

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, May 11, 2001 – 8:00 a.m.
Saturday, May 12, 2001 – 1:30 p.m.
Manor House Conference Center
415 E. Highway 70, Safford, AZ

PRESENT: (Commission)

Director's Staff

Chairman Dennis D. Manning
Commissioner Michael M. Golightly
Commissioner Joe Carter
Commissioner Sue Chilton
Commissioner W. Hays Gilstrap

Director Duane L. Shroufe
Deputy Director Steve K. Ferrell
Asst. A.G. Jay Adkins
Asst. A.G. Jim Odenkirk

Chairman Manning called the meeting to order at 8:00 a.m.

Awards and Commissioning of Officers

The Shikar Safari Wildlife Manager Award for 2000 was presented to Becky Wright, Region IV (Yuma) District Wildlife Manager. Deputy Director Ferrell presented Officer Wright with the plaque. Officer Wright's father (a retired employee of the U.S. Fish and Wildlife Service) and mother spoke of the recognition of her award.

Van Talley, Mayor of Safford, welcomed the Commission and Department to Safford.

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1. Executive Session – Legal Counsel

- a. Legal Counsel. *Forest Guardians v. APHIS*, CIV 99-61-TUC-WDB; *State of Arizona v. Norton*, CIV 98-0632-PHX-ROS; *Conservation Force v. Shroufe*, CIV 98-0239 PHX-RCB; *In Re General Stream Adjudication for the Little Colorado River and Gila River* and *Mark Boge v. Arizona Game and Fish Commission & Shroufe*, CIV 2000-020754
- b. Briefing. Arizona Auditor General's Office audits

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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Meeting recessed 8:10 a.m.

Meeting reconvened 8:23 a.m.

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Chairman Manning called the meeting to order at 8:23 a.m. Members of the Commission and Director's staff were introduced. The meeting followed an agenda dated April 20, 2001.

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3. An Update on Current Issues, Planning Efforts and Proposed Projects on Federal Lands in Arizona

Presenter: John Kennedy, Habitat Branch Chief

A copy of the printed update, which was provided to the Commission prior to today's meeting, is included as part of these minutes.

More information was provided regarding progress on national monuments and national wildlife refuges in Arizona. At this point, the most recent news regarding national monuments came out of Senator Kyl's office that there are negotiations presently occurring at the Secretary's level. These were in regard to potential changes in the language of each proclamation as well as the interim management policy. One issue not addressed by the Department, but presently recognized as a serious issue, pertains to the boundaries of the monuments. The boundary issue is one of the most significant issues currently being addressed on the negotiations. It was unknown whether or not boundaries of the monuments will be changed based on the ongoing negotiations.

With regard to national wildlife refuges, the Department's cooperation with other state wildlife agencies and members of the Arizona delegation has paid off. The Fish and Wildlife Service (FWS) agreed to open the comment period for all of the draft policies. There could be up to 60 more days to comment on the draft policies. The Department has scheduled two meetings with the FWS. One will be at Mr. Kennedy's level with biologists and authors of the draft policies; the other meeting will be at a higher level to negotiate comments. It was unknown whether or not changes will be made on those comments, but that determination should be made in June.

Commissioner Chilton commented she was a strong supporter of access for the public on public lands for hunting and other recreational purposes. Recently the FWS (Buenos Aires) purchased 800 acres of private land from a rancher (western border neighbor). As private land, it was closed. Now this land is the property of the FWS and they immediately closed access to the area. She made it clear that the padlock was not the Chilton's, but belonged to the FWS. It locked out not only access to public land but private land the Chilton's owned behind it. Mr. Shifflett, Refuge Manager at the Buenos Aires Refuge, cancelled the meeting with the Chilton's that was scheduled for last Friday. Ranchers were not denying access. The Department needed to discuss access issues with the refuge manager. Because of the fact that it is now publicly owned property, there was good reason to allow access to hunters and other recreational users. There was no alternative access through that area other than by helicopter or by horseback.

