

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, January 16, 2015
Saturday, January 17, 2015
Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director and Staff)

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

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

Chairman Mansell called the meeting to order at 8:00 a.m. and led those present through the Pledge of Allegiance. The Commission and Director Voyles introduced themselves and Director Voyles introduced his staff. This meeting followed an agenda revision #1 dated January 14, 2015.

Chairman Mansell requested a moment of silence in honor of Flagstaff Officer Tyler Stewart who was killed in the line of duty on December 27, 2014.

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1. Call to the Public

There were no requests to speak to the Commission.

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2. Consent Agenda

The following items were grouped together and noticed as consent agenda items to expedite action on routine matters, and/or they were previously presented to the Commission as a "first read" item. These items were provided to the Commission prior to this meeting and the Department requested that the Commission approve these matters as presented, subject to approval or recommendations of the Office of the Attorney General. Director Voyles presented these items to the Commission and item g was pulled for discussion. The Commission took action on the following:

a. Shooting Sports Activities Briefing

Presenter: Marty Fabritz, Shooting Sports Branch Chief

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

occurred since the last regular Commission meeting. The briefing was placed on the consent agenda for approval or to be pulled from the consent agenda for questions and/or discussion.

b. Information, Education and Wildlife Recreation Activities Briefing

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

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

c. Law Enforcement Program Briefing

Presenter: Gene F. Elms, Law Enforcement Branch Chief

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

d. Lands and Habitat Program Update

Presenter: Dr. Joyce Francis, Habitat Branch Chief

The Commission was provided with a written Lands and Habitat Program Update (attached) prior to this meeting (also available to the public) of Department activities and events related to the implementation of land and resource management plans and projects on private, state and federal lands in Arizona and other matters related thereto. The update covers activities and events that have occurred since the last regular Commission meeting. The update was placed on the consent agenda for approval or to be pulled from the consent agenda for questions and/or discussion.

e. Request for Approval of Revised Commission Policy A2.21, Procedures to Address Department Administrative Appeals, Protests, and Objections of a Federal Land and Resource Management or Resource Management Plan.

Presenter: Joyce Francis, Habitat Branch Chief

Commission Policy A2.21 (attached) was revised to include all Federal Land Management Plans, rather than the U.S. Forest Service's plan and to include all appeals, protests, and objections to ensure consistency with changes made to the various federal administrative processes. The policy was also revised to delete specific references to timber sales and the State Forester.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE REVISED POLICY A2.21, PROCEDURES TO ADDRESS DEPARTMENT ADMINISTRATIVE APPEALS, PROTESTS, AND OBJECTIONS OF A FEDERAL LAND AND RESOURCE MANAGEMENT OR RESOURCE MANAGEMENT PLAN.

f. Request for Approval of Revised Commission Policy A2.11, Species of Greatest Conservation Need in Arizona.

Presenter: Mike Rabe, Nongame Wildlife Branch Chief

Revised Commission Policy A2.11 (attached) provides guidance to the Department's Nongame and Endangered Wildlife Program through conservation of Species of Greatest Conservation Need, which was developed by the Department as a component of the State Wildlife Action Plan.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE REVISED POLICY A2.11, SPECIES OF GREATEST CONSERVATION NEED IN ARIZONA.

h. Request for Approval of Revised Commission Policy A2.31, Predation Management and repeal of Commission Policy A2.9, Aerial Coyote Control.

Presenter: Amber Munig, Big Game Supervisor

Commission Policy A2.31 (attached) was revised to include regional predation management plans and area-specific plans and to clarify that the policy pertains to any species that has a limiting effect on prey species, not just mountain lions and coyotes. The policy is also revised to give the Assistant Directors of Wildlife Management and Field Operations the authority to review and approve area-specific management plans. The policy was revised to incorporate the provisions of A2.9, Aerial Coyote Control, which establishes the requirements prior to the use of aircraft for coyote control.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE REVISED COMMISSION POLICY A2.31, PREDATION MANAGEMENT, AND REPEAL OF COMMISSION POLICY A2.9, AERIAL COYOTE CONTROL.

i. Request for Renewal of a Road Closure on State Trust Land Approximately Three Miles North of Benson, Arizona

Presenter: Mark Weise, Development Branch Chief

James Pringle has requested renewal of a road closure on State Trust land located approximately three miles north of Benson, off of Ocotillo Road. The road is approximately 750 feet long and only provides access to a windmill. This closure was originally granted by the Commission in 1999 and subsequently renewed in 2005 and 2010. The primary purpose of this proposed road closure is to protect a mesquite thicket, which provides wildlife with reproductive habitat, cover, and the only permanent water in the area. The proposed closure will be accomplished by means of a locked gate. Mr. Pringle has installed a stair walk over the fence and he welcomes foot access. Regional personnel and the Arizona State Land Department support this closure for

natural resource protection.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE REQUEST TO RENEW A ROAD CLOSURE ON STATE TRUST LAND LOCATED APPROXIMATELY THREE MILES NORTH OF BENSON.

j. Request for Approval of the Renewal of a Special Land Use Permit for Placing Wildlife Water Catchments on State Trust Lands.

Presenter: Joyce Francis, Habitat Branch Chief

Since 1988, the Commission has held a Special Land Use Permit (SLUP) with the State Land Department authorizing the Department to place wildlife water catchments on State Trust lands. The Habitat Development Program desires to continue this endeavor. This agreement will renew the existing SLUP for an additional five years. There is an annual use fee of \$1,800.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE RENEWAL OF A STATE LAND USE PERMIT FOR PLACING WILDLIFE WATER CATCHMENTS ON STATE TRUST LANDS, AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE ALL ASSOCIATED DOCUMENTS AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

k. Request for Approval of a License Agreement with Arizona Public Service for providing Electrical Service at Robbins Butte Wildlife Area.

Presenter: Joyce Francis, Habitat Branch Chief

The Commission currently has an agreement with Arizona Public Service Company authorizing them to provide electrical service to a groundwater well pump located on the Robbins Butte Wildlife Area. The agreement expires April 25, 2015. The Region has determined that continued use of the well is necessary for routine activities on the wildlife area. The Department is requesting that the Commission authorize renewing the agreement. The terms and conditions would remain the same.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE RENEWAL OF A LICENSE AGREEMENT WITH ARIZONA PUBLIC SERVICE COMPANY FOR PROVIDING ELECTRICAL SERVICE AT ROBBINS BUTTE WILDLIFE AREA, AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

l. Request for Approval to Transfer the Arizona State Land Department Right-of-Way for Turley Trail to the City of Prescott.

Presenter: Joyce Francis, Habitat Branch Chief

Since 2005, the Commission has held an Arizona State Land Department (ASLD) Right-of-Way (ROW) for Turley Trail, a recreational trail located in the vicinity of Prescott, Arizona. This trail

constitutes a portion of the Prescott Circle Trail and is managed by the Yavapai Trails Association. The remainder of the Circle Trail is held by the City of Prescott (City) via Rights-of-Way with the ASLD and the National Forest Service. The City has approached the Department to transfer the Turley Trail ASLD ROW to them. This would put management responsibility for the entire trail under the same authority. Use of the ROW would continue to benefit the public as a recreational trail. The Commission would be relieved of the management responsibility, liability, and costs associated with maintaining the ASLD ROW.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE TRANSFER OF THE ARIZONA STATE LAND DEPARTMENT RIGHT-OF-WAY FOR TURLEY TRAIL TO THE CITY OF PRESCOTT, AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE ALL ASSOCIATED DOCUMENTS.

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

Vote: Unanimous

g. Request for Approval of New Commission Policy A2.23, Fair Chase.

Presenter: Tom Finley, FOR3 Regional Supervisor

Mr. Finley presented the Commission draft Commission policy (attached) that establishes the Commission's position on fair chase. The policy defines fair chase and establishes a Fair Chase Committee that will monitor and evaluate emerging and evolving technologies and practices and make recommendations to the Commission for statute or rule changes to preserve Fair Chase standards for the taking of wildlife in Arizona. Some minor changes have been made since this item was presented at the December 5-6, 2014 Commission meeting. Those changes allow for more flexibility in how improper advantage is interpreted and allows more flexibility in how to monitor and evaluate fair chase into the future if adaptations are needed based on new challenges. The Fair Chase Committee will be meeting again on January 29, 2014. Two members of the Committee will be attending the Shot Show to get a sampling of the new technologies that might be a threat to fair chase and those will be discussed at the next Committee meeting.

Chairman Mansell discussed with Mr. Finley that the Committee will be able to respond fairly quickly on new technologies such as smart rifles and drones.

Director Voyles discussed with the Commission some of the current laws that prohibit certain activities and the need to be proactive in educating the public on these laws. Discussion included that the rulemaking process can be time consuming and the Department/Committee has already started looking at statutory limitations and authorities as part of the process to assure the Department can respond to these technologies that are breaking rapidly on the market.

Motion: Madden moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE NEW COMMISSION POLICY A2.23, FAIR CHASE.

