWS held a public hearing on federal proposals regarding gray wolf delisting nationally from the Endangered Species Act and Mexican wolf relisting and 10j rule revisions at the Hon-Dah resort and casino on the FAIR. The event was well attended.
- On April 2, 2014 the IFT hard released the Hoodoo Pack (F1218 and M1290) at Fish Bench in Arizona. The pair stayed together for three days and then split up following an aggressive encounter with the Maverick Pack. The pair has not gotten back together
- On April 9, 2014 the IFT hard released the Coronado Pack (different male than the Coronado pair from the failed initial release attempt in May 2013) near Conklin Creek in Arizona. The pair remained together for 2-3 days and was then split up by the Maverick Pack
- On January 19, the IFT started the annual helicopter population survey and capture. The IFT caught and collared a total of eleven wolves during this operation. Two of the wolves collared during the operation (AM1038 of the Hawks Nest Pack and AM1341 of the Bluestem Pack) were collared with GPS collars to be used later in February and June for a pilot study to examine Mexican Wolf predation rates. The other nine wolves collared were either replacement collars or previously uncollared wolves. The results of the population survey revealed that there were 37 wolves in Arizona dispersed among 7 packs with one breeding pair at the end of 2013.

#### Mount Graham red squirrel:

- The fall census was conducted at the end of September resulting in a conservative estimate of 272 (+/- 10) squirrels. This is an increase from last year's estimate of 212 (+/- 11).
- The USFWS has re-initiated capture efforts associated with their captive breeding pilot project. Their plan remains to collect up to 8 individuals (up to 4 females) over the 10-year project; 3 females and 1 male during the first year. No captures occurred in 2013.

#### International and borderland program

##### Black-tailed prairie dog and black-footed ferret:

- A recent population survey of black-tailed prairie dog colonies by Mexican partners at the Janos Biosphere Reserve in northern Chihuahua, Mexico, indicated a general decline in numbers, but some colonies continue to sustain healthy populations. The Department is assisting with implementing conservation actions for the prairie dogs and black-footed ferrets. The Reserve is a unique grassland ecosystem containing the largest prairie dog complex in North America
- In addition, the Department continued to monitor population status of black-tailed prairie dogs in northern Sonora where population declines have also been observed. A new population survey will take place in late July.

##### Sonoran pronghorn:

- Another Sonoran pronghorn population survey in Sonora, Mexico, was conducted on December 7–10, 2013. Due to maintenance issues with one of the aircraft, only the area on the east side of Highway 8 was completed. 372 pronghorn were observed (compared to 167 on the last survey in 2011 in the same area), and the estimate for that part of the range was 434 (versus 189 in 2011).
- The Sonoran Pronghorn Recovery Team continues to develop a Population and Habitat Viability Assessment, as well as updating the Sonoran Pronghorn Recovery Plan with bi-national components.

##### Wetlands training and migratory birds conservation

- The 16th Wetlands Workshop in Mexico was held on February 2014 at the Estero El Soldado (north of Guaymas, Sonora) where more than 200 resident and migratory bird species have been recorded. This award-winning training program contributes to meeting the goals of the North American Waterfowl Management Plan
- Partners in Central Mexico are conducting bird monitoring and habitat restoration projects around Lake Chapala, with Department's assistance. Lake Chapala is the largest natural lake in Mexico and an important wintering ground for many bird species of concern along the Pacific Flyway.

##### Sonoran pronghorn:

- Thirty-four fawns were recruited in the Cabeza Prieta captive breeding pen during the 2013 fawning season. There are 31 fawns so far for the 2014 fawning season; one doe has triplets
- Only 2 fawns were recruited into the Kofa captive breeding pen in the 2013 fawning season; at least 11 fawns were produced, but most died in June 2013 from unknown causes. There are 13 fawns so far for the 2014 fawning season

- During the annual releases in December 2013 from the Cabeza and Kofa pens, 95 pronghorn were handled, vaccinated and marked with no mortalities or serious injuries. All the released pronghorn are alive and well
- The Department continues to document wild pronghorn using water and forage enhancements, especially during the summer months. Two new waters were constructed on Kofa, and one was enlarged to reduce water hauling needs on Cabeza
- The wild herd on Kofa now numbers 27 adults; the 3 pronghorn known to still be alive from last year's release have been seen with the herds of pronghorn from this year's release. In addition, at least 9 fawns have been seen in the wild herd on Kofa this spring.

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#### 21. Road Use Agreement at Lower San Pedro River Property

**Presenter:** Joyce Francis, Habitat Branch Chief

Ms. Francis provided a briefing and PowerPoint presentation on the Department's proposed Road Use Agreement with an adjacent private landowner for access through the Lower San Pedro River Property. The previous owner of the Commission's Lower San Pedro River Property (Triangle Bar Ranch) had an agreement allowing an adjacent landowner access through the property on an existing dirt road during high river flows. Without this alternative access, the adjacent landowner would be unable to access his property during these conditions. The Department would like to continue this arrangement by entering into a road use agreement with the adjacent landowner. Conditions of the agreement would allow the adjacent landowner access only during high flow events. The agreement would be for a period of 20 years.

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

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#### 23. Request to Approve a Memorandum of Understanding (MOU) with the Town of Clarkdale

**Presenter:** Mark Weise, Development Branch Chief

Mr. Weise briefed the Commission on an a proposed MOU with the Town of Clarkdale, which will enable that Town's full participation under the Department's Federal Aid F-19-D Project (Arizona Boating Access Program). Based on inter-agency coordination between the Department and the Town of Clarkdale (Town), there is a mutual desire to expand opportunities for the Town to participate in the Department's Federal Aid F-19-D Project. The Town is specifically interested in improving paddlecraft access to the Verde River, including opportunities for the construction, improvement or maintenance of public boating access facilities.

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

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24. Request to Approve a Memorandum of Understanding (MOU) with the City of Yuma.

**Presenter:** Mark Weise, Development Branch Chief

Mr. Weise briefed the Commission on a proposed MOU with the City of Yuma, which will enable that City's full participation under the Department's Federal Aid F-19-D Project (Arizona Boating Access Program). Based on inter-agency coordination between the Department and the City of Yuma (City), there is a mutual desire to expand opportunities for the City to participate in the Department's Federal Aid F-19-D Project. The City is specifically interested in improving watercraft access to the Colorado River, including opportunities for the construction, improvement or maintenance of public boating access facilities.

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

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25. Request for the Commission to Approve a Cooperative Agreement Among the Arizona Game and Fish Commission, Nevada Department of Transportation and the Nevada Department of Wildlife

**Presenter:** Jeff Gagnon, Wildlife Contracts Branch

Mr. Gagnon briefed the Commission on a proposed Cooperative Agreement among the Arizona Game and Fish Commission, Nevada Department of Transportation and the Nevada Department of Wildlife to allow the Department to enter into contracts to implement wildlife studies along the Boulder City bypass in Nevada in cooperation with the two State of Nevada agencies. The Nevada Department of Transportation and the Nevada Department of Wildlife wish to utilize the expertise of the Department to minimize impacts of the proposed Boulder City Bypass on their resident desert bighorn sheep population. The proposed bypass is immediately across the Colorado River from Arizona's Black Mountain desert bighorn sheep population, and speculation persists that the populations may be contiguous, or at least genetically connected.

Because of the expertise the Department's Wildlife Contracts Branch has developed over the years in designing, planning and monitoring the efficacy of wildlife crossing structures and funnel fencing, the State of Nevada has asked the Department to participate in the project. This section of highway is designed to bypass Boulder City and will bisect critical desert bighorn sheep habitat. Wildlife crossing structures and associated fencing minimize the impact of roadways on direct mortality of wildlife and blockage of movements causing habitat fragmentation, and improve highway safety for motorists. In addition, the Wildlife Contracts Branch has developed efficient videography methodologies and capture and handling techniques on a variety of species, including desert bighorn sheep. All costs of the Department's involvement will be paid for by the State of Nevada under appropriate Collection Agreements.

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

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25A. Commission Policy on Bonus Points

**Presenter:** John Bullington, Assistant Director Special Services

Mr. Bullington briefed the Commission on a proposed draft Commission Policy regarding the Commission's position on Bonus Points. The draft policy 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.

Chairman Harris requested that the Department work on the draft policy with Commissioner Davis and some of the constituent groups, and then bring that back to the next regular Commission meeting.

The Commission was in consensus.