Commissioner Golightly stated the Commission could give direction to the Department to bring back more information on this issue. This issue has been a problem for a long time.

Motion: Golightly moved and Carter seconded THAT A LETTER BE DRAFTED FOR THE COMMISSION CHAIR'S SIGNATURE ADDRESSING THIS PARTICULAR ACCESS ISSUE ON THE NEWLY ACQUIRED LANDS THAT THE FISH AND WILDLIFE SERVICE NOW OWNS THAT PUBLIC ACCESS SHOULD BE ALLOWED ON PUBLIC LANDS. THE INFORMATION AND EDUCATION DIVISION SHOULD PUT OUT AN ARTICLE WHEN MORE INFORMATION ON THIS ACCESS ISSUE BECOMES KNOWN.

Chairman Manning added that this Commission was on public record for aggressively pursuing public access to public lands and would do anything it could to regain and maintain access to those newly acquired public lands that the FWS now owns.

Commissioner Carter stated that this is an opportunity to share with the governor and Congressional delegation the ongoing attitude of the federal agencies. The Commission has strong concern regarding public access to federal lands within the state as long as the access does not impact resource values. The Commission was concerned about wildlife management responsibilities. There was a strong desire to clarify policy, perhaps through legislation, with respect to those two issues. Many times what is published in the *Federal Register* was inconsistent with actions taken on the ground in terms of access and management responsibilities.

Vote: Unanimous

Director Shroufe presented written information to the Commission on Alamo Lake and burro management.

Commissioner Golightly requested that names of the permittees on certain allotments be given in the written updates with regard to ID Team meetings the Department attends. Mr. Kennedy noted the permittees did not usually attend these ID Team meetings. Commissioner Golightly wanted to know more about wildlife effect analysis. Mr. Kennedy noted names of permittees and issues of significance would be given in future updates. Commissioner Chilton agreed with naming the permittees.

Commissioner Golightly referenced the Coconino National Forest item where the Department met with the Blue Ridge/Happy Jack Ranger District to discuss cooperative development of a proposal for a 20,000-acre urban interface/fire reduction project. There was no urban interface at Happy Jack. Mr. Kennedy noted this may be a way of identifying a funding source and project objectives for some projects. There was a high priority with the Forest Service and others on wildland urban interface and fire reduction/forest restoration projects. This project, which was focused on forest restoration, was being funded through the Department of Agriculture and Department of Interior. The Commission developed a resolution on this a few months ago.

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4. Statewide Shooting Range Project Update

Presenter: Kerry Baldwin, Education Branch Chief

Written updates were provided on various topics in the program prior to today's meeting.

Progress was still being made at Bellemont. The Decision Notice by the Forest Service has been made and was forwarded to the Government Printing Office. The decision should be known on Bellemont within the next month. The Department was looking at having the documentation completed for the special use permit by late summer (August). If there was an appeal to the special use permit EA, it could go on into early fall or beyond.

The Commission took action several weeks ago related to the land exchange to include additional lands for the process of keeping us moving forward and the ultimate disposition of the land exchange.

There could be a project with the City of Douglas for the Department to take over the National Guard shooting range.

The Department continues with Ben Avery economic development issues.

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5. State and Federal Legislation

Presenter: Duane L. Shroufe, Director

Director Shroufe read from a written report regarding the outcome of the legislative session. All state employees and state retirees have seen good salary or retirement benefit packages.

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Meeting recessed 8:52 a.m.

Meeting reconvened 9:02 a.m.

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2. An Update on the Sonoran Desert Conservation Plan, Pima County

Presenter: John Kennedy, Habitat Branch Chief

Mr. Kennedy gave a brief summary of the item.