Vote: Unanimous

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

Presenter: Jim deVos, Assistant Director, Wildlife Management Division

Mr. deVos provided a PowerPoint presentation and evaluation of potential options put forth by a Department led stakeholder resolution workgroup to address increasing operation and maintenance costs for Heritage acquired properties. The presentation was a follow up from the September 5-6, 2014 Commission meeting in which the Commission discussed strategies and provided direction to the Department. The presentation included an update on progress towards meeting these strategies including: 1) an evaluation of Wildlife for Tomorrow or another 501(c)(3) as a potential entity to host an endowment fund that would support operation and maintenance costs of Heritage acquired properties, 2) an evaluation of the potential uses of a 'Heritage stamp' or similar licensing mechanism, 3) crowd funding as a mechanism to generate revenue that would be used to support property operation and maintenance costing, and 4) an assessment of options for disposal of currently owned properties with the intended purpose of reducing operation and maintenance costing. The Department's assessment is all of these options with the exception of crowd funding have potential merit in either reducing costs or increasing revenue and will continue with development of these concepts.

The Commission discussed the strategies, in particular the options for disposal of currently owned properties and strategies for crowd funding.

Commissioner Harris stated that he would be opposed to a non-consumptive stamp being tied in any way to consumptive users in light of the license simplification process the Department recently completed.

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Meeting recessed for a break at 9:00 a.m.

Meeting reconvened at 9:22 a.m.

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

Presenter: Jim deVos, Assistant Director, Wildlife Management Division

Public Comment

Bill McLean, former Game and Fish Commissioner and Member of the Heritage Workgroup, challenged the Commission and Department to think outside the box to develop ways to address the revenue issues of operation and maintenance cost for Heritage properties.

Bob Hernbrode, former Game and Fish Commissioner and Vice Chairman of Tucson Audubon Society, expressed the need for the Department to bring in people who care about wildlife but are not hunters or anglers, and to reach out to organizations such as the birding community.

Elizabeth Woodin, former Game and Fish Commissioner, Member of the Heritage Workgroup, and representing the Arizona Heritage Alliance, expressed appreciation for all conservationists working together in the workgroup.

Motion: Harris moved and Madden seconded THAT THE COMMISSION VOTE TO AUTHORIZE FUTURE ACQUISITIONS USING HERITAGE ACQUISITION FUNDS WITH ALL PURCHASES GUIDED BY THE PRINCIPLES IDENTIFIED BY THE WORKGROUP AND WITH FULL RECOGNITION OF THE IMPORTANCE TO MINIMIZE LONG TERM OPERATION AND MAINTENANCE COSTS.

Commissioner Davis stated that he will vote no and explained that while he appreciates the good work and good ideas of the workgroup, those ideas have not yet been implemented and there is still the ongoing financial O&M problem. He doesn't believe any Heritage properties should be added until the O&M issues have been resolved.

Chairman Mansell stated that he will vote yes so that the Commission doesn't miss any great opportunities that may become available.

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

Commissioner Davis requested the Department provide future updates on the implementation of any of the prospective solutions.

Director Voyles mentioned some potential entrepreneurial opportunities that may be on the horizon and discussed with Commissioner Davis some potential legislative solutions. The Department will bring back some legislation language at the February Commission meeting and will bring a full report on solution implementation to the Heritage O&M issues at the May Commission meeting.

Motion: Davis moved and Madden seconded THAT THE COMMISSION VOTE TO GIVE THE DEPARTMENT PERMISSIVE AUTHORITY RELATED TO LANGUAGE CHANGES IN THE LEGISLATION TO ALLOW THE DEPARTMENT 1) THE ABILITY TO ACQUIRE PROPERTIES WITHOUT FEE SIMPLE ACQUISITION, WHICH WOULD INCLUDE CONSERVATION EASEMENTS OR OTHER NON-POSSESSORY APPROACHES, AND 2) TO DEVELOP LANGUAGE THAT WOULD ALLOW SALE OF PORTIONS OF HERITAGE PROPERTIES THAT DO NOT MEET THE INTENT OF THE ACQUISITION FOR CONSIDERATION.

Vote: Unanimous

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4. Legislative Engagement and State and Federal Legislation

Presenter: Jorge Canaca, Legislative Liaison

Mr. Canaca provided a PowerPoint presentation and briefing on the current status of selected state and federal legislative matters. The presentation included the following information:

Budget:

The Governor's Executive Budget will be released later today; Department staff will review and provide the Commission an analysis today on the floor or via email.

State Legislation

- HB 2396: Guides; firearms; technical correction: This technical correction conforms statute to allow hunting guides, while on a hunt, to carry weapons that are not authorized to take wildlife, given that the person doesn't use it for the take of wildlife. Would strike A.R.S. § 17-362(D) *No person acting as guide shall carry firearms other than a revolver or pistol.*
- HB 2399: Hunter Harassment; License Revocation: This change would add A.R.S § 17-316 (*Interference with rights of hunters; classification; civil action; exceptions*) to the list of revocable offences under A.R.S 17-340 *Revocation, suspension and denial of right to obtain license; notice; violation; classification.* It would allow the Commission to revoke a person's license that has violated hunter harassment statutes.
- HB 2365: OHV; enforcement: Would provide peace officers the flexibility of enforcing Title 28 laws on federally managed lands.

Congressional Legislation

- Mexican Wolf Compensation Program (As recommended by the Cooperators Alternative, and directed by the Commission): Would establish a state administered program fund that would allow for compensation of livestock depredation losses through state, federal or private donation funds
- Live Wildlife; Violations: The language would help deter individuals who unlawfully collect native wildlife species and subsequently import, export or release or illegally sell them outside the state
- Landowner; Indemnity: This item will be discussed in Executive Session.

Congressional Outreach

- Director Voyles met with Senator McCain earlier this week to discuss a number of Commission priority issues
- Department staff will be hosting Congressman Gosar's staff clay shoot this weekend at Ben Avery
- The Department is scheduling state office meetings this month with District Office Directors and scheduling D.C. meetings next month with members and key staff

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5. Customer Portal Project

Presenter: Doug Cummings, Branch Chief, Information Systems

Mr. Cummings presented an update using a PowerPoint presentation on the development of the Customer Portal (website with Customer Login capabilities with improved customer access to information, products and services). The briefing included an update on progress since the December Commission meeting on the Portal framework development, an example of what the individual customer page will look like, an updated schedule for implementation by January 2015, and a Portal R1.0 release timeline that includes marketing and commercial advertising. The update included the following:

Portal Development Progress:

- Much of the Customer Portal Development is Complete and testing has begun
- Amazon Environment (Pre-Production)
 - Login/reset/create an account/notification/messaging
 - Access to account information (hunt/fish licenses, tags, bonus points, customer information)
- Customer Portal Development in Process
 - Amazon Environment (Production)
 - eCommerce (Purchase Transactions); Bundled Services
 - Advertising (Sponsors, Marketing, etc.)
 - Initial Content Load
- Preparation for Increased Online Sales
 - Sales are trending toward online and away from paper
 - The Portal improves the online experience; increased online sales are anticipated
 - The Department is preparing for increased online sales with improved capability of the online platform

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

- The Department is developing an “I Support Wildlife” product line. The \$25 annual membership will include:
 - Active fish stocking reports
 - Hunt unit mapping interface
 - 1-year subscription to Wildlife Views magazine
 - 3” window sticker
- Advertising and Bundling Development in Progress:
 - Internal / external messaging
 - Focus Group test phase
 - Launch new website / bundle outreach in conjunction with website release
 - Finalize new website advertising process
 - Develop performance metric tracking of roll out
 - Deploy Digital Engagement Booth

The Commission expressed their appreciation to the Department for all their hard work on the Portal and are looking forward to its implementation.

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Meeting recessed for a break at 10:53 a.m.

Meeting reconvened at 11:05 a.m.

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5A. Public Safety Personnel Retirement System Briefing

Presenter: Kevin Hodgkins, Acting CFO, Business and Finance

Mr. Hodgkins provided a PowerPoint presentation and informational briefing on the Public Safety Personnel Retirement System. The presentation included charts and graphs of the historical and current status of PSPRS, future projections, and potential short and long-term implications. Information provided included the following:

Overview of PSPRS:

- Established in 1968 per ARS 38-841; Total PSPRS unfunded accrued liability is \$6.2 billion as of June 30, 2014 (Unfunded accrued liability is the difference between assets and what is expected to be paid out)
- Individual agency unfunded accrued liabilities range from over \$1.2 billion to a surplus of over \$5.5M
 - Game and Fish unfunded accrued liability is \$76.8M
 - ARS 38-843 goal is to have no unfunded accrued liability by 2038
- Individual Agencies have their own balance (unlike Arizona State Retirement System (ASRS) that is pooled)
- PSPRS is funded at an average of 49.2%
- Highest funded system is 377% versus -6.8% for the lowest
- Game and Fish is funded at 27.2%
- Employee contributions = 11.05% - FY 2015
- Employer contributions = 66.78% - FY 2015
- ASRS is 50/50 split employee and employer = 23.2% (11.6% each) – FY 2015

State of Arizona and Arizona Game and Fish PSPRS Data:

- Active members 18,526 versus 12,083 retirees – Game and Fish has 123 active members versus 154 retirees
- 65% increase in number of retirees since 2004 - Game and Fish increase is 35%
- Average age at retirement 53 (AGFD)
- Average age of working members 40 (AGFD)
- Average benefits system-wide range from \$11,858 to \$72,527 (system-wide)
 - Game and Fish average benefit is \$44,833
 - Game and Fish average retired time = 13.5 years

Financial Impact of Increased PSPRS Rate on Game and Fish:

- A recent court case (Fields et al v. EORP – COLA formula) will cause a 22% increase in PSPRS employer payments

- Rate goes from 66.78% to 88.56% or 72.33%
- Unfunded liability grew from \$59M to \$77M
- FY 2016 cost increase for AGFD is \$1.7M
- Over the next decade projected increased PSPRS payments amount to over \$22M based on current law.