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26. Up the Creek Grill Encroachment at the Page Springs Hatchery

**Presenter:** Joyce M. Francis, Habitat Branch Chief

Ms. Francis briefed the Commission on the due diligence costs associated with the disposal to the Up the Creek Grill at the Page Springs Hatchery and who will be responsible for these costs. A 1990 Department commissioned survey determined that a portion of the Page Springs Restaurant, now known as Up the Creek Grill, encroached upon Page Springs Hatchery land. The Department took no action at that time. A portion of the restaurant, the parking area, and the leach field are on Commission-owned property. In addition, patrons of the restaurant often park on the south side of Page Springs Road and walk across the road to access the restaurant. The current owners purchased the restaurant in January 2012. On June 22, 2012, the Commission approved the Department entering into an interim license agreement and to proceed with disposal of 0.32 acres of the Page Springs Hatchery to the Page Springs Restaurant, now known as Up the Creek Grill. The owners have requested the Department cost share on a 50/50 basis the due diligence costs associated with the disposal. The due diligence costs include two appraisals, appraisal review, cultural resource survey, and public notice. The estimated total cost for due diligence is \$21,100. Since the Hatchery was included in the Department's Federal Aid Program in 1993, an Environmental Assessment (EA) must be completed and the exchange approved by the USFWS. Department and USFWS staff will draft the EA. The estimated fair market value of the property is \$14,500 (\$45,000/acre) for the parcel.

**Motion:** Mansell moved and Ammons seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO DISPOSE OF THE PROPERTY AND THAT UP THE CREEK GRILL BE RESPONSIBLE FOR ALL DUE DILIGENCE COSTS ASSOCIATED WITH THE DISPOSAL OF THE PROPERTY.

**Vote:** Unanimous

4 to 0

Madden not present

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27. Commission Policy on Engagement at the Regional and National Level**Presenter:** Ty Gray, Deputy Director

Mr. Gray presented the Commission with a new draft Commission Policy, A2.1, (attached) on engagement at the regional and national level. At the April 2014 Commission meeting, the Commission directed the Department to draft a new Commission policy regarding the Commission and Department's engagement on regional and national issues to ensure that Arizona's conservation interest are represented, and to meet the objective of being the nation's leading wildlife agency and conservation leader.

**Motion:** Harris moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE THE DRAFT COMMISSION POLICY A2.1 ON ENGAGEMENT AT THE NATIONAL AND REGIONAL LEVEL.

Commissioner Davis reiterated for the record that the work of the Department and Commission at the national level is imperative for every hunter, angler, wildlife viewer, and OHV person, etc. This work is critical and the people of Arizona should be proud of the engagement this Department has on national issues, with national organizations, NGOs, and the federal government. This is a very important part of being the nation's leading wildlife agency.

**Vote:** Unanimous  
4 to 0  
Madden not present

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29. Law Enforcement Policies and Directives associated with Travel Management Rules on Federal Lands**Presenter:** Jim Hinkle, Assistant Director, Field Operations Division

Mr. Hinkle provided an update on current law enforcement policies and directives associated with travel management rules on federal lands. The update covered Commission Policy A2.38 (attached) Travel Management and Access upon Arizona's Public Lands for the Enjoyment of Arizona's Wildlife Resources and Outdoor Recreation.

At the last Commission meeting, the Commission requested a briefing on law enforcement policies and directives associated with travel management rules on federal lands. There is one Commission policy and two law enforcement directives that speak to the Department's enforcement direction for travel management. The Commission Policy A2.38 was approved by the Commission in 2013 that prescribes the tenets and philosophies for how the Department is to engage in planning with federal partners. The key tenet of this policy is that wildlife is held in trust for the public and access should not be denied or restricted without cause. The policy establishes that the Commission has a high priority on conserving existing access, modes of access, and improving access. The policy also states that it is unacceptable for federal multiple-use land management agencies to establish regulations that the public cannot understand, that the

federal land management agency cannot effectively enforce, and that imposes a mandate on state and local law enforcement for unreasonable and unenforceable mandates. The policy also directs the Department to actively engage in these access and planning issues and to always maintain standing so that the Commission can seek remedies for injuries to the Department or its customers.

Commission Policy A2.38 establishes the framework for two law enforcement directives. Law Enforcement Directive 1024 (attached) was approved in October 2012 in response to emerging decisions on travel management where it was clear that there was a high degree of inconsistency across Forests and Districts. Law Enforcement Directive 1025 (attached) was issued in September 2013 in response to the passage of House Bill 2551 that amended ARS § 28-1173. Because of House Bill 2551, the Department does not have enforcement authority on federal land that is closed to off-highway vehicles. The Department and the County Sheriffs Association would like to amend this legislation in the future to allow for law enforcement authority.

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### 30. Hunter Safety in Arizona and Hunter Orange Requirements in the West

**Presenter:** Kellie Tharp, Education Branch Chief

Ms. Tharp provided a PowerPoint presentation and informational briefing on hunting related safety statistics in Arizona and other states and hunter orange requirements in the west and across the nation. The presentation included charts and graphs of hunter safety data, hunter incidents and fatalities, and how that relates to wearing hunter orange. Information provided included the following:

Hunting is one of the safest forms of recreation in the United States with an estimated 41 injuries per 100,000 participants. Compared to other forms of recreation, tackle football has 5,197 injuries per 100,000 and camping has 12 injuries per 100,000. Since 1985, Arizona has had 156 incidents; 13 fatal (one being a heart attack) and 143 non-fatal. Hunter judgment was related to 67 (43% of all incidents are hunter judgment related); 2 were fatal and 65 non-fatal.

Hunter Orange requirements are aimed solely at reducing the number of vision-related incidents. There are 41 states that require hunter orange: Of those, 22 require hunter orange for Big Game, 6 for all hunting, 2 for certain areas, such as National Forest or Military, and 11 are species specific.

In comparison, based on the 2013 Hunter Incident data, Arizona ranks 18 out of the 50 states as being one of the safest states. When comparing the western states that don't require hunter orange all rank in the top 18 with the exception of California (ranked 33).

Arizona Hunter Education teaches that the most important clothing choices are a daylight fluorescent orange hat and outerwear. The orange color of clothing should be plainly visible from all directions. Students are taught that this is required by law in many states.

The Department is involved in outreach for hunter orange and seeks appropriate avenues to educate the public about the benefits of wearing hunter orange. A grant was received from the

Rocky Mountain Elk Foundation that will provide all Hunter Education graduates a hunter orange hat. All Hunter Education Instructors wear hunter orange during the field day.

Public Comment

Dean Pederson, representing himself, addressed the Commission in opposition to making hunter orange a requirement.

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33. Request to Approve an Interagency Agreement between the Department and the State Parks Board

**Presenter:** Gene F. Elms, Law Enforcement Branch Chief

Mr. Elms briefed the Commission on a proposed Interagency Agreement (ISA) with the State Parks Board. This ISA between the Commission and the Arizona State Parks Board (Board) was crafted to create a long term partnership that will protect a historical data set and ensure the continued study of Arizona recreational watercraft usage. This data will assist the Department and partnering county watercraft agencies with allocation of resources. The data will also assist the Commission in its Law Enforcement Boating Safety Fund calculations and budgeting process. Per the ISA, the Department will be responsible for ensuring the survey is conducted once every three years. The ISA also affirms that the Board will fund the statewide recreational watercraft use survey utilizing a portion of its SLIF funding.

**Motion:** Davis moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE THE INTERAGENCY SERVICE AGREEMENT BETWEEN THE ARIZONA STATE PARKS BOARD AND THE ARIZONA GAME AND FISH DEPARTMENT.

**Vote:** Unanimous  
4 to 0  
Madden not present

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36. Election of Commission Chair and Vice-Chair for July 1, 2014 through June 30, 2015 and Election of Positions and Appointments to Standing Committees.

**Presenter:** Ty Gray, Deputy Director

**Motion:** Ammons moved and Davis seconded THAT THE COMMISSION VOTE TO APPOINT COMMISSIONER ROBERT MANSELL AS THE COMMISSION CHAIRMAN FOR THE TERM OF JULY 1, 2014 TO JUNE 30, 2015 AND COMMISSIONER KURT DAVIS AS COMMISSION VICE CHAIRMAN FOR THE SAME TERM.

**Vote:** Unanimous  
4 to 0  
Madden not present

Chairman Elect Mansell selected the following Commissioner appointments to committees and chairs:

- Heritage Public Advisory Committee (HPAC), Commissioner Harris
- Habitat Partnership Committee (HPC), Commissioner Harris
- Landowner-Lessee/Sportsman's Relations Committee (LLSRC), Commissioner Madden
- Legislative Committee, Chairman Mansell and Commissioner Davis
- Sportsmen's Constituency Group (SCG), Commissioner Ammons as voting member and the new incoming Commissioner as Ex Officio.