In 1998, the Pima County Board of Supervisors (Board) initiated discussions regarding the need for a comprehensive assessment of urban growth and the environment and actions to preserve and protect natural and cultural resources within Pima County. The Board adopted the Sonoran Desert Conservation Plan concept in 1999. The Board further directed the planning process be accelerated to develop a regional conservation plan that outlines actions to conserve the natural, environmental, and cultural resources of Pima County. Since 1999, the concept plan has evolved into the draft preliminary Sonoran Desert Conservation Plan and related documents that evaluate alternative actions and provide guidance for meeting the goals identified in the Conservation Plan, including goals related to compliance with the Endangered Species Act (ESA). The conservation plan will represent Pima County's Habitat Conservation Plan and application for a Section 10 Permit (Incidental Take Permit) under the ESA.

Maeveen Beehan, Assistant to the County Administrator of Pima County, briefed the Commission on the status of the Plan and related documents, including the draft

Biological Reserve map, the Multi-Species Conservation Plan, Environmental Impact Statement, the Implementing Agreement and the Comprehensive Plan. She oversees the land and resource issues associated with the Conservation Plan and the general comprehensive plan. She gave an overview of timelines; of how it started, current status, and how the Plan will work in the future. Written documents were provided to the Commission.

Also present for this item were Region V (Tucson) Supervisor Gerry Perry, as well as Region V Habitat Specialist Sherry Ruther, who are both participating on committees associated with the planning effort.

Ms. Beehan stated that during the planning process, issues that seemed intractable were now solvable. One myth was that the ranching community was at odds with environmental goals. Another myth was that there was a conflict between economic goals and environmental goals. These myths were not true.

Strategies for implementation will be determined in the next few months. They are:

1. Cooperation to see if the goals of the federal purpose were consistent with the local landowners' goals
2. Needs of the landowners
3. Regulatory
4. Assessment

Commissioner Carter asked about Las Cienegas National Conservation Area (NCA) and tying of a corridor between Las Cienegas and these efforts. He asked if there was an effort in the planning process to try to accomplish that objective. Ms. Beehan stated that there were people in the Cienega area who have an independent planning process. They will pursue their own study to increase the NCA. A science team has identified the area as important. The watershed is unique because of its importance to the aquatic system. The ability to conserve the area for multiple use will be the conversation for the next 18 months.

Commissioner Golightly asked how hunting would be allowed. Ms. Beehan stated there was a mountain park element in Pima County. A lot of the parkland was put into ranch conservation status. This was the preference of the ranching community. It was felt that hunting and recreation would be dealt with in an intergovernmental park planning process. There will be a regional recreation land use adaptive management plan. The hunting issue will come through several doors - one is the science team and one is the recreation team. There are 10,000 acres in the mountain park element.

Commissioner Carter asked who would be responsible for wildlife management with the plan. Ms. Beehan stated nothing would change. There may be programmatic conflicts between state and federal laws that could be worked out through relationships.

Commissioner Chilton noted that the effort to conserve ranchlands was also the effort to conserve hunting opportunity because when the ranchers are forced out of business, they sell their private lands. This does answer a large housing need for a significant part of the population. Once there was widespread wildcat development, a hunter is in a short range of a house someplace no matter in what direction he turns.

Commissioner Gilstrap noted the science the state (Department) has is superior and historically correct, which will produce a better base rather than non-science. Commissioner Carter added that there was one thing that complicated the overall effort. The Fish and Wildlife Service focuses on a particular species. Sometimes the limitations to address their concerns with that species are at the expense of the long-term benefit for wildlife in general. This is very frustrating. Ms. Beehan agreed. The way the Fish and Wildlife Service implements the Endangered Species Act (ESA) is different from its purpose. There was need of a research wing and it was hoped this would involve the Department. It was the local and state partnership that has created more flexibility in the ESA.

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6. Request to Adopt Revised Notice of Final Rulemaking

Presenter: Mark Naugle, Manager, Rules and Risk Management

(For additional background information regarding R12-4-121, 402, 409, 413, 418, 420, 421, 423 and 424, see Commission meeting minutes for January 19, 2001, page 13.)