Future Actions:

- Game and Fish will put together a team to look at all options going forward
- Game and Fish employer contributions to PSPRS may compete with existing agency programs for resources
- Legislature will likely refer to the ballot a referendum dealing with this issue
- PSPRS Acting Director will be presenting at the February Commission meeting.
- Decision on the PSPRS rate (88.56% or 72.33%) for FY 2016 will be brought for decision at the March Commission meeting.

The Commission discussed the issues and potential future actions with Mr. Hodgkins.

Commissioner Davis made it clear that there is a social contract with current employees that needs to be honored even if it is difficult. The starting point for change in the system is related to new employees and not current employees. We need to have a discussion about the Department and Commission's principles related to reform before we enter into discussions on reform, and we need to be very clear to Department employees that there is no intent to violate their social contract.

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8. Approval of Revised Commission Policy A2.34, Reintroduction of Federally Listed Wildlife.

Presenter: Jim deVos, Assistant Director, Wildlife Management Division

Mr. deVos briefed the Commission on a draft revision of Commission Policy A2.34, regarding Reintroduction of Federally Listed Wildlife. Commission Policy A2.34 establishes the Director's authority to reintroduce federally listed endangered species when appropriate outside of the twelve step process. This policy provides guidance for Department restoration activities for listed endangered species already present in the state (e.g., topminnow, pupfish, black-footed ferret). The policy was revised to change references to National Environmental Policy Act (NEPA) documentation to environmental compliance documentation, and to increase clarity.

Motion: Madden moved and Harris seconded THAT THE COMMISSION VOTE TO PLACE COMMISSION POLICY A2.34 ON THE CONSENT AGENDA FOR THE FEBRUARY COMMISSION MEETING.

Vote: Unanimous

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9. Request for the Commission to authorize the Department to conduct a supplemental translocation of bison to Raymond Wildlife Area from a National Park Service Unit.

Presenter: Amber Munig, Big Game Management Supervisor

Ms. Munig briefed the Commission on the Department's request to conduct a supplemental translocation of bison to Raymond Wildlife Area from a National Park Service Unit. For most of the last decade, the bison herd at Raymond Wildlife Area (RWA) spent too much time off the wildlife area. While off the wildlife area they caused conflicts with other uses of neighboring lands, including permitted livestock operations. The Department deployed several strategies to keep the bison from leaving the wildlife area. First, a team of Department staff completed an analysis that provided a number of recommendations. As a result of those recommendations, the bison herd was reduced in number and the bull to cow ratio was widened. Infrastructure was improved at RWA and the bison handling techniques have been adjusted. Since these strategies have been deployed, the bison herd at RWA is staying on the wildlife area.

The RWA bison herd, after spring 2015 hunts, will number about 50 animals. RWA is permitted for up to 180 bison. The Department believes that infrastructure and bison behavior have advanced enough to warrant increasing the herd to between 100 and 150 bison. In addition, there is a national effort to understand and improve the genetic integrity of bison across the country. Arizona's bison are native wildlife and considered big game animals, qualifying for entry into trophy record books. While Arizona's bison are phenotypically and behaviorally indistinguishable from genetically pure bison, Arizona's bison herd has been shown to contain a relatively high compliment of cattle gene introgression. The introgression in and of itself does not lessen the intrinsic value of bison to Arizonans, nor their value to sportsmen as a source of hunting recreation, lean meat, or as trophies. In essence, Arizona's bison are considered by the Department to be ecologically restored.

Several National Park Service (NPS) Units manage bison that have significantly less cattle gene introgression. On an annual basis, the NPS offers live bison to various entities for the purposes of increasing the number. The Department has an opportunity to request bison from the National Park Service for the purposes of supplementing the bison herd at RWA. The supplemental translocation could accomplish three things at RWA.

- Increase the bison herd size immediately to a number closer to the RWA capacity, allowing for greater wildlife viewing and hunting recreation for Arizonans
- Increase genetic diversity of the RWA herd
- Decrease the over-all level of cattle gene introgression in the herd. This action would help contribute to the national effort to conserve the native genome of bison.

Prior to completing a bison translocation the Department must comply with all of the elements of Department policy I1.2 Game Animal Translocation Procedures. Key elements of this policy include:

- Communicate and coordinate with affected land management agencies, lessees, and private land owners.
- Complete an Environmental Checklist.
- Notification of the State Veterinarian; compliance with A.R.S. 17-318 will be assured with all wildlife imported from other states.
- Develop a capture and release implementation plan.

- Post-release monitoring and annual reporting will be completed.

The Department believes the NPS bison would be available to the Department at no cost or for the cost of shipping them only. Shipping cost has not been defined because the actual source location is one of several NPS units. The Department is requesting permission from the Commission to pursue this supplemental translocation provided that it is logistically feasible and financially affordable.

The Commission discussed with Ms. Munig and Flagstaff Regional Supervisor Craig McMullen that the Department is specifically looking at bison from the Midwest NPS and not from the Grand Canyon National Park.

The Department recommends THAT THE COMMISSION CONSIDER THIS FIRST READ ITEM WHICH, IF APPROVED, WILL AUTHORIZE THE DEPARTMENT TO PROCEED WITH PLANNING AND EXECUTION OF A BISON TRANSLOCATION TO RAYMOND WILDLIFE AREA FROM A NATIONAL PARK SERVICE UNIT AND THAT THIS ITEM BE PLACED ON THE CONSENT AGENDA FOR THE NEXT REGULAR COMMISSION MEETING.

The Commission was in consensus to place this item on the Consent Agenda for the February Commission meeting.

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10. Approval of Memorandum of Understanding among the Arizona Game and Fish Commission, the New Mexico Department of Transportation and the New Mexico Department of Game and Fish.

Presenter: Tim Wade, Chief, Wildlife Contracts Branch

Mr. Wade presented the Commission with a Memorandum of Understanding (MOU) among the Arizona Game and Fish Commission, New Mexico Department of Transportation and the New Mexico Department of Game and Fish to allow the Department to enter into contracts to implement wildlife studies in cooperation with the two State of New Mexico agencies. The Department has developed a considerable number of unique techniques and skill sets that are useful to the New Mexico Departments of Transportation and the New Mexico Game and Fish Department. They have requested that the Department lend their expertise and knowledge of projects related to fish and wildlife populations, habitat connectivity and the inclusion of wildlife highway crossing structures into highway construction within the State of New Mexico, to their agencies. All costs for the Department's work within the State of New Mexico will be covered by their Departments under appropriate Collection Agreements as projects come on line.

Motion: Madden moved and Harris seconded THAT THE COMMISSION VOTE TO PLACE THIS ITEM ON THE CONSENT AGENDA FOR THE FEBRUARY COMMISSION MEETING.

Vote: Unanimous

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11. Approval of Base Property License at Horseshoe Ranch**Presenter:** Jay Cook, Mesa Regional Supervisor

Mr. Cook provided a PowerPoint presentation and briefing regarding the Department's request for the Commission to approve a base property license with JH Cattle Company at Horseshoe Ranch (Ranch) for livestock operations. The Ranch and associated water rights were purchased by the Commission in 2011. As part of the purchase, the Commission also paid for the appraised value of the two federal grazing allotments attached to the Ranch and entered into a memorandum of understanding (MOU) with the Bureau of Land Management and U.S. Forest Service to address the management of these allotments. The Ranch is base property for the Horseshoe allotment with the Copper Creek allotment given to the lessee of the Horseshoe allotment. Subsequent to acquisition, the Commission secured a base property lease with JH Cattle Company, a qualified livestock operator to operate the allotments.

The license agreement would provide JH Cattle Company an agreement to continue livestock operations on the allotments and ensures the Commission retains the allotments. The agreement also outlines the terms and conditions of JH Cattle Company's use of the base property. The license agreement is for a 10-year period. A longer term provides assurances to the Department that the Licensee is committed to the managing allotments for an extended period of time and according to guidance in the CRMP. It provides the Licensee a longer term commitment in order to continue to invest additional resources including funding (ie. licensee funds, NRCS and other grants) into the allotments. Many of the improvements will take multiple years to plan and execute. The current lessee has been a very willing and valued partner to the Department and is a known and respected partner to the stakeholder group.