Each Commissioner acknowledged agreement and accepted their appointments.

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34. Petition by Donald Reid to receive an archery tag or reinstate his bonus points

**Presenter:** Lizette Morgan, CFO, Business & Finance

Ms. Morgan presented the Commission with a petition by Mr. Donald Reid to receive an archery tag or have his bonus points reinstated. His petition claims that he was drawn for a general elk hunt instead of the archery only hunt number that he entered during the online process. Mr. Reid was drawn for his first choice, hunt 3018, a general bull elk permit in unit 9 with hunt dates of November 28, 2014 to December 4, 2014. Mr. Reid wrote to the Department in May of 2014 stating that he believed an error had occurred and because he was certain that he had applied for hunt 3118 and 3119, which are archery only hunts earlier in the season. The Department investigated and the application was completed online and there was no indication of a system error. The Department responded to Mr. Reid, advising him of the statutes and that his circumstances did not qualify for bonus points to be reinstated. The Department also provided the process to petition the Commission. Mr. Reid is requesting the reinstatement of his bonus points. There is currently no provision in rule to allow the Department to provide any relief under these circumstances.

**Motion:** Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO DENY THE PETITION BY MR. DONALD REID.

**Vote:** Unanimous  
4 to 0  
Madden not present

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35. Petition by James Meadows to reinstate his bonus points

**Presenter:** Lizette Morgan, CFO, Business & Finance

Ms. Morgan presented a petition by Mr. James Meadows to have his bonus points reinstated. His petition claims that he is physically unable to participate in the hunt he was drawn for. Mr. James Meadows was drawn for his second choice, hunt 3110, muzzleloader bull elk permit in unit 16A with hunt dates of September 26, 2014 to October 2, 2014. Mr. Meadows' petition

states that he applied for that hunt thinking he would not get drawn because of the limited number of tags and he would gain a bonus point. Mr. Meadows is requesting the reinstatement of his bonus points. There is currently no provision in rule to allow the Department to provide any relief under these circumstances.

**Motion:** Davis moved and Mansell seconded THAT THE COMMISSION VOTE TO DENY THE PETITION BY MR. JAMES MEADOWS.

Chairman Harris stated that the Commission has no authority in this case to reinstate bonus points, but the Commission and Department are currently working on remedies for situations like this that is on schedule to begin in January 2015.

**Vote:** Unanimous  
4 to 0  
Madden not present

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#### 5. Executive Session (pulled from Saturday's agenda)

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

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

**Vote:** Unanimous

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Meeting recessed for lunch at 1:36 p.m.

Meeting reconvened at 1:50 p.m.

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#### 32. Rehearing Request Regarding Previous License Revocation/Civil Assessment

**Presenter:** Gene F. Elms, Law Enforcement Branch Chief

Mr. Elms presented the Commission with a request for rehearing by Nathan D. Welsh regarding the suspension of his license privileges. On August 26, 2013, Mr. Welsh was convicted in the Prescott Justice Court for obtaining a resident lifetime license by misrepresentation. On February 7, 2014, the Commission revoked Mr. Welsh's hunting, fishing and trapping license for a period of three (3) years. Mr. Welsh has requested a rehearing of this matter and decision because he has newly discovered material which could not have been discovered and produced at the original hearing. Mr. Welsh has been notified of the hearing by certified mail. The Commission has been provided with all pertinent materials regarding this case.

Mr. Welsh was present.

**Motion:** Ammons moved and Mansell seconded THAT THE COMMISSION VOTE TO DENY THE REHEARING.

**Vote:** Unanimous  
4 to 0  
Madden not present

The Commission later re-opened this agenda item during the license revocation hearings. The petitioner, Mr. Welsh, indicated to Department staff that he had wanted to speak to the Commission in regards to his petition.

Chairman Harris agreed to re-open the matter and the Commission was in consensus.

Mr. Welsh addressed the Commission and stated that the District Attorney could not write a statement of what she had advised him, but that if the Commission would call her, she would tell the Commission exactly what she told him. She said that she wanted to throw out the case, but thought she was doing something that would help him and still get one conviction with a fine. She later told him she didn't know that having his license revoked was even a possibility.

Commissioner Mansell confirmed with Mr. Welsh that the District Attorney was not willing to provide a statement and further discussed that he did not believe it was reasonable to think it was the responsibility of the Commission to make that phone call.

Case Officer Nemlowill addressed the Commission and stated that she had contacted the District Attorney, who adamantly denied making the statement that she would have thrown out the case and she was unwilling to provide any statement for Mr. Welsh as relief with this issue. She admitted not informing Mr. Welsh about the revocation process, but did not believe it was her responsibility as part of the criminal process.

The Commission was in consensus that its decision stands regarding the license revocation of Mr. Welsh.

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

**Presenter:** Gene Elms, Law Enforcement Branch Chief

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

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Meeting recessed for the day at 5:00 p.m.

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Meeting reconvened Saturday at 8:00 a.m.

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Chairman Harris called the meeting back to order and led those present through the Pledge of Allegiance, followed by introductions. Chairman Harris announced that this is an informal meeting for presentations and discussions with regional staff and the public. Commissioner Davis was not present for the Saturday portion of this meeting.

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### 1. Payson and Mogollon Rim Community Forum

**Presenter:** Rod Lucas, Mesa Regional Supervisor

Mr. Lucas facilitated an informal forum and discussion of current and future matters involving the Arizona Game and Fish Department and the Payson and Mogollon Rim community. The community forum included presentations from outside agencies/ organizations as well as presentations from Department staff on partnerships, projects and future matters with focus on the Payson and Mogollon Rim area. Topics presented and discussed included the following:

- Payson and Mogollon Rim Community Leadership Perspective – Payson Mayor Kenny Evans
- Region 6 Bighorn Sheep Management – Game Specialist Dustin Darveau
  - John Clemons – President, ADBSS
- Central AZ Grasslands Conservation Strategy – Habitat Program Manager Kelly Wolff-Krauter
- Horseshoe CRMP – Field Supervisor Pat Crouch
  - Lessee/Livestock Operator Perspective – John T. Holbrook, JH Cattle Co.
- Payson Area Human-Wildlife Conflict Management & Strategies – Payson WM Jarrod McFarlin
- Roosevelt Lake Fisheries Management – Fisheries Program Manager Curt Gill
  - Jim Goughnour - Chairman, Mogollon Rim Country Angler Roundtable
- Tonto National Forest Planning Processes – Forest Supervisor Neil Bosworth and Forest Planner Ken Born

The Commission expressed their appreciation for the community members that participated in this forum and for the presentations. There were no additional topics raised or discussed.

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Meeting recessed for a break at 10:20 a.m.

Meeting reconvened at 10:22 a.m.

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### Public Comment

John Koleszar, President, Arizona Deer Association, commented on the Mexican gray wolf program. There have been comments made by certain groups regarding the survey from last year. In his research of the survey, where it speaks of 70% of the population of Arizona in favor of more wolves and the desire for more involvement with the Department in pro-wolf activities, he has found that the company that did the survey is a company for profit and the results are disingenuous and dishonest.

Director Voyles requested that Mr. Koleszar provide his research information to the Department for review.

## 2. Consideration of Proposed Commission Orders 19, 20, and 24 for the 2014–2015 Hunting Season

**Presenter:** Anis Aoude, Small Game Management Supervisor

Mr. Aoude presented the Commission with the Department's proposals for Commission Orders 19 (dove), 20 (band-tailed pigeons), and 24 (sandhill cranes) for establishing seasons and season dates, bag and possession limits, and open-closed areas for the 2014-2015 hunting seasons. A Power Point presentation was provided that included historical information, graph comparisons, survey data, and maps. A detailed description of all proposals was provided to the Commission prior to this meeting for review and consideration and was also available for public review at all Department offices. Information provided to the Commission included the following:

### Commission Order 19 – Dove

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

*Mourning dove*—HIP harvest data for the 2012 dove seasons indicated the number of hunters hunting mourning doves decreased 9.3% from the 2012 season. Similarly, the number of days, hunters spent in the field decreased by 10.1% in 2012. According to HIP, the total mourning dove harvest in 2012 was 601,200 birds, a decrease of 23.3% from the previous year's harvest. HIP data for 2013 are not yet available.