The Governor's Regulatory Review Council (GRRC) staff returned this final rulemaking package to the Department on March 5, 2001, with recommendations for nonsubstantive revisions focusing on writing style and GRRC's staff interpretation of the meaning of "clear and concise language."

The recommended revisions can be best understood as grammatical and stylistic modifications designed to conform the rule language to an ideal standard that GRRC is working toward for all state agency rules.

The editorial changes requested by GRRC were substantial in number and changed the appearance of the rule language. The Commission has not delegated authority to the Department to make the types of changes that GRRC staff is recommending and the modified rule language needs Commission approval before resubmission to GRRC. If approved by the Commission, the revised Notice of Final Rulemaking will be submitted to GRRC for the June 2001 Council meeting, with the effective date of the rules remaining July 1, 2001.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION VOTE TO ADOPT THE REVISED NOTICE OF FINAL RULEMAKING FOR R12-4-121, 402, 409, 413, 418, 420, 421, 423 AND 424 CONTAINING THE NONSUBSTANTIVE MODIFICATIONS SUGGESTED BY THE GOVERNOR'S REGULATORY REVIEW COUNCIL STAFF, AND TO DIRECT THE DEPARTMENT TO FILE A REVISED NOTICE OF FINAL RULEMAKING WITH THE GOVERNOR'S REGULATORY REVIEW COUNCIL.

Vote: Unanimous

Commissioner Gilstrap asked if there was a consistency in the language and style that is coming from GRRC. Dana Yost, Rulewriter, stated there was, but different individuals at

GRRC read a rule in different ways. There was a standard to remove passive voice and go to active voice.

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7. Mr. Calvin Cowles' Petition to Amend Rule R12-4-304 (Lawful Methods of Take)

Presenter: Mark Naugle, Manager, Rules and Risk Management

Mr. Cowles submitted a petition requesting the amendment of R12-4-304 to allow the take of all big game with crossbows.

Currently, only four big game animals (javelina, turkey, white-tailed deer and mule deer) may be legally taken with a crossbow and the disabled crossbow permit for archers is only applicable for these species.

The Department recommended that the Commission deny the petition and direct the Department to consider the request as part of the Article 3 five year review that began January 2001.

1. The Department believes that, while the petition has merit, the Department should devote adequate time and resources to reviewing the potential impact of the proposed rule change.
2. It is not possible to implement the proposed amendment for the 2001-2002 season. If the Commission voted to initiate rulemaking at this time, it would take at least one year to complete the rulemaking process. This means that the rule change could not become effective until September 1, 2002.
3. The mandatory five-year review of all Article 3 rules began in January 2001. The five-year review report will be submitted for Commission approval in December 2001. This report will be sent to GRCC in March 2002 for its approval in May 2002. The regular rulemaking process for the amendment of Article 3 rules will begin in June 2002, with an effective date of January 1, 2004, for any new or amended rules. Any amendment to R12-4-304 should be completed and effective by January 1, 2004.
4. The Department believes it would be beneficial to include the petition in the ongoing Article 3 review. Review of the requested R12-4-304 rule change, in conjunction with the other Article 3 rules, would ensure consistent and standardized interpretation and implementation of the rules as a whole. Review of the proposed rule change as part of the Article 3 review would also allow for more complete public involvement and would be more cost effective.

Mr. Naugle noted that if the rule review was done during the in-cycle process, there was no additional cost to the Department.

Mr. Cowles was present and addressed the Commission. He distributed a handout to the Commission. He explained the handout information. He noted no standard had been set in Arizona by any study as to the effectiveness of the crossbow (there was a standard of 40 pounds of pull for archery hunting). Almost all crossbows are listed at 150-160 pounds. Almost all shoot a consistency-sized arrow in the 500 range. The velocities at the very slowest of all of the compound ballistics was 230 feet; the fastest at 283 feet.