Motion: Madden moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE BASE PROPERTY LICENSE AGREEMENT WITH JH CATTLE COMPANY AT HORSESHOE RANCH FOR LIVESTOCK OPERATIONS FOR A TERM OF 10 YEARS AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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12. Update on Status of Article 1 Rulemaking Activities and Public Outreach Plan for Article 1 Rules Regarding Definitions and General Provisions.**Presenter:** Amber Munig, Big Game Supervisor

Ms. Munig briefed the Commission on the Department's progress toward rulemaking and public outreach efforts for Article 1 rules regarding Definitions and General Provisions. This presentation was informational only and the rulemaking recommendations will be presented at a future meeting. The Department is looking at developing a synopsis of the significant changes

that are being suggested for Article 1. The two most significant changes deal with tag surrender and a change to how the 10% nonresident tags are issued in the draw process. The outreach plan will consist of news releases with solicitation for comment to all constituents and will be provided to conservation groups as well as meetings held in regards to the Customer Portal.

The Commission requested continued updates as needed.

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

Meeting reconvened at 1:30 p.m.

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1. (reopened) Call to the Public

Doug Beach, Yuma Valley Rod and Gun Club, presented a small token of appreciation to Commissioner Harris and expressed his appreciation for Commissioner Harris' five years of dedicated service on the Commission and to Arizona's wildlife.

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15. Request to Commission to permit Department to contract with Arizona Office of Administrative Hearings (OAH) to conduct a hearing for the Commission

Presenter: Linda Pollock, Assistant Attorney General

Ms. Pollock presented the Commission with the Department's request to have the Arizona OAH conduct the administrative hearing of the appeal of Darlene Braastad, dba Forever Wild Animal Rehabilitation Center, of the Department's decision to deny a Wildlife Holding License for a red-tailed hawk and an American kestrel. In a letter dated October 22, 2014, the Department denied the application of Darlene Braastad to hold two raptors for education purposes on the grounds that the applicant's facility does not meet minimum standards for housing wildlife. Braastad has timely filed an appeal of this decision.

The hearing may take a full day and will involve several testifying witnesses and exhibits. While applicants who are denied a special license may appeal the denial to the Commission, A.A.C.R. 12-4-409(D), the Commission, as a self-supporting regulatory board, may elect to either conduct the hearing or contract with the Arizona Office of Administrative Appeals to conduct the hearing for the Commission. A.R.S. § 41-1092.01(E). Following the conclusion of the hearing, the administrative law judge will send a copy of the decision to the Department and Commission, along with the record of the hearing upon request. The Commission retains its authority to make the final administrative decision on the appeal by accepting, modifying or rejecting the administrative law judge's decision. A.R.S. § 41-1092.08. The applicant's attorney has agreed to waive the 60-day time limit for appeals in A.R.S. §41-1092.05 in the event the Commission grants this request.

Motion: Madden moved and Harris seconded THAT THE COMMISSION VOTE HAVE THE ARIZONA OAH CONDUCT THE ADMINISTRATIVE HEARING OF THE APPEAL OF DARLENE BRAASTAD, DBA FOREVER WILD ANIMAL REHABILITATION CENTER,

OF THE DEPARTMENT’S DECISION TO DENY A WILDLIFE HOLDING LICENSE FOR A RED-TAILED HAWK AND AN AMERICAN KESTREL.

Vote: Unanimous

* * * * *

17. Executive Session

The Commission was in consensus 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.

* * * * *

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

Presenter: Gene Elms, Law Enforcement Branch Chief

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

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Meeting recessed for a break at 3:20 p.m.

Meeting reconvened at 3:35 p.m.

* * * * *

16. Wolf Briefing

Presenter: Jim deVos, Assistant Director, Wildlife Management Division

Mr. deVos provided a PowerPoint presentation and update. In March 2014 the Commission directed the Department to provided monthly updates and directed the Department to continue to interact with the U.S. Fish and Wildlife Service to develop an acceptable alternative for Mexican wolf management and to develop strategies for litigation, congressional involvement and possible withdrawal for future Commission consideration. Since the last Commission meeting the Department has been involved in discussions with the Arizona Cattle Growers Board of Directors, reviewed the FEIS for the revised 10(j) rule, worked on development of a Notice of Intent for a recovery plan, and reviewed and compared the final 10(j) rule for consistency with previous drafts.

Motion: Harris moved and Madden seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO CONTINUE TO WORK IN DEVELOPING A LONG-RANGE EFFECTIVE MANAGEMENT APPROACH FOR THE MEXICAN WOLF IN THE AMERICAN SOUTHWEST AND MEXICO

Vote: Unanimous

* * * * *

19. Approval of Minutes and Signing of Minutes (From Friday’s agenda)

Motion: Harris moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM SEPTEMBER 5-6, 2014, SEPTEMBER 23, 2014 AND NOVEMBER 7, 2014.

Vote: Unanimous

The Commission signed the minutes following approval.

* * * * *

17. (Continued) Executive Session

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

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

Vote: Unanimous

* * * * *

18. Litigation Report

Mr. Pollock requested on behalf of the Department that the Commission give authorization to file a special action appeal in the Court of Appeals in the matter of Holden v. the Commission as discussed in Executive Session.

Motion: Madden moved and Harris seconded THAT THE COMMISSION AUTHORIZE THE DEPARTMENT TO FILE A SPECIAL ACTION APPEAL IN THE COURT OF APPEALS IN THE MATTER OF HOLDEN V. HARRIS.

Vote: Unanimous

* * * * *

4. (reopened) Legislative Engagement and State and Federal Legislation

Presenter: Jorge Canaca, Legislative Liaison

Mr. Canaca requested that the Commission take a position of support for the three bills presented earlier in this meeting: HB 2396: Guides; firearms; technical correction; HB 2399: Hunter Harassment; License Revocation; and HB 2365: OHV; enforcement.

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO SUPPORT HB 2396, HB 2399, AND HB 2365.

Vote: Unanimous

Mr. Canaca requested Commission approval of a new proposal regarding landowner recreational access as discussed in Executive Session. The Department is seeking a technical amendment to the recreational immunity statute.

Motion: Davis moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE NEW PROPOSAL SEEKING A TECHNICAL CHANGE TO THE RECREATIONAL IMMUNITY STATUTE AS DISCUSSED IN EXECUTIVE SESSION.

Vote: Unanimous

Mr. Canaca reported that the Department has quickly reviewed the Governor’s budget that came out today and the Department’s budget appears to be generally intact. The Department will continue its review of the budget and provide the Commission with a more detailed report.

* * * * *

20. Director and Commissioner Comments

The Commission and Director Voyles expressed their appreciation to Commissioner Harris for his years of service and dedication to the Department and to wildlife conservation throughout Arizona.

* * * * *

21. Future Agenda Items and Action Items

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

- Regarding the Heritage O&M, the Department will bring back draft legislative language to the February Commission meeting and the Department will provide an implementation report at the May Commission meeting on the other strategies
- The Department will bring back at the February Commission meeting an update on the PSPRS that will include a presentation by representatives from PSPRS.

* * * * *

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

Vote: Unanimous

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Meeting adjourned at 4:58 p.m.

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On Saturday, January 17, 2014, from 5:00 p.m. to 9:00 p.m., the Commission participated in the annual Commission Awards Banquet held in the Opera House at the Carefree Resort and Conference Center, 37220 Mule Train Road, Carefree, Arizona. The Commission did not discuss any official business or take any legal action.



Robert E. Mansell, Chairman



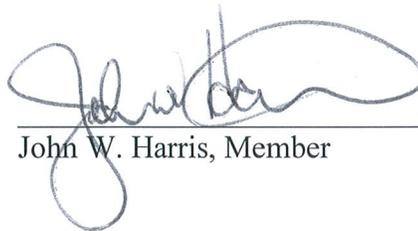
Kurt R. Davis, Vice Chair



Edward "Pat" Madden, Member

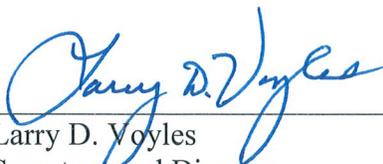


James R. Ammons, Member



John W. Harris, Member

ATTEST:



Larry D. Voyles
Secretary and Director

**Game and Fish Litigation Report
Presented at the Commission Meeting
January 16, 2015**

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.

3. *Holden and Guynn v. Arizona Game and Fish Commission*, Maricopa County Superior Court CV 2014-013211 (filed October 14, 2014). The Plaintiffs, whose Title 17 criminal charges were dismissed by the justice court (Guynn) or resulted in an acquittal following a justice court bench trial (Holden) were civilly assessed by the Commission for the loss of wildlife to Arizona. Their 28-page complaint, with dozens of attached exhibits, alleges that A.R.S. §17-314 does not authorize the Commission to impose civil assessments and claims several due process violations in the manner in which the hearing was noticed and conducted. They seek an order from the court declaring the Commission's actions unlawful, enjoining the Department and Commission

from levying the civil assessments, and requiring the Department to issue resident/nonresident hunting licenses to Plaintiffs and permitting them to apply for big game tags.