*White-winged dove*—HIP harvest data for the 2012 seasons indicate 86,000 white-winged doves were harvested, a 27.7% decrease from 2010. HIP data for 2013 are not yet available.

*Dove call counts*—White-winged dove call counts are conducted each year during the last week of May. We no longer conduct mourning dove call counts, since we have moved to using banding data to manage this species. We conducted our annual white-winged dove call count surveys, but the data was not available when this memo was written. The 2013 call count index for White-winged doves was 25.3, a slight increase from the 2012 index (21.2).

*Changes to Mourning dove bag and possession limits*—In March 2013, the Pacific Flyway Council adopted a new harvest strategy for mourning doves for implementation in the 2014-2015 season. This harvest strategy does not use roadside surveys, but instead relies on mourning dove absolute abundance estimated from band recovery and harvest data. This is a much more reliable monitoring method that allows us to harvest more doves. Regulatory alternatives (packages) are prescribed based on abundance thresholds depicted as percentages of the population size. There are 3 packages, Standard, Restrictive and Closed. Current (2012) Western Management Unit (WMU) mourning dove abundance estimate is 70,351,605. This number qualifies Arizona to have a standard package, which allows for a 15 mourning dove bag limit and a 60 day season.

### Season Structure Recommendation:

The Department recommends no change to the season structure for mourning doves and white-winged doves from the 2013 recommendation. The 2014 recommendation is for a September season of 15 days from September 1–15 as per Federal Frameworks. The late season recommendation is for the season to be open from November 21, 2014 to January 4, 2015 for mourning doves only. This recommendation is the maximum number of days allowed under Federal Frameworks.

For the early season the Department recommends an aggregate bag of 15 mourning doves and white-winged doves; of which no more than 10 may be white-winged doves, a possession limits for the early season are 45 mourning doves or white-winged doves in the aggregate of which no more than 30 may be white-winged doves. During the remainder of the season, the daily bag limit is 15 mourning doves and 45 in possession.

The dates for the Robbins Butte junior's-only hunt are recommended for September 6–7, 2014. Within the area, shooting stations will be established to accommodate 2 junior hunters each. Should demand exceed supply, shooting stations will be assigned by a drawing at 4:45 a.m. at the Robbins Butte Wildlife Area headquarters. To facilitate hunt operation, hunters will be required to check in and out. Bag limits and shooting hours will be the same as for the general season. Personnel from the Hunter Education Program and Region 6 will conduct the hunt.

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

The Department recommends the Eurasian collared dove season to remain open yearlong (September 1, 2014 through August 31, 2015) with an unlimited bag limit. Falconry remains a recommended legal method of take with an open season yearlong for Eurasian collared doves. Pneumatic weapons are recommended as a lawful method of take for Eurasian collared doves.

### Commission Order 20 – Band-tailed Pigeon

In 1997, the Harvest Information Program (HIP) replaced Arizona's harvest survey protocol for band-tailed pigeon. Band-tailed pigeons have always been difficult to survey for both harvest and population information. The principle management difficulty with these birds is that few hunters hunt them, so harvest information is difficult to estimate since traditional surveys often miss the majority of band-tail pigeon hunters. In addition, band-tailed pigeon distribution is spotty and changes from year to year. Birds typically congregate where mast and other food sources are abundant, but those areas differ from year to year and may even change mid-summer.

Harvest information obtained from band-tailed pigeon hunters for the 1999–2012 seasons indicate Arizona has between 400 and 2,300 active hunters; 1,100 hunters were estimated in 2012. HIP harvest estimates indicate variable harvest of band-tails over 2002–2012 (1,000, 1,400, 1,400, 2,200, 500, 1,000, 1,300, 2,300, 700, 1,000 and 1,300 respectively). Data from 2013 are not yet available.

### Season Structure Recommendation:

The Federal Frameworks for band-tailed pigeons within the four-corner states allows for a liberal season, 30 consecutive days between September 1 and November 30 with a bag and possession limit of 5 and 15, respectively. Based upon a declining population trend from the Breeding Bird Survey data and unpredictable harvest over time, we are recommending a more conservative harvest strategy than the Federal Framework allows.

The Department is recommending that the season be September 5–September 28, 2014, which allows for 4 weekends of hunting opportunity. Bag and possession limits of 2 and 6, respectively, are recommended statewide.

### Commission Order 24 – Sandhill Crane

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

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

In 2014, the Department will hold check stations for sandhill crane hunts in Arizona. Check stations for RMP cranes are mandated every 3 years. Of 340 birds checked in 2011, 34 were determined to be RMP cranes. Arizona's allocation of RMP cranes for 2013 was 51. Arizona remained well within the allocation last year. Since the inception of the hunt in 1981, Arizona has never exceeded its allocation for RMP cranes.

Arizona's allocation for 2014 is 45 RMP cranes. The three year average that includes the most recent 2012 population estimate for RMP cranes was 17,992. This allocation is a reflection that RMP crane populations are within the population objective (17,000–21,000) defined in the management plan for sandhill cranes in the Pacific Flyway.

Arizona has conducted its own January survey of MCP and RMP sandhill cranes since 1978 and that survey shows a steady increase in the numbers of cranes wintering in the state. In 1978, the Department counted 4,264 wintering cranes in Arizona. In the 2014 survey, 26,796 cranes were counted. Wintering habitat in both White-Water Draw and Wilcox Playa and widespread corn production in the Sulfur Springs Valley is the primary reason Arizona winters so many sandhill cranes.

**Season Structure Recommendation:**

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

The Department recommends three general 3-day hunts beginning on November 14, for 85 hunters in each hunt and a fourth general 3-day hunt beginning on November 26 for 25 hunters. An archery hunt is recommended for November 7–9 and a junior’s-only hunt is recommended for December 5–7 for 25 hunters in each hunt. There will be at least one non-hunt day between each hunt. All hunters that successfully draw for cranes are recommended to receive 2 permits.

The Department recommends one hunt for 10 hunters in Unit 28 to address depredation complaints. The hunt is recommended for November 26-28.

With the recommended season structure, the Department estimates total harvest will be between 200 to 350 cranes. The predicted RMP harvest is estimated at 25–45 birds. This is within the 2014 RMP allocation for Arizona (45).

**Motion:** Ammons moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE, SUBJECT TO FINAL FEDERAL FRAMEWORKS, COMMISSION ORDER 19: DOVE, COMMISSION ORDER 20: BAND-TAILED PIGEON, AND COMMISSION ORDER 24: SANDHILL CRANE, AS PRESENTED.

**Vote:** Unanimous  
3 to 0  
Davis and Madden not present

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4. Consideration of Applications for Special Big Game Hunt License Tags for Antelope, Bighorn Sheep, Black Bear, Buffalo, Elk, Javelina, Mountain Lion, Mule Deer, White-tailed Deer, and Turkey for 2015–2016

**Presenter:** Brian F. Wakeling, Game Branch Chief

Mr. Wakeling briefed the Commission using a PowerPoint presentation and presented applications from organizations for the 2015–2016 Special Big Game License Tags as per R12-4-120. A detailed description of all proposals was available for public review at all Department offices and was provided to the Commission prior to this meeting for review and consideration.

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

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

auction will be sold at the annual Arizona Antelope Foundation Banquet and the other will be auctioned at the Wild Sheep Foundation Convention in Reno, NV.

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

Arizona Bowhunters Association (ABA): Requests one (1) Special Javelina License Tag, one (1) Black Bear Special License Tag and one (1) Buffalo Special License Tag. All tags will be auctioned at the 2015 ABA Annual Awards Banquet/2015 Bowhunter Happening. The ABA also supports the Arizona Big Game Super Raffle and is in favor of one tag for each species to be awarded to that organization.

Arizona Deer Association (ADA): Requests two (2) Special Mule Deer License Tags, and two (2) Special Whitetail Deer License Tags, all to be auctioned at the 2015 ADA Annual Fundraiser or other ADA sponsored event. The ADA also supports the issuance of one of each Big Game Special License Tags to the Arizona Big Game Super Raffle Committee. If for some reason the tags would not be given to the Arizona Big Game Super Raffle directly, the ADA request that they be granted the mule deer and whitetail deer tags to be raffled through the Arizona Big Game Super Raffle, or to be auctioned at the ADA's 2015 fundraiser or another ADA sponsored event.