The crossbow was producing faster speeds carrying the same weight of arrow as a 60 pound hand-held longbow.

Mr. Cowles noted a list of other states and provinces of Canada that allow usage of crossbows in all big game hunts. In every case, there is no particular restriction unless it is in an archery season; they may be restricted to the use of someone with a disability. There were excerpts from six game and fish departments (Utah, Wyoming, Colorado, Montana, Idaho and South Dakota). These states allow crossbows to be used for the taking of all big game. They allow its use in their general firearms seasons and archery seasons, with the same stipulations as in Arizona regarding disabilities.

Change must be done in a timely manner for a disabled person. It was not right to have a petition system in place where change can be brought about in a timely manner and not use it.

Mr. Naugle stated the earliest effective date would be September or October 2002 if the rule were to be taken out of cycle versus January 2004 for the regular cycle.

Commissioner Gilstrap asked if, in the process, an evaluation was required regarding seasons, whether or not the bow was used by physically challenged persons and used in conjunction with archery season and/or other weapon seasons. He asked if these factors were in the evaluation process. Tice Supplee, Game Branch Chief, stated that the challenged hunter rule and the crossbow component to that would not require a modification because it already allowed for somebody with a crossbow permit to use a crossbow in an archery season. What Mr. Cowles brought forward was that there were only four big game species for which crossbow was considered legal in Arizona. If the rule were to be modified as proposed, it would do two things:

1. It would allow for the crossbow to be a legal method in any general season for that species and
2. It would allow for the holder of a crossbow permit to use the crossbow in an archery season for that species.

Motion: Golightly moved and Manning seconded THAT THE COMMISSION VOTE TO DENY MR. CALVIN COWLES' PETITION TO AMEND R12-4-304 AND DIRECT THE DEPARTMENT TO CONSIDER THE REQUEST AS PART OF THE ONGOING ARTICLE 3 FIVE-YEAR RULES REVIEW THAT BEGAN IN JANUARY 2001.

Mr. Yost stated that as part of the five-year review, all the rules would be submitted together in a package to GRRC. There was no way to separate and speed up any rule outside of the package. At the end of the process, the Commission had the option to direct the Department to initiate regular rulemaking on 304 at any time. As a matter of Department policy, the regular rulemaking does not occur until after the five-year review cycle, as a matter of Department policy.

Commissioner Golightly noted there were other requests for 304 and he would not like to specifically place one request over another. Mr. Yost noted that the Department was required under GRRC's rules to provide an evaluation of any written public comment, including petitions.

The Department was required to provide an evaluation of Mr. Cowles' petition under the normal five-year review process.

Mr. Naugle noted there were two petitions that could be packaged together for 304. They would not have to come back to the Commission for reconsideration. Mr. Naugle stated these petitions would be reviewed in the normal five-year rules review process. Once the five-year rules report was filed with GRRC, and regular rulemaking was initiated, the Department could extract all of the petitions for 304 and give them priority to present to the Commission sooner and on a separate timetable.

Commissioner Chilton wanted to see this done more expeditiously. The petition was well supported and it was in the Commission's interest to expand the pool of hunters and to increase opportunity for as many people as possible.

Mr. Odenkirk stated if the Commission decided to submit 304 as a separate package and run the rule as a new rule process, 304 could be taken out of the rule review reporting process. The Commission could start the rule right now as an open rule. The five-year process starts with the report that is submitted to GRRC. The Commission would tell GRRC what it planned to do with the rule. If GRRC approves the report, the next phase was to open the rule and make changes to the rule submitted in the report. This was a two-year process that was currently ongoing with Article 3. If the Commission wanted to step outside from the process with regard to 304, the rule would be pulled out of the process and opened immediately by filing a notice with the Secretary of State in order to begin working on the rule.