On November 13, 2014 the Department filed a motion to dismiss the complaint in its entirety for lack of subject matter jurisdiction. The Motion notes that plaintiffs, through their attorney, each declined to appear for the Commission hearing, failed to exhaust administrative remedies by filing a request for rehearing under the Commission rule, and failed to file a timely action to review the Commission's decisions under the Judicial Review of Administrative Decisions Act, which divests the superior court of jurisdiction if the action is not commenced within 35 days from the date the Commission's decision is served on the party (Holden was served with the Commission's decision in May 2014 and Guynn was served in March 2011). The motion to dismiss further cites to Arizona cases for the proposition that a complaint for declaratory judgment cannot be used to circumvent the 35-day statutory deadline for judicial appeals of state administrative decisions.

In response, Plaintiffs on November 19 filed a motion to disqualify the Attorney General's Office from representing the Department and Commission, and a motion to strike the Department's motion to dismiss on the grounds that the Maricopa County Attorney's Office is the only agency authorized by law to represent the Department and Commission in the superior court.

At oral argument on January 7, the superior court focused on a 1929 statute (A.R.S. §17-103) cited by Guynn's attorney, which states that the county attorneys "shall prosecute and defend in all courts of the county, all actions, civil and criminal, arising under [Title 17] in which the state, commission member, or department employee is a party", and decided that only the county attorneys can represent the Commission in civil and criminal cases. The court stayed its decision until February 9 to allow the Commission and Department to either (1) appeal the decision by special action to the Court of Appeals, or (2) assign the file to the Maricopa County Attorney's Office, or (3) ask the County Attorney to enter an appearance in the case.

Lands Update

For the Arizona Game and Fish Commission

January 9, 2015

Phoenix, Arizona

U.S. FOREST SERVICE

General Planning Status – Please see attached table.

Four Forest Restoration Initiatives (4FRI)

- The Final EIS and draft Record of Decision were published on December 5, 2014. The 45-day objection period closes January 20, 2015.
- The Multi-Party Monitoring Board is currently finalizing metrics and selecting protocols to answer stakeholder ecological effectiveness questions. Field data collection to begin April 2015.

Apache-Sitgreaves National Forest (A-S)

- No change

Coconino National Forest

- The Department continues to serve on the ID team for the Flagstaff Watershed Protection Project. Department personnel met with Forest planning staff to provide input on the blended alternative and draft Record of Decision. A final decision is expected in September, 2015. The team will begin drafting the Implementation Plan in January.

Coronado National Forest

- The draft Travel Management Plans are being developed for each District and will be released successively for public comment. The Department has commented on the Safford and Catalina plans. Douglas, Sierra Vista, and Nogales remain.
- No updates for the Rosemont Copper Project

Kaibab National Forest

- The Department continues to serve on the ID team for the South Zone Grassland Restoration Project. The team is drafting a Proposed Action to employ mechanical treatments, prescribed burning, and other techniques to improve grassland, savannah, and meadow habitat and wildlife movement corridors within a >500,000 acre project area.

- The North Kaibab Ranger District began scoping for the Burnt Corral Vegetation Management Project. Department personnel attended three collaborative public scoping meetings in September and October and provided input on habitat needs for wildlife. A proposed action and Notice of Intent are anticipated in December 2014.
- The Department submitted a letter of support for 10 (6 new and 4 rebuilt) wildlife and wildlife/livestock cooperative water developments/catchments in GMU 12A-E. The project was developed by Department personnel in collaboration with North Kaibab Ranger District staff. The projects are being analyzed as a categorical exclusion under the NEPA process.

Prescott National Forest

- The Department is awaiting the Record of Decision to be released in the Federal Register for PNF's Land and Resource Management Plan.

Tonto National Forest

- The Department participates in District meetings to assist the forest in finalization of the route maps for the Travel Management Plan. The dispersed camping data collected by the Department will be provided to the forest in January to inform the decision.
- The objection period for the EA and Draft FONSI for the authorization of helicopter landings in wilderness for bighorn sheep management over 10 years has closed. The responsible official will review any objections and determine the decision. Once the decision is final, the Wildlife Sportfish Restoration Program will adopt the NEPA through the federal register. The Department was able to capture sheep outside of wilderness for the initial deadline.
- The Department met with leadership for the quarterly meeting and updates. The Department was also invited to meet in regards to sustainable recreation.
- The Department participates on the ID Team for the Plan Assessment Phase of the Forest Plan Revision to assist in developing the Aquatic portion of the Assessment. The Assessment is in the process of data collection and analysis with an anticipated draft product by late December/early January, for the Aquatic portion. The Department is a cooperating agency and participates on the ID Team for the Plan Revision. The annual coordination meeting will include another work session on the Plan Revision. There are no further updates at this time.

BUREAU OF LAND MANAGEMENT (BLM)

- BLM's Renewable Energy Program is developing a regional mitigation plan for impacts from the development of the Solar Energy Zones. BLM held a workshop to discuss sites for the regional mitigation efforts. The Department nominated six sites and did a presentation on the sites at the workshop. The Department will continue to be involved in the development process.

Kinder Morgan Los Lobos Pipeline and St. Johns CO₂ Gas Unit Environmental Impact Statement

- The Department received a letter from BLM in November in response to the Department's comment letter. BLM reiterated that they will analyze the St. Johns Fields as a connected action in the Lobos CO₂ Project EIS and stated that they will include discussion of the Department's concerns. It is still unclear, however, whether this will result in a complete analysis of effects of the development and operation of the St. Johns Gas Unit, particularly those effects on wildlife and habitat as identified previously by the Department. BLM did express its willing to include potential mitigation measures to address those concerns in the Lobos CO₂ Project EIS.

Arizona Strip Field Office

- Regional staff assisted the AZ Strip BLM for 4 days in October with route evaluations for the AZ Strip Travel Management Planning. As previously reported, the Department has requested, and anticipates full cooperating agency status for this process and an MOU is being developed.
- The Department and BLM have finalized the MOU for Cooperating Agency status in preparation of the EIS for the Uinkaret Vegetation Management Project. The Department submitted scoping comments for the EIS and attended open houses in the St. George area.

Kingman Field Office

- The Department participates, as a cooperating agency, in the NEPA analysis that will take place as BLM reviews a new mining plan of operations for the Bagdad Mine. The mine has requested an expansion of its tailings pile onto roughly 500 acres of public land south of its existing tailings pile. A cooperating agency MOU is in process. On December 17th, personnel attended an agency scoping meeting for the project hosted by the Kingman Field Office. Preliminary discussions related to potential alternatives and resource-related concerns.

Phoenix Field Office

- The Department is currently working with staff on the Robbins Burn Area Emergency Response project for restoration planning on adjacent private (access agreements initiated) and Department managed lands. The Department is meeting with the Maricopa County Flood Control District and BLM to initiate the discussion.

DEPARTMENT OF DEFENSE

Yuma Proving Ground

- Yuma Proving Ground is developing a Wildland Fire Management Plan. Department staff attended the kick-off agency meeting. Department staff will continue to be involved and represent the Department's interests at Mitty Lake Wildlife Area.

Army Corps of Engineers

- Regional General Permit 22 (RGP 22) Aquatic and Wetlands Enhancement Activities expires April 14, 2015. The Corps is proposing to renew RGP 22 for five years. In the past, the Department and the Bureau of Reclamation Yuma Area Office have partnered on the creation and maintenance of backwaters on the Colorado River under RGP 22. RGP stipulates that applicant must consult with the Department prior to obtaining a permit. The Department provided comments on some proposed minor modifications to the permit submitted by Bureau of Reclamation.

TRANSPORTATION

ADOT Fence Modifications

- The Department met with the Arizona Department of Transportation's Tucson Office to request fence modifications to meet Department specifications for pronghorn permeability for fencing along State Highways 82 and 83 in areas identified as current travel corridors for pronghorn. The Department filed an application for the modification as well as a request to remove mesquites that have invaded the Right of Way within these identified areas to increase visibility for pronghorn and motorists and to encourage pronghorn to cross quickly. The modification and mesquite removal will be completed and funded by the Arizona Antelope Foundation. Work will begin in April 2015 if approved and continue for three years.

I-11 Phoenix to Las Vegas

- On December 12, 2014, the State Transportation Board approved \$15 million for the Tier 1 Environmental Impact Statement in the area between Nogales and Wickenburg, part of the proposed corridor for Interstate 11. The Tier 1 EIS is expected to take three years to complete and will begin in 2015.