Arizona Desert Bighorn Sheep Society (ADBSS): Requests one (1) Special Bighorn Sheep License Tag for a *Mexicana* desert bighorn sheep in the southern GMUs, with the auction occurring at either the Wild Sheep Foundation 2015 Convention, the Safari Club International 2015 Convention, or the Arizona Desert Bighorn Sheep Society 32nd Annual Fundraising Banquet in March, 2015. ADBSS also requests one (1) Special Bighorn Sheep License Tag for Rocky Mountain bighorn sheep in the eastern GMUs, to be auctioned at the ADBSS Fundraising Banquet in March, 2015 or by the Wild Sheep Foundation at its 2015 Convention. Additionally, ADBSS supports the issuance of the third Special Bighorn Sheep License Tag to the Arizona Big Game Super Raffle Committee. The *Nelsoni* desert bighorn sheep tag would encompass the northern GMUs as it has in the past. If the Commission does not issue this tag to the Arizona Big Game Super Raffle directly, ADBSS requests that it be granted the tag to be raffled through the Arizona Big Game Super Raffle or to be auctioned at the ADBSS fundraiser in March, 2015. ADBSS is also willing to auction any other Special Big Game License Tags the Commission would like to issue at their fundraiser banquet in March 2015 if there is an opportunity.

Arizona Elk Society (AES): Requests one (1) Special Elk License Tag and one (1) Special Buffalo License Tag, both to be auctioned at the Arizona Elk Society's Annual Fundraising Banquet in March, 2015. The AES supports the awarding one of the Special Elk License Tags to next year's Arizona Big Game Super Raffle. In the event that there are tags unapplied for in this year's distribution of tags, the AES is willing to auction any other special tags at their fundraising banquet in March 2015 that the Commission may elect to issue to their organization.

Mule Deer Foundation (MDF): Requests one (1) Special Mule Deer License Tag and one (1) Special Whitetail Deer License Tag. Both tags will be auctioned at the MDF's National Convention in Salt Lake City, UT on February 19-22, 2015 in conjunction with the Western

Hunting and Conservation Expo. MDF would also be willing to auction any other tags that haven't been requested through their local Arizona banquets.

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

Rocky Mountain Elk Foundation (RMEF): Requests one (1) Special Elk License Tag, to be auctioned during their special Hunter's Rendezvous event to be held in Tucson, Arizona on February 28, 2015.

Safari Club International – Arizona Chapter (SCI-AZ): Requests one (1) Special Whitetail Deer License Tag, one (1) Special Black Bear License-Tag, one (1) Special Mountain Lion tag, one (1) Special Mule Deer License Tag and one (1) Special Javelina License Tag. All tags will be sold by auction at their fundraiser to be held in Tucson in the summer of 2015.

#### Public Comment

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

- Charlie Kelly, Arizona Big Game Super Raffle
- Terry Herndon, Mule Deer Foundation
- Rich Williams, National Wild Turkey Federation
- Shane Standley, AZ Safari Club International
- John Koloszar, Arizona Deer Association
- Steve Clark, Arizona Elk Society

**Motion:** Harris moved and Mansell seconded THAT THE COMMISSION VOTE FOR THE FOLLOWING: ONE TAG FOR EACH SPECIES TO THE AZBGSR; TWO ANTELOPE TAGS TO THE ANTELOPE FOUNDATION; ONE BLACK BEAR TAG TO ABA AND ONE TO SCI AZ; TWO BIGHORN SHEEP TAGS TO THE ADBSS; ONE BUFFALO TAG TO ABA AND ONE TO AES; ONE ELK TAG TO AES AND ONE TO RMEF; ONE JAVELINA TAG TO ABA AND ONE TO AZ SCI; ONE MULE DEER TAG TO ADA AND ONE TO MDF; TWO TURKEY TAGS TO NWTF (ONE FOR RAFFLE AND ONE FOR AUCTION); ONE WHITE-TAIL TAG TO ADA AND ONE TO AZ SCI; ONE MOUNTAIN LION TAG TO MDF AND ONE TO AZ SCI.

Commissioner Mansell clarified that the motion is allocating the same as last year except for one mountain lion tag.

**Vote:** Unanimous  
3 to 0  
Davis and Madden not present

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#### 5. Executive Session

The Commission went into Executive Session during Friday's meeting and did not need to go back into Executive Session.

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## 6. Litigation Report

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

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## 7. Update of Commission Awards

**Presenter:** Ty Gray, Deputy Director

Mr. Gray presented the Commission with a list of award categories for the 2014 Commission Awards. The Department will begin soliciting award nominations in July for presentation and Commission selection of award winners at the September Commission meeting. The 2014 Commission awards will be presented at the January 2015 Commission Awards Banquet. The following is a list of current award categories:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**GAME AND FISH NORTH AMERICAN MODEL OF THE YEAR AWARD:** Selected by the Commission from a list of Department employee award recipients.

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

**Motion:** Mansell moved and Harris seconded THAT THE COMMISSION VOTE TO ADOPT THE 2014 COMMISSION AWARD CATEGORIES AS PRESENTED.

**Vote:** Unanimous  
3 to 0  
Davis and Madden not present

\* \* \* \* \*

8. Proposed Dates and Locations of Arizona Game and Fish Commission Meetings for 2015 and January 2016.

**Presenter:** Ty Gray, Deputy Director

Mr. Gray presented the Commission with dates and locations for 2015 and January 2016 Commission meetings.

The Commission discussed that they would like to continue holding one meeting per year in each of the Department's six regions.

Chairman Harris stated that the meetings on the road, while being a little more expensive, allows the Commission to connect with their constituents and interact with the public. He believes the Commission should continue the current process.

Commissioner Mansell suggested that instead of the Community Forum in each region that perhaps they could do a field trip and/or tour Commission-owned property.

Mr. Gray will discuss the concept with regional supervisor.

The Commission discussed and agreed on the following:

<u>Date</u>	<u>Location</u>
January 16-17, 2015	Phoenix
February 6-7	Region IV
March 6-7	Region V
April 10-11	Phoenix (hunt orders)
May 1-2	Region III
May TBD	Workshop
June 12-13	Region VI (hunt orders)
August 7-8	Region II (hunt orders)
September 4-5	Region I
November 6-7	Workshop
December 4-5	Phoenix (hunt orders)
January 15-16, 2016	Phoenix

**Motion:** Ammons moved and Mansell seconded THAT THE COMMISSION VOTE TO ADOPT THE SCHEDULE AS PRESENTED.

**Vote:** Unanimous  
3 to 0  
Davis and Madden not present

\* \* \* \* \*

#### 9. Approval of Minutes and Signing of Minutes

**Motion:** Ammons moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM APRIL 22, 2014, MAY 1-2, 2014, AND MAY 2, 2014.

**Vote:** Unanimous  
3 to 0  
Davis and Madden not present

The Commission signed the minutes following approval.

\* \* \* \* \*

10. Director’s and Chairman’s Reports

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

\* \* \* \* \*

11. Commissioners’ Reports

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

\* \* \* \* \*

12. Future Agenda Items and Action Items

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

- Regarding the budget presentation, the Department will work with the Commission in the future to establish targets for the balances (will likely be a November workshop item)
- The Department will work with Commissioner Davis on the draft Bonus Point Policy, which will be brought back to the Commission at the August Commission meeting.

\* \* \* \* \*

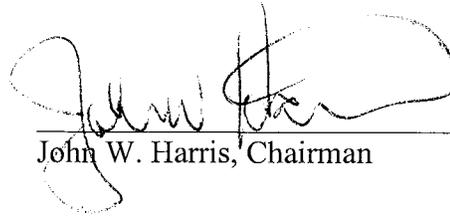
**Motion:** Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

**Vote:** Unanimous

\* \* \* \* \*

Meeting adjourned at 11:08 a.m.

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John W. Harris, Chairman



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Robert E. Mansell, Vice Chair



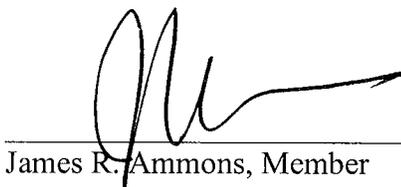
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Kurt R. Davis, Member



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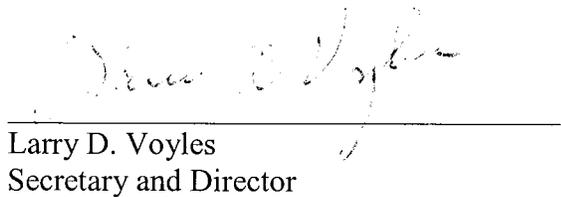
Edward "Pat" Madden, Member



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James R. Ammons, Member

ATTEST:



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Larry D. Voyles  
Secretary and Director

**Game and Fish Litigation Report  
Presented at the Commission Meeting  
June 13-14, 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  
June 6, 2014  
Phoenix, Arizona

**U.S. FOREST SERVICE**

**General Planning Status** – Please see attached worksheet.

**Four Forest Restoration Initiative (4FRI)**

- No Change

**Apache-Sitgreaves National Forest**

- The final EIS and record of decision for the LRMP is anticipated to be published in the fall of 2014.
- A-S has restarted work on the Heber Wild Horse Territory Environmental Impact Statement. The Department will be participating in the development of the EIS as a cooperating agency. Public scoping is anticipated to occur in January 2015. During the week of May 12<sup>th</sup>, the A-S conducted helicopter flight horse count surveys.

**Coconino National Forest**

- The Department submitted extensive comments on the proposed Land and Resource Management Plan (LRMP). The Coconino NF planning team is working to revise the draft plan and will be meeting with Regional staff in mid-June to discuss the proposed revision.

**Coronado National Forest**

- The draft Travel Management Plans (TMP) are being developed for each District and will be released successively for public comment beginning in June 2014.
- As part of the Draft Land and Resource Management Plan and Draft Environmental Impact Statement process, the Forest is further evaluating potential Wilderness areas in the Dragoon, Whetstone, Tumacacori, Chiricahua, and Pinaleno mountain ranges based on extensive public input requesting additional Wilderness. The Forest held a workshop for user groups and although the comment period was closed, accepted further “information” from these groups.
- The Department attended a field tour of the Pinaleno Ecosystem Restoration Project on Mount Graham in GMU 31. This project involves forest thinning and prescribed burning on approximately 6,000 acres. The Department approved two Habitat Partnership Committee grants to complete the project and has provided implementation suggestions around sensitive habitats.
- The Department has submitted comments on ADEQ’s draft Clean Water Act certification for the Rosemont Copper Project.

### **Kaibab National Forest**

- The Forest has opened the scoping process for revision of the travel management plan on the South Zone (Williams and Tusayan Districts) with emphasis on opportunities for dispersed camping. The Department has requested and expects to receive Cooperating Agency status. Department staff is also working with the Forest to correct errors on the Motor Vehicle Use Map.
- A Record of Decision and Final Environmental Impact Statement (EIS) for the Land and Resource Management Plan (LRMP) was issued. Department staff has reviewed the final plan, which incorporates Department comments on the draft plan and EIS.
- The Forest is developing a proposed action for grassland restoration treatments over 552,000 acres on the Williams and Tusayan Ranger Districts. The Department will be a cooperating agency in preparation of the EA. Proposed Action is anticipated by September, 2014.

### **Tonto National Forest**

- Department staff is working with TNF to gather additional information on historical and traditional dispersed camping sites in order to inform further decisions. The Department's GIS program has developed an application for the iPhone to collect data for this process.
- The anticipated date for release of the TMP DEIS is June 2014.
- The Department has been invited to attend and participate in the Assessment Phase-Community Forums portion of the Land and Resource Management Plan (LRMP) revision process.
- A coordination meeting between the Tonto, USFWS and the Department is scheduled for late May.
- In partnership with the Boy Scouts, the Mesa Ranger District of the Forest has proposed to rehabilitate four sites with native plants and construct vehicle enclosures to reduce spread of resource degradation due to high volumes of OHV use. The Department is following up on whether they incorporated any of our concerns/recommendations into the project.
- The Department reviewed and provided comment on the proposed management and enhancement of the Payson Ranger District recreation plan.

## **BUREAU OF LAND MANAGEMENT (BLM)**

### **Arizona Strip Field Office**

- Department staff continues to work with BLM and Utah DWR for the planned rotenone treatment in a section of the Virgin River through the Virgin River Gorge.

### **Kingman Field Office**

- On April 24<sup>th</sup> through the 30<sup>th</sup>, BLM began conducting burro surveys through the Black Mountain range. High winds during that week grounded 3.5 days of the 5.5 day schedule. BLM has rescheduled helicopter time for later in May. The Department will be providing 1-2 people to assist on each of the survey flights.

### **Lake Havasu Field Office**

- BLM is leading an effort to form a collaborative partnership to manage natural resources and recreation on Lake Havasu. The partnership includes several Government entities. Department staff have been involved in planning and a draft MOU is being reviewed.

### **Phoenix District Office**

- Travel planning around the Wickenburg area has been on-going for the last five years and a decision is scheduled to be released in the next month or two.

### **Tucson Field Office**

- As part of the ongoing planning and development of the San Pedro National Conservation Area Resource Management Plan, the BLM made the new Analysis of the Management Situation available for cooperating agency review on May 23<sup>rd</sup>, with comments due June 4<sup>th</sup>.
- On May 27<sup>th</sup>, the Department met with BLM to discuss implementation of the Ironwood Forest National Monument Travel Management Plan and Resource Management Plan management decisions.
- The Department completed an analysis of potential beaver habitat in anticipation for translocation into Cienaga Creek. The Department is working on an EA for the project.

## **NATIONAL PARK SERVICE**

### **Grand Canyon National Park**

- The National Park Service (NPS) has initiated an Environmental Impact Statement for bison at Grand Canyon National Park. Expected completion is Fall, 2016. Three public meetings and two webinars have been held soliciting public comments. Public scoping extends to June 6<sup>th</sup>. The Department is working closely with NPS and Kaibab National Forest staff during the EIS process.

## **ENERGY DEVELOPMENT**

### **Red Horse Wind and Solar**

- On May 9<sup>th</sup>, the Department received the Bird and Bat Conservation Strategy (BBCS), the Eagle Conservation Plan (ECP), and the Wildlife Conservation Strategy (WCS). Department staff is in the process of reviewing the plans and providing comment.

### **Perrin Ranch Technical Advisory Committee (TAC) Meeting**

- The Perrin Ranch TAC met May 13<sup>th</sup> to discuss the 2013 post-construction survey results and the take of a Golden eagle in the beginning of February, 2014. The USFWS has encouraged NextEra to develop an Eagle Conservation Plan (ECP) and apply for an eagle take permit, as well as plan for mitigation to compensate for the eagle that was taken.

## **TRANSMISSION LINES**

### **Southline Transmission Line Project**

- On May 22<sup>nd</sup>, Department staff attended a cooperating agencies meeting for discussion of the Draft Environmental Impact Statement. Of concern to the Department is a segment of the new build alignment that would go through the Wilcox Playa Wildlife Area. The Department has advised the project proponent and agency co-leads that the Commission is unlikely to approve siting of the new transmission line across the wildlife area and recommends selection of an alternative.

### **SunZia Transmission Line**

- On May 29<sup>th</sup>, the Department met with BLM, EPG (BLM's NEPA contractor), SunZia and State Land to discuss mitigation for project impacts to wildlife and State Trust lands.

## **TRANSPORTATION**

### **I-11 Phoenix to Las Vegas Project**

- Department staff attended an Interstate 11-Intermountain West Corridor Study Stakeholders/Partners Meeting. ADOT presented a summary of the Business Case Report and Implementation Plan. The Department will be reviewing both documents.
- The implementation Plan divides the Interstate alternatives into Segments of Independent Utility (SIU), segments that can function as roadways independent of other SIU. Segments can be completed including NEPA documents as funding becomes available.

### **Passenger Rail Corridor Study**

- ADOT presented an update on the Passenger Rail Corridor Study: Tucson to Phoenix to Department staff on April 23<sup>rd</sup>, 2014. ADOT is working on their Tier 1 Draft Environmental Impact Statement (DEIS) and requested Department feedback on the three alternatives they are moving forward with. The Department is currently conducting a hexagon based analysis for the alternatives and will provide ADOT with that data by mid-June.

### **SR95 Realignment: I-40 to SR68**

- The Department provided scoping comment to ADOT concerning the realignment route and continues involvement in the Tier 1 Draft EIS process.

### **North South Corridor Study**

- This study is to evaluate connection opportunities between US60 and I-10. During a recent meeting, updates were given. The Department has committed to providing data using the I-11 data analysis approach.

### **Sonoran Valley Parkway**

- BLM has invited the Department to become a formal cooperating Agency for development of the Parkway Environmental Impact Statement. The Parkway will provide access to City of Goodyear annexed lands near Mobile. BLM plans to release the FEIS to cooperating agencies for review late May and to the public September 2014.

### **Maricopa County Parkway Corridor Feasibility Study**

- The following parkway studies are complete and MCDOT and the Department should carry forward with wildlife mitigation planning: Turner, McDowell, Camelback, Hidden Waters North, Hidden Valley, Dove Valley, Camelback, Greenway and Wintersburg. Wintersburg and Greenway.