I-17 Widening Study

- The Study began in 2006 and several major work items were completed including the Draft Initial Design Concept Report (DCR) and the Draft Environmental Assessment (EA). The project has been inactive for several years since FHWA began requiring programmed funding before approving a project. ADOT has re-initiated the project to complete the DCR and prepare an implementation plan. ADOT plans to carry forward Alternatives D & E (new alignments); to include a northbound climbing lane on the Black Mesa and a barrier separated reversible lane adjacent to the southbound lane will be considered. Completion targets are May 2015 for draft Implementation Plan, and July 2015 for the DCR. The Department provided input on the project in 2006-07; and will be attending monthly Progress meetings to re-engage with the project. Department attended the November monthly progress meeting. The Department has become aware that proposed southbound realignment will move the interstate an approximate ½ mile closer to a Unit 20B game water catchment, potentially impacting wildlife use of the area. The Department will be conducting further evaluations before developing a potential mitigation proposal to present to ADOT. The next progress meeting will be in January.

South Mountain Freeway

- The Final EIS/Decision was extended to include an errata for comments that were missed in the FEIS. The Department has prepared a response letter to clarify previous comments and reiterate concerns addressed within the additional comments/errata. The Department has worked with ADOT on desert tortoise surveys within the project area and continues coordination as a member of the design team.

North South Freeway Corridor Study

- The Department submitted comments on the Alternatives Selection Report and is working to provide further analysis to inform the environmental documentation.

Sonoran Parkway

- The FEIS is 95% ready for publication with notifications sent to the distribution list. The hardcopy will be provided to the cooperating agencies.

GENERAL UPDATES

SunZia Transmission Line

- The BLM updated cooperating agencies, including the Department, on the status of the SunZia permitting process and mitigation. BLM expects a signed Record of Decision (ROD) in January. SunZia has not yet begun the permitting process through the Arizona Corporation Commission. It does not appear there have been any permitting decisions made by the State Land Department either. The Department is working with BLM and USFWS to develop a Habitat Equivalency Analysis (HEA) and Resource Equivalency Analysis (REA) specific to migratory birds which will describe mitigation requirements to state wildlife resources impacted by the project. The Department is also drafting suggested language for the BLM to include in the ROD to ensure that impacts to the state are adequately mitigated and compensated.

Jhus Canyon Access

- The Department secured two perpetual road easements securing legal public access into Jhus Canyon, in the Chiricahua Mountains, GMU 29. In addition, the Department obtained two five-year term access easements to use the existing route while the new roadway is constructed on the perpetual alignment. The new route will be approximately 3/4 mi of new roadway. This access will be developed to reduce impacts to the landowners' property from campers who often use a fragile riparian area along the existing roadway. The Jhus Canyon Road continues south several miles across public lands to Commission owned lands (approximately 550 acres) called the "Manhattan Claims". These patented mining claims are state in-holdings within the Forest. The Commission has held these lands since around 1950.

Altar Valley Grassland Restoration

- The Department met with Pima County Parks and Natural Resources, private landowners, Altar Valley Conservation Alliance, Buenos Aires National Wildlife Refuge, Arizona Antelope Foundation (AAF), and the Arizona State Land Department regarding the potential for grassland restoration in the Altar Valley. Data needs were identified including GIS data to determine priority areas. The AAF donated staff time to compile that information, and a second meeting will be set for February.

Fry Mesa Dam

- The Frye Mesa Dam was constructed in 1929 to meet the water needs of the Gila Valley. The City of Safford acquired the water rights approximately 25 years ago but is not using the reservoir as a water source. Following the Nuttal fire Safford obtained approximately \$95,000 in emergency grant funds to dredge the lake and repair siphon valve. However, it was not enough to complete the repairs. The siphon valve is still not functioning and all water released runs over the spillway. Now they see the dam as more of a liability than a benefit and are proposing to remove it. There is no information that the dam is failing or needs maintenance. The dam is sanctioned by a US Forest Service special use permit that Safford also holds. The US Forest Service maintains that if the city abandons the special use permit, they would be responsible for removing the dam and any environmental clean-up, which would be very expensive. The Department has always stocked this reservoir with trout, and has invested time and finances in acquiring road easements and maintaining portions of the road to this reservoir. Currently, we stock this lake with Gila trout. The Department met with the Safford City Manager and the US Forest Service Safford District Ranger on this proposal and supplied the city with a comment letter. The city will likely do whatever is most cost effective regarding the Frye Mesa Dam, but they are looking for partners. As this proposal moves forward, the Department will examine ways to partner with the City of Safford and the Forest Service.

Aravaipa Townsite Access

- The Region met with the Safford BLM Office, Graham County, and the Cross F Ranch to discuss access to the old Aravaipa town site. The Department, BLM, and the County maintain that lawful access to Aravaipa was acquired at Statehood, but the previous owner blocked access and the county did not force them to open the road. The current owners of the Cross F Ranch are open to discussing access throughout their ranch. The county sent the owners road survey maps to review and we will initiate another meeting in January.

Austin Ranches Conservation

- The Department met with Josiah and Valer Austin, who have several large ranches in GMU's 29 and 30A, and have partnered with the Department on many important conservation projects from Gould's turkey to native fish and want to further that relationship. They have also increased the productivity of their ranches through landscape scale, low tech conservation methods which has greatly benefitted all wildlife species there. The Department is working with the Austins to permanently protect their El Coronado Ranch along West Turkey Creek in the Chiricahua Mountains. This ranch

has numerous wildlife values including fish native to the Yaqui river drainage. The Austins are interested in partnering on future conservation opportunities for their properties.

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

- The first stakeholder engagement fall meeting was re-scheduled for January with discussion and presentations on: the SE Grasslands, current projects (to include the Habitat Enhancement Initiative for Mule Deer in Unit 21), Prescott NF EMDS and NRCS Regional Conservation Partnership Program. The Implementation Team will be meeting prior to the stakeholders meeting for any necessary business items.

Fort Rock Grassland Enhancement Project: Phase III

- Due to cost savings on the 7-Up Grassland Restoration Project, the Implementation Team will move forward with approximately 1200 acres of prioritized Phase III juniper treatments on the Fort Rock Ranch. Implementation is planned to begin in early April of 2015.

GMU 21 Agua Fria Grassland and Habitat Enhancement Project

- We are currently working to develop 2 contracts for juniper thinning this winter in Units blm29, 15 and pnf5 (approximately 420 acres). Plans are to contract with Winders and Summit Forest Inc. to complete thinning activities by the end of March. Funding is from CAGCS and Wildlife Habitat Enhancement Initiative Mule Deer funds.

Wildlife Habitat Enhancement Initiative (WHEI)

GMU 16A Mule Deer Initiative

- **Controlled Burns:** Everything is in place to conduct two chaparral burns of approximately 1500 ac. each on the east slope of the Hualapai Mountains. The burns will be conducted by the Kingman BLM fire program with the allowable burn window between October 15th and March 31st.
- **Water Development:** 11 well projects have been proposed for Year 1 of the WHEI. Everything is on schedule to begin work on these projects by the end of this year
- **Thinning Units:** 10 thinning units have been identified for the project area for year 2 and 3 of the initiative. These will be cleared using a mechanical masticator or by hand crews depending on cost and logistics. The treatments will occur within chaparral and mixed chaparral/PJ habitats. Some spot herbicide treatment of scrub oak may occur to minimize regrowth and reduce shrub density.

- **Predator Management:** Predator management was recognized by the committee as being an important component of the initiative. A HPC proposal was developed and submitted for several predator control options within Unit 16A. We have received tentative verbal support approval from ADA for this project.
- **Water Sensor Project:** The water sensor project was approved for funding by the local WHEI committee. This project in cooperation with Mohave County flood control district (MCFCD) would put water sensors on 20 existing water catchments to monitor water levels. MCFCD will also create and maintain a webpage for the Department where managers can monitor water levels through the internet.

Horseshoe Ranch Adaptive Restoration and Community Stewardship Project

- The Department launched a collaborative riparian research and restoration project with Northern AZ University on Horseshoe Ranch in October 2014. The project involves two Phases: I) construction of an experimental cottonwood garden on fallow cropland and II) removal of salt cedar, pole planting of native trees and willows, and streambank stabilization within the Agua Fria River channel on the Ranch. Phase I was initiated October 2014 and 4,096 cottonwood trees were planted in a 3-acre plot. A Safe Harbor Agreement is being prepared.

Pinal County Peralta Regional Park Master Plan

- Pinal County is partnering with the National Park Service Rivers, Trails and Conservation Assistance Program to begin the development of a site specific Master Plan for a regional park off of Peralta Road in northern Pinal County. The Department attended the kick-off meeting which included a brain storming session to capture those things of value for consideration in the plan. The Department is conducting a field visit to provide further input to the working group. This master plan will set precedent for the future parks proposed by the County.

Pinal County CAP Recreation Trail Master Plan

- Pinal County has invited the Department to participate on the Working Group for the CAP Recreation Trail Master Plan. The Department participated in the kick-off meeting. The project has an aggressive timeline and is anticipated to be completed by spring 2015.

Habitat Partnership Committee

- Winslow and Show Low Habitat Partnership Committee Meetings were held in November. Agenda items for discussion included elk and pronghorn management and

hunt recommendations for 2015, updates from the Apache-Sitgreaves National Forests, habitat improvement project updates and opportunities for the next funding cycle, landowner issues and concerns, and volunteer updates.