### **Southern Pinal County Regional Corridor Study**

- The study is to provide a transportation system that would enhance business opportunities, improve supply chain performance and reliability and coordinate access to and from major employment centers. The Department provided information and discussion on wildlife linkage and connectivity concerns and opportunities.

## **GENERAL UPDATES**

### **Natural Resources Conservation Service**

- The NRCS, in conjunction with the USFWS, has allocated funding for improvement and or maintenance of habitat in Arizona for the southwestern willow flycatcher to be distributed through their Working Lands for Wildlife (WLFW) program. Several locations have been selected throughout the state to receive the funding for such projects. Landowner Relations Specialists in the Regions are assisting with developing conservation plans.
- Several landowners in Cochise County with Environmental Quality Incentives Program (EQIP) contracts through NRCS offices have requested AZGFD funding through the Landowner Relations Program to assist with the completion of brush removal projects.

### **Southeast Arizona Grassland Collaborative Workgroup (SEAGrass)**

- SEAGrass met in Wilcox on May 29<sup>th</sup> and conducted a tour of the Bonita Grasslands project benefitting pronghorn habitat in Unit 32.

### **Vera Earl Grassland Restoration**

- Mesquite clearing is scheduled to begin in May on approximately 600 acres on the Vera Earl Ranch, north of Sonoita, to be funded by the Arizona Antelope Foundation. 260 acres were completed in 2013.

### **Central Arizona Grasslands Conservation Strategy (CAGCS) Implementation Team**

- On June 5<sup>th</sup>, the Implementation Team for CAGCS will be hosting a public open house in Prescott at Yavapai College to introduce and invite interested stakeholders to become involved in the conservation strategy.

### Wagontire Grassland Enhancement Project

- A total of 2640 acres of juniper trees have been cut as part of Phase I of the project. The rancher has mechanically treated 200 acres associated with Phase II. Treatment of an additional 500 acres is planned for the fall.

### Cienega Watershed Improvement Project

- The project on Prescott National Forest was recently completed 800 acres of juniper have been removed. The Forest will be removing 300 additional acres following the 2014 fire season.

### Agua Fria – Sycamore Mesa Grassland Habitat Enhancement Project

- Project is at 75% completion

### Smith Mesa/Spider Ranch

- Juniper treatment was completed at the end of April 2014, with 640 acres being funded through HPC funding, Yavapai County RAC, Spider Ranch and PNF dollars, and another 200 acres getting funded through NRCS equipment support. There was an additional 120 acres treated on Spider Ranch private lands, funded through the USFWS "Partners" program.

### **Pinal Partnership Open Space and Trails Committee**

- The Natural Drainage and Watershed Management subcommittee recently obtained an intern for research and development of a GIS model identifying open spaces and important drainage features to be incorporated into flood control and transportation documents.

### **Second Knoll Shooting Range**

- A meeting with Forest Service personnel from the Regional Office was May 14<sup>th</sup> as part of the Special Use Permit (SUP) development and approval process. The Department will be seeking to obtain a SUP and then develop a license agreement with White Mountain Shooters for them to operate the range.

<b>Forest</b>	<b>Status</b>	<b>Next Step</b>	<b>Projected Next Step Completion</b>
<b>Apache Sitgreaves</b>	In the process of responding to public comments. LRMP ROD expected Oct 2014	A/S responding to public comments.	Final EIS (LRMP) ~Fall/2014. TMP for each district start after LRMP complete, draft out ~late 2014).
Issues:	7100 new acres of Wilderness (mostly expanding boundaries Motorized Big Game Retrieval (MBGR) in previous TMP draft allows 1 mile from road for elk, mule deer & bear. 658 miles of corridors for dispersed camping 300 ft off established roads. MVUM's delayed due to Wallow Fire.	Revised draft	
<b>Coconino</b>	TMP Final 9/2011 (forest wide), AGFD MBGR Appeal - denied; TMP evaluated annually with opportunity for revision; Draft EIS (LRMP) comments period ended. MVUM's available	Department submitted comments. Meet in June to discuss. TMP revision scoping open this fall	Final decision anticipated ~6/2015
Issues:	Dispersed camping 300ft from specifically identified roads, 30ft from all other roads. MBGR for elk only, 1 mile from roads except GMUs 5A & 5B.	Meet with revision team in April	
<b>Coronado</b>	Proposed Plan & DEIS released 12/19/13	AGFD comments submitted 3/4/14	Final EIS ~7/2014: final LRMP in 2015
	TMP in Process by district.	Final TMP. Nogales plan left open some roads AGFD requested, others will need to be addressed in objection.	Final TMP end of 2014: Decisions by district: Douglas 7/2014; Nogales 3/2014; Safford 3/2014; Santa Catalina Public comments under review; Sierra Vista 9/2014
Issues:	NO MBGR. MVUM's show access through roads that have locked gates		

Forest	Status	Next Step	Projected Next Step Completion
<b>Kaibab</b>	AGFD appeal on North Kaibab TMP declined.	Final LRMP issued 2/14	
	TMP completed by district. MVUM's available.	Department reviewed plan and EIS. Comments incorporated in Final Plan	Appeal deadline June 5, 2015
Issues:	Tusayan & Williams TMP: MBGR 1 mile from road for elk in designated areas. Dispersed camping in camping corridors, or 30 feet from road. North Kaibab MBGR 1 mile off designated roads for elk and bison, dispersed camping 300 feet off 99 miles of designated roads and 100 feet off 104 miles of additional designated roads		Tusayan & Williams considering expanding dispersed motorized camping: Department has requested Cooperative Agency Status
<b>Prescott</b>	Final EIS in Federal Register imminent. AGFD personnel were invited to participate in Strategic planning.	Expected FEIS in Federal Register 8/2014	Will rely on 2009 updated/amended TMP
Issues:	Current draft advocates MBGR: Elk within 1 mile of designated open road. May be changed by amendment. Dispersed camping 300' from centerline of designated roads. Wilderness under consideration reduced from 44,000 acres to 23,000. MVUM's available.		
<b>Tonto</b>	LRMP began 2006. Negotiating to reinstate due to rule change. TMP elevated to EIS from EA. Notice of intent to prepare TMP EIS released. Department comments submitted 3/4/2013. AGFD has Cooperating Agency status. ID Team meetings held in individual Ranger Districts.	LRMP Assessment beginning; public scoping in 2014. TMP final EIS anticipated late 2017	Final LRMP & EIS Fall 2017

<b>Forest</b>	<b>Status</b>	<b>Next Step</b>	<b>Projected Next Step Completion</b>
<i>Issues:</i>	Consistency across forests, enforceability, MBGR 1 mile off road for elk and bear. Road closures, and dispersed camping all addressed in response to NOI. MVUM's are inaccurate.	It is expected the Department will be invited as cooperating agency/ID team member. Region working with Forest on "bubble sites" for dispersed camping.	Public scoping end or 2014



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**A2.1 Engagement at the Regional and National Level**

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*Effective: TBD*

*Policy Process Owner: Deputy Director, DOHQ*

This policy is established to ensure that the Department and Commission engage on regional and national issues to achieve the Commission's vision of being the nation's leading wildlife agency and conservation leader.

For purposes of this policy and to meet this vision:

- A.** The Director, Department Staff and Commission shall maintain a prominent presence in-state, out-of-state, and abroad to maintain and enhance its national leadership role, sustain the continuation of the North American Model of Wildlife Conservation, and incorporate the latest best practices in wildlife and recreation management.
- B.** The Director, Department Staff and Commission will travel in-state and out-of- state to represent Arizona's public interests, protect state's rights and the Public Trust Doctrine, and protect the authorities of state fish and wildlife agencies throughout the United States.



**A2.38 Travel Management and Access upon Arizona's Public Lands for the Enjoyment of Arizona's Wildlife Resources and Outdoor Recreation**

*Effective: 06/13/2013*

*Policy Process Owner: Habitat Branch Chief*

management or management of recreational activities under the Commission's jurisdiction.

The Arizona Game and Fish Department is responsible for management of all wildlife on public lands. Wildlife is held in trust for the public and access should not be denied or restricted without cause.

The Arizona Game and Fish Commission recognizes and promotes multiple use on public lands managed by the US Forest Service and the Bureau of Land Management. Every citizen should have access to their multiple use public lands unless there are reasons to deny access founded in sound science and affirmative analysis, and not a presumption of harm.

It is the policy of the Arizona Game and Fish Commission to place a high priority on conserving existing access and modes of access for hunting, fishing, trapping, shooting, wildlife watching, OHV use, dispersed camping and other responsible forms of outdoor recreation; and to place a high priority on improving access upon such lands in areas of the State where access is currently difficult or nonexistent.

It is unacceptable for a federal multiple use land management agency to establish regulations that the public cannot understand; that the federal land manager cannot effectively enforce; or that the land manager imposed upon state and local enforcement authorities an unreasonable and unenforceable mandate that denies reasonable and sufficient access to citizens. The Department will actively advocate for access issues and seek to maintain the Commission's legal standing to seek remedies for decisions that injure the Department's ability to meet the Commission's strategic objectives for wildlife



**LAW ENFORCEMENT  
MANUAL**

Chapter

LAW ENFORCEMENT DIRECTIVES

Subject

Federal Travel Management Rule  
Enforcement

**EFFECTIVE DATE:**

**Issued: October 30, 2012**

**EXPLANATION:**

The Coconino, Kaibab, Prescott, Coronado, Tonto and Apache/Sitgreaves National Forest Travel Management Plans all contain restrictions that are not consistent across the Forests. Specifically, restrictions that impact our customers the most involve motorized big game retrieval, dispersed camping, route designations/restrictions, and cross-country travel. Of equal significance, the restrictions do not consider the importance of hunting as an essential component of the *North American Model* of wildlife conservation.

The Department considers the federal land management agencies to be valuable partners in conservation law enforcement, we must continue to enforce laws that are critical to our mission, important to our customers and that do not expend law enforcement resources on low priority or counterproductive efforts such as those that, due to their inconsistency, generate fear and uncertainty in our citizens, and become a barrier to their ability to enjoy recreation on their public lands.

A patchwork of federal restrictions is not a solution to a broken travel management system. The practical impacts of the federal proposed regulations are wide ranging and will have an enduring impact on our customers and everyone that recreates on public lands.

The Department has been negotiating with and providing input to the Forest Service on Travel Management Plans since 2005. Despite our best efforts, the various Forests in the State have failed to adopt a consistent approach to travel management. Their independent Forest piecemeal approach to travel management planning has created widespread confusion for anyone recreating or hunting on Forest lands.

To ensure consistent enforcement across the state, in conformance to Department priorities, Department officers will adhere to the following direction related to the enforcement of the Forest Travel Management rules. This directive is intended to provide fair and consistent treatment to individuals who are found in violation of restrictions identified by the Forest Travel Management rules.

**DIRECTIVE:**

Officers will enforce Forest Travel Management rules that are applicable to our enforcement authority as follows:

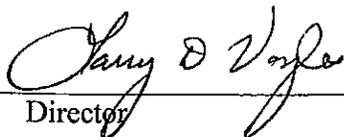
1. *Cross-country motorized big game retrieval* restrictions vary

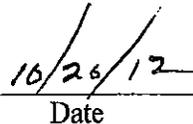
between Forests and by big game species. Therefore, Department officers will not detain, cite or issue written warnings to individuals who are in violation of Forest motorized big game retrieval rules. Officers who encounter these violations will educate the individual about Forest rules.

2. *Dispersed camping* distance restrictions between Forests range from not allowed to 300 feet from a designated travel route. Therefore, Department officers will not detain, cite or issue written warnings to individuals who are in violation of Forest dispersed camping rules. Officers who encounter these violations will educate the individual about Forest rules.
3. *Road closures and route designations/restrictions* vary between Forests. Some roads remain open unless signed closed, some are closed unless signed open, some are designated "Administrative Use Only," and some are closed on one Forest yet open on an adjacent Forest. Therefore, Department officers will not take enforcement action against individuals who are suspected to be in violation of Forest road closures or route restrictions unless: the person can be proven to have received prior notice of the closure/restriction or ignored reasonable signage, *and* bypassed physical barriers; the person destroyed signage, physical barriers or habitat to gain access; or the person entered a previously designated and reasonably posted Forest quiet area related to wildlife habitat needs. For the purposes of this section, prior notice does not include the possession of a Forest Motorized Vehicle Use Map. Enforcement action will be consistent with the totality of the circumstances involved and may include the issuance of a citation, written or verbal warnings, and/or education.
4. *Cross-country travel* restrictions, with the exception of those for motorized big game retrieval, are generally consistent across all Forests, and the Department supports the need to generally prohibit cross-country travel to protect wildlife habitat. Department officers will investigate and enforce cross-country travel violations on Forest lands. Enforcement action will be consistent with the totality of the circumstances being investigated and may include the issuance of a citation, written or verbal warnings, and/or education.
5. When Department officers encounter *individuals repeating violations after being educated about the same previously*, the officers may exercise the necessary discretion to correct the violation, collect the necessary violator information, and then turn the information over to the respective Forest's law enforcement personnel for their subsequent investigation and action.

**EXPIRATION:**

**This Directive is effective until suspended.**

  
Director

  
Date



**LAW ENFORCEMENT  
MANUAL**

Chapter

LAW ENFORCEMENT DIRECTIVES

Subject

**Off-Highway Vehicle Enforcement on  
Closed Federal Lands**

**EFFECTIVE DATE:** Issued: September 10, 2013

**EXPLANATION:** House Bill (HB) 2551 was sponsored by the County Sheriff's Association and supported by the Arizona Game and Fish Commission based in part to the unresponsiveness of some Federal partners in the development of reasonable Travel Management Rule (TMR) restrictions.

HB2551 sought to accomplish two main objectives;

1. Eliminate federal officer jurisdiction for the enforcement of state statutes in regards to off-highway vehicles and
2. Provide state enforcement agencies the flexibility to determine where and when OHV laws would be enforced on federal lands.

The final signed language of HB2551 succeeded in achieving the first objective but fell short of achieving the full law enforcement flexibility sought in the second objective. While HB2551 did provide state peace officers the full discretion to enforce, or not, the cross country travel provisions of A.R.S. § 17-454 on all federal lands, the amended language in § 28-1173 simply removed state jurisdiction from enforcement of the provisions of Title 28 Chapter 3 Article 20 (A.R.S. § 28-1171 to A.R.S. § 28-1182) on any federal lands that are closed to off-highway vehicles. Below is an excerpt from the Departments Assistant Attorney General's informal opinion regarding the meaning of the amended language in § 28-1173.

*This legislation restricts the authority of law enforcement officers to enforce Article 20 (Off-Highway Vehicles) to land that is "solely under the jurisdiction of this state or county or municipality of this state" and land "open as indicated by federal law." In the context of legislation concerning the operation of off-highway vehicles, the term "open" refers to areas indicated by federal law (statute, regulation and order) that are open to travel by an off-highway vehicle. The corollary being, if an area*

*is closed by federal law to the operation of an off-highway vehicle, a law enforcement officer is not authorized to enforce Article 20 in that area.*

While the original intent of HB2551 was to selectively allow the enforcement of Title 28 OHV statutes on federal lands under reasonable TMR restrictions, the final statutory language did not provide that flexibility.

**DIRECTIVE:**

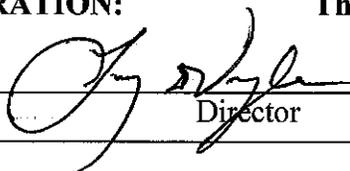
Therefore, under the attorney general opinion regarding the meaning of amended language in § 28-1173, Department officers:

1. Shall not issue written warnings or citations for any of the following violations identified in Title 28 Chapter 3 Article 20 on any federal land, road or area that is closed\* by federal statute, regulation or order to the operation of off-highway vehicles.
  - Reckless disregard for property
  - Operate off/road & cause damage
  - Operate on closed road/trail/area
  - Operate contrary to rule
  - Prohibit damage by rule/regulation/ordinance or code
  - Place/remove OHV regulatory sign
  - Operate OHV without decal
  - Expired/fail to display decal
  - OHV without adequate breaks
  - No head/taillight sunset/sunrise
  - OHV sound > 96 decibels
  - No USDA spark arrestor
  - No safety flag in designated area
  - <18 years of age without DOT approved helmet
  - Unauthorized organized event
  
2. May enforce all other articles of Title 28 Chapter 3 and any other law, rule, regulation or Commission Order on federal lands that are closed to off-highway vehicles at their discretion.

\*For the purposes of this directive, Federal land open to motorized big game retrieval shall be interpreted as being OPEN to off-highway vehicles during the duration of the affected big game seasons.

**EXPIRATION:**

**This Directive is effective until suspended.**

  
Director

  
Date