Horseshoe Ranch CRMP

- The Interagency Team met in October, followed by a stakeholder meeting in November. These meetings focused on the BLM AIMS data and interpretation, along with development of the objectives and strategies. The Landscape Assessment Team and NEPA subteam are in coordination for scheduling several meetings to draft the objectives and strategies and begin the NEPA process. The NEPA timeline is aggressive and anticipated to end late spring/early summer 2015.

Maricopa County Flood Control District

Powerline, Vineyard and Rittenhouse Flood Retarding Structures (FRS)

- The Department was invited and has accepted a role on the design team for the project. The FRS protect approximately 72 square miles of residential, commercial, and agricultural land in Maricopa and Pinal counties from being flooded, and protect structures such as the CAP canal, Phoenix-Mesa Gateway Airport, and the Loop 202 Santan Freeway. The Arizona Department of Water Resources reclassified the PVR FRS as "high hazard potential, medium size structures," meaning they protect substantial amounts of infrastructure and a large population. The FFMA recommended rehabilitation of the structures which could include structural improvements to the dam or replacement of the dams with channels, basins or other flood control facilities. The Department met with Logan Simpson Design, Inc., NRCS and MCFCD for the first design meeting that included the project timeline and discussion of the mesquite bosque, mitigation for habitat loss and wildlife linkages.

Pinal Open Space and Trails Committee

- The Department continues to participate each month on the committee. In addition, the Natural Watercourse Subcommittee, the Department participates on, is currently finalizing a draft paper and recommendations on Maximizing Economic Benefits and Natural Values in Pinal County: Tools to Identify and Protect Riparian Areas to the Board of Supervisors for riparian protection considerations. The paper is intended to provide background and recommendations as to how to map and identify and map important riparian areas in the County, explore and develop options for creating riparian protection guidelines and incentives and conduct a code review to amend current regulations.

1 Status of US Forest Service Land and Resource Management Plans (LRMP) and Travel Management Plans (TMP) in Arizona - 12/23/14

Forest	Status	Next Step	Projected Next Step Completion
Apache Sitgreaves	<u>LRMP</u> - Draft released Jan 2013, Dept. commented. <u>TMP</u> - Dept. commented on 2010 draft (forest wide), process halted due to Wallow Fire.	A/S finalizing LRMP. TMP process will resume once LRMP is finalized.	Final LRMP ~Fall/Winter 2014. TMP draft anticipated ~late 2014.
Issues:	<u>LRMP</u> - 7100 new acres of Wilderness recommended (mostly expanding existing Wilderness) <u>TMP</u> - draft allows for Motorized Big Game Retrieval (MBGR) 1 mile from road for elk, mule deer & bear. Provides for 658 miles of corridors for dispersed camping 300 ft off established roads.	Region working with A/S to identify additional camping sites in areas deficient in 2010 draft. FWS has completed the draft Biological Opinion for the LRMP. The A-S will be in the process of reviewing the draft BO, and preparing comments for consideration by the FWS in preparation for	
Coconino	<u>LRMP</u> - Draft released Dec 2013, Dept. commented. <u>TMP</u> - Final 2011 (forest wide), MVUM's available; AGFD appealed plan on MBGR and dispersed camping decisions, appeal denied.	Coconino finalizing LRMP. Department working with Coconino to review comments and resolve issues. Coconino to open scoping process to revise TMP.	Final LRMP ~Summer 2015. TMP revision process ~Early 2015.

2 Status of US Forest Service Land and Resource Management Plans (**LRMP**) and Travel Management Plans (**TMP**) in Arizona - 12/23/14

Forest	Status	Next Step	Projected Next Step Completion
Issues:	<p><u>LRMP</u> - draft reduces motorized access 6%, inconsistent with current TMP, recommends small additional Wilderness acreage, potential pre-emption of Dept. authorities. <u>TMP</u> - limited dispersed camping 300ft from specifically identified roads, 30ft from all other roads. MBGR for elk only, 1 mile from roads except GMUs 5A & 5B.</p>	<p>Region working with Coconino planning team to resolve LRMP issues. TMP evaluated on as-needed basis for revision.</p>	

3 Status of US Forest Service Land and Resource Management Plans (LRMP) and Travel Management Plans (TMP) in Arizona - 12/23/14

Forest	Status	Next Step	Projected Next Step Completion
Coronado	<u>LRMP</u> - draft released Dec 2013, Dept. commented.	Coronado finalizing LRMP.	Final LRMP Spring 2015
	<u>TMP</u> - drafts in process (district by district).	Coronado finalizing TMPs through 2015. Region addressing district-specific road closures and access issues in TMPs.	TMP decisions by district: Department has commented on Safford and Catalina. Forest will issue Douglas, Nogales, Sierra Vista in 2015.
Issues:	Reduces use of locatable mineral withdrawal. General inconsistencies and State Land access issues. NO MBGR. MVUM's show access through roads that have locked gates. District-specific road closures and access issues.		District Draft EATMP Timeline per SOPA 12/19/14: Douglas 2-2015 Nogales 3-2015 Sierra Vista 4-2015
Kaibab	<u>LRMP</u> - Final Feb 2014.	Dept. comments (excluding Wilderness recommendations) incorporated in Final LRMP.	Note: Wilderness recommendations subject to future process and not appealable.
	<u>TMP</u> - completed by district. MVUM's available. AGFD appeal on North Kaibab TMP declined.		
Issues:	LRMP recommends small areas of additional Wilderness to clarify boundaries. North Kaibab TMP: MBGR restricted to bison and elk only. Current designated dispersed camping opportunities at lower elevations insufficient to accommodate late season deer hunters and other campers. Tusayan & Williams TMP: MBGR 1 mile from road for elk in designated areas. Dispersed camping in camping corridors, or 30 feet from road.	Tusayan & Williams TMP revision in progress; Region working with FS to expand dispersed motorized camping opportunities.	

4 Status of US Forest Service Land and Resource Management Plans (LRMP) and Travel Management Plans (TMP) in Arizona - 12/23/14

Forest	Status	Next Step	Projected Next Step Completion
Prescott	<u>LRMP</u> - Draft released 2012. <u>TMP</u> - no new TMP, amending 2005 plan for travel management.	Prescott finalizing LRMP.	FEIS expected in Federal Register 01/2015, with ROD signed by Forest Supervisor in early 2015.
<i>Issues:</i>	MBGR: Elk only, within 1 mile of designated open road. May be changed by amendment. Dispersed camping 300' from centerline of designated roads. Recommended new Wilderness 23,000 acres. MVUM's available.		
Tonto	<u>LRMP</u> - Initiating Planning Process/public scoping 2014. <u>TMP</u> - elevated to EIS from EA. Draft released with comment period extended to September 18th.	AGFD participating as Cooperating Agency throughout LRMP and TMP processes.	Final LRMP ~Fall 2017
<i>Issues:</i>	Consistency across forests, enforceability, MBGR 1 mile off road for elk and bear only. MVUM's are inaccurate.	ID Team meetings held in individual Ranger Districts. Region working with Forest on 'bubble sites' for dispersed camping.	



A2.21 Procedures to Address Department Administrative Appeals, Protests, and Objections of U.S. Forest Service a Federal Land and Resource Management Plans and Timber Sales or Resource Management Plan

Effective: ##/##/2014

Policy Process Owner: Habitat Branch Chief

Department Policy: The Commission will be informed in a timely manner of the Department's intent to file an administrative appeal, protest, or objection of a U.S. Forest Service Federal Land and Resource Management or Resource Management Plan (LMP) or timber sale.

Procedure:

- A. The Commission will be briefed regularly by the Department regarding Forest Service Federal Land and Resource Management or Resource Management Planning issues, actions, or decisions, which the Department believes, may:
 1. Adversely impact Arizona's wildlife resources or the mission of the Department. These briefings will summarize Department concerns regarding Forest LMP's and timber sales;
 2. Adversely impact public access and/or modes of access to multiple-use public lands;
 3. Limit or impair the Commission's statutory authority or the Department's ability to manage trust resources;
 4. Limit the Department's ability to fulfill its mission.
- B. Once a decision has been issued by the Forest Service, after completion of an Environmental Assessment or Economic Impact Statement, the Forest Service Administration Appeals Procedures require most appeals to be filed within 45 days from the publication date of the Decision Notice or Record of Decision. Once a federal agency has issued a decision or draft final environmental assessment or environmental impact statement, agency-specific regulations dictate the process and timelines for administrative appeal, protest, and objection proceedings.
- C. Due to this Federal time constraint constraints, review of the Department's appeal, protest, or objection by the Commission may require a special/emergency special or emergency Commission meeting. Therefore, all information relating to any recommended Department appeal, protest, or objection of a Forest Service LMP or timber sale Federal Land and Resource Management or Resource Management Plan will be submitted to the Commissioners not less than 10 days prior to the Forest Service federal agencies filing deadline for the appeal, protest, or objection. This will provide the Commission an opportunity to schedule a public meeting to and gather public comment prior to the appeal, protest, or objection deadline. C. The information submitted to the Commission will include, but not be limited to, the following:
 1. A description of the proposed Forest Service Federal Land and Resource Management or Resource Management Plan action or decision recommended for appeal, protest, or objection;
 2. The Department's Points of Appeal (issues) appeal, protest, or objection, and relief requested for resolution of the issues;
 3. A review of the Department's efforts to resolve its concerns with the Forest Service federal agency;

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4. An economic and environmental review of the proposed action or decision; and
 5. The date by which an appeal, protest, or objection must be filed.
- ~~D. The above information will also be forwarded to the State Forester for review and comment.~~

~~Note: Adopted by formal motion of the Commission on 04-19-1991; this policy had previously been approved and enacted by the Commission on September 15, 1990.~~



A2.11 Wildlife of Special Concern Species of Greatest Conservation Need in Arizona

Effective: ##/##/2014

Policy Process Owner: Nongame Wildlife Branch Chief

In order to promote the ~~recovery of threatened and endangered~~ wildlife conservation, wildlife diversity, and its habitat essential habitats, the Arizona Game and Fish Commission, through the Game and Fish Department, shall:

- A. Administer its the Nongame and Endangered Wildlife Program with the goal of maintaining the natural biological diversity of Arizona that is consistent with the Department's mission.
- B. ~~Develop and maintain lists of Wildlife of Special Concern in Arizona (WSCA), and of the ecosystems on which they depend, said lists being subject to approval by the Arizona Game and Fish Commission in public session.~~
- C.B. ~~Develop and implement an active reestablishment program, where appropriate to do so,~~ conservation programs for all species on the list of Wildlife of Special Concern in Arizona (WSCA) Species of Greatest Conservation Need in Arizona, with the goal of recovering such improving those species status sufficiently that they can be removed from the list to preclude federal listing and preserve for future generations to enjoy.

Note: Former Commission Policy J.10, Eff. 06-26-1997; renumbered to I1.8 on 01-01-1991; revised by motion of the Commission on 03-15-1991 and renumbered to A2.11. Amended 04-19-1996.



A2.31 Predation Management

Effective: XX/XX/2014

Policy Process Owner: Game Branch Chief

Policy: The Arizona Game and Fish Commission (Commission) recognizes the roles predators and predation play within Arizona's ecosystems. The Commission also recognizes predation management as a valuable, science-based, and legitimate wildlife management tool that can influence populations of species that are preyed on or compete with species that prey on others. In addition, the Commission is aware of the diverse public opinions concerning predation issues and recognizes the need to increase public education to facilitate a better understanding of predation management, including the effects of not managing predation.

The Arizona Game and Fish Department (Department) will make management decisions that influence predation based on the best available scientific information. The Department will manage species that prey on other wildlife species to provide adequate populations for ecological, scientific, educational, and recreational purposes, to reduce conflicts with humans, and to reduce adverse effects on other wildlife populations.

Purpose: This policy establishes guidelines for implementing area-specific predation management using sound biological practices. Although the policy primarily addresses mountain lion and coyote management, it is applicable to any predatory species, including species legally classified as big game such as bears, or any other species regardless of legal classification, that prey on another species.

This policy does not supersede or replace existing livestock depredation procedures or the Department's normal hunt recommendation process. Threats to human health and safety will be handled in accordance with the Department's wildlife-human interaction policies.

The Department will develop and implement area-specific management plans for predation management when the Department determines that predation is preventing the Department from meeting its management goals and objectives for other wildlife species. Scientific studies have demonstrated that actions to remove predators across broad landscapes have proven unsuccessful, but actions within a focused area (i.e., <250 mi²) can be effective. Area-specific actions address the local issues which limit prey and define implementation of realistic and effective predation management activities.

Implementation: The Department will develop and implement area-specific management plans that include:

1. Statement of need indicating;
 - a. Specific areas where the Department has or plans to translocate bighorn sheep, pronghorn antelope, special status species, or any other species the Department determines is vulnerable to predation; or
 - b. Areas where existing wildlife populations are below the Department's management objectives and the Department reasonably concludes that predation may limit specific populations of wildlife that inhabit that area.



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2. Description of area;
3. Management goals;
4. Measurable objectives;
5. Strategies and management actions;
6. Intensity and duration of the action, which should be sufficient to achieve management goals;
7. Environmental assessment checklist; and
8. Public outreach plan.

In area-specific management plans, the Department should evaluate the feasibility of using lethal or non-lethal methods of predation management. When the Department determines lethal removal is appropriate, in no specific order of priority, the following methods should be considered:

1. Licensed and permitted hunters or trappers may take species that prey on another species during established seasons. Commission rules and regulations may be modified as authorized by the Commission.
2. The Department may designate individuals who may take species that prey on another species in specific areas.
3. Department personnel may take species that prey on another species in specific areas.
4. The Department may also promote habitat management activities on public and private lands that may limit effects of predation, but habitat management is not a pre-condition to taking predation management actions.

Area-specific management plans will be developed under the direction of the appropriate Regional Supervisor and reviewed by the Game, Information, and Habitat Branch Chiefs. These plans cannot be implemented without prior approval of the Assistant Directors for the Field Operations Division and the Wildlife Management Division. The Department will initiate actions after approval of an area-specific management plan.

Aerial Coyote Take Process

In accordance with provisions of A.R.S. § 28-8281, the Department and U.S. government agencies (agency) that have the authority to take wildlife are authorized to use aircraft for taking coyotes.

The Arizona Game and Fish Department Director, or the Director's designee, must approve the aerial take of coyotes to benefit wildlife or livestock before an agency may use aircraft for taking coyotes. An agency can request permission to take coyotes using aircraft by submitting an Aerial Coyote Control Application Form #3041 to the Director.

When immediate control is required, the Director may approve the request by telephone. The agency shall submit a properly completed Form #3041 to the Department immediately thereafter.

The agency shall submit a report of aerial control activities conducted under the provisions of this policy using the Aerial Coyote Control Report Form #3042 to the Department within 30 days after expiration of the permit.



A2.9 Aerial Coyote Control

Effective: 03-15-1991

Policy Process Owner: Game Branch Chief

In accordance with provisions of A.R.S. § 28-1745, the Arizona Game and Fish Department and the U.S. Government agency having authority are authorized to use aircraft for taking coyotes. Before aircraft may be used for taking coyotes, an application requesting approval for such aircraft use must be submitted to the Director on the Aerial Coyote Control Application Form #3041.

If immediate control is required, the Director may approve the request by telephone. However, a written application shall be forwarded to the Department immediately.

A written report of aerial control activities conducted under provisions of this policy shall be prepared on the Aerial Coyote Control Report Form #3042 and shall be filed with the Department within 30 days after expiration of the permit.

Note: Former Commission Policy J2.9, Rev. 1/23/88, renumbered to II.4 on 01-01-1991; reviewed by the Commission without change on 03-15-1991 and renumbered to A2.9.

REPEALED



A2.23 Fair Chase

Effective: xx/xx/2014

Policy Process Owner: FOD Assistant Director

The Arizona Game and Fish Commission defines Fair Chase as the ethical, sportsmanlike, and lawful pursuit and taking of free ranging Arizona wildlife in a manner that does not give a hunter or angler improper or unfair advantage over such wildlife. The Commission recognizes that public support for the manner in which wildlife is pursued and taken is of critical importance to the survival of hunting and angling. The Commission affirms that hunting and angling are the cornerstones of the North American Model of Wildlife Conservation and are the primary source of funding for conservation efforts in North America. Accordingly, it is the Commission's policy that the pursuit and taking of wildlife be managed to conform to the highest ethical standards of Fair Chase.

The Commission recognizes that new or evolving technologies and practices may provide hunters or anglers with an improper or unfair advantage in the pursuit and taking of wildlife, or may create a public perception of an improper or unfair advantage. Improper advantage includes conditions such as:

1. A technology or practice that allows a hunter or angler to locate or take wildlife without acquiring necessary hunting and angling skills or competency.
2. A technology or practice that allows a hunter or angler to pursue or take wildlife without being physically present and pursuing wildlife in the field.
3. A technology or practice that makes harvesting wildlife almost certain when the technology or practice prevents wildlife from eluding take.

The Commission recognizes that development of new or improved technologies and practices can provide multiple benefits to hunters, anglers, businesses, and the economy. In its effort to preserve hunting and angling as the foundations of the North American Model of Wildlife Conservation, the Commission will give careful consideration to weigh the Fair Chase implications of a new technology or practice with the benefits the technology or practice may provide to improving competency or increasing participation in hunting or angling. These tradeoffs must be carefully weighed in an open public process before determining whether a given technology or practice should be limited or prohibited in the interests of preserving Fair Chase.

By this policy the Commission directs the Department to monitor and evaluate emerging and evolving technologies and practices and make recommendations to the Commission for statute or rule changes to preserve Fair Chase standards for the taking of wildlife in Arizona.