Director Shroufe noted the Commission already took action on two 304 petitions that were denied and were put in the regular five-year package. He suggested that the Commission direct the Department to come back in June with a package for Article 3 that it wanted to see move on a fast track. He did not see any reason to address one issue in 304 and to still have two more issues that were postponed for two years.

Commissioner Golightly and Chairman Manning withdrew the previous motion.

Motion: Carter moved and Chilton seconded THAT THE COMMISSION DIRECT THE DEPARTMENT TO LOOK AT ARTICLE 3 AND BRING BACK A PACKAGE AT THE NEXT MEETING OF RULES IT WOULD LIKE TO SEE PUT ON A DIFFERENT CHRONOLOGICAL TRACK.

Vote: Unanimous

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8. Call to the Public

There were no comments.

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9. Consent Agenda

Director Shroufe stated there were some errata pages to items on the Consent Agenda.

A. Project Narratives

1. Request for Approval of a New Six-Year Project Narrative for the Heritage Lands and Water Project (IIPAM-LW). Department recommendation: That the Commission vote to approve the new six-year project narrative for the period of July 2001 to June 2007 for the IIPAM-LW Heritage Lands and Water Project.

The item remained on the Consent Agenda.

2. Information and Education Project Narratives. Department recommendation: That the Commission vote to approve the Project Narratives for Information and Education 2001-2006.

The item remained on the Consent Agenda.

3. Vote to Approve Six-Year Program Narratives for Research. Department recommendation: That the Commission vote to approve the attached program narratives for the Research Branch as written.

This item was withdrawn for further discussion.

4. Revisions to the Department's Comprehensive Management System (CMS). Department recommendation: That the Commission vote to approve the Department's revised Comprehensive Management System and its associated six-year project narrative and authorize the Department to apply to the U.S. Fish and Wildlife Service to continue to receive federal funds under the comprehensive management option.

An errata sheet regarding the Open Meeting Law requirement was distributed for page 6. This item remained on the Consent Agenda.

5. Heritage Fund Program, Administration and Support Services Six-Year Project Narrative. Department recommendation: That the Commission vote to approve the Department's Heritage Fund program, administration and support services six-year project narrative for the time period of July 1, 2001 through June 30, 2007.

This item remained on the Consent Agenda.

6. Heritage Urban Wildlife Management Project (URBAN-WL). Department recommendation: That the Commission vote to approve the Department's Heritage Urban Wildlife Management Project (URBAN-WL) Narrative for fiscal years July 2001 through June 2007.

This item remained on the Consent Agenda.

7. Heritage Stewardship Project (IIPAM-S). Department recommendation: That the Commission vote to approve the Department's Heritage Stewardship Project (IIPAM-S) Narrative for fiscal years July 2001 through June 2007.

An errata sheet was provided earlier to the Commission on this item on page 2 of the narrative reference items 2 and 3. These items refer to administration of the Arizona Habitat Partnership Committee Program and coordination in developing and implementing agreements and big game special tag projects with the Development Branch and Field Operations staffs. The comments were deleted under IIPAM Stewardship because they were not legitimate items to be handled under that project; thus they appear in the W-53-M Game Management Project Narrative. This item remained on the Consent Agenda.

8. Request to Approve a Six-Year Project Narrative for the Department's Nongame Wildlife Management Project (W-95-M). Department recommendation: That the Commission approve the Department's Nongame Wildlife Management Project (Project W-95-M), Federal Aid in Wildlife Restoration Act) Narrative for fiscal years July 2001 through June 2007.

This item remained on the Consent Agenda.

9. Request to Approve a Six-Year Project Narrative for the Department's Endangered Species Conservation Project (E5). Department recommendation: That the Commission vote to approve the Department's Endangered Species Conservation Project (Project E5, Title VI of the Federal Endangered Species Act) Narrative for fiscal years July 2001 through June 2007.

This item remained on the Consent Agenda.

10. Request to Approve a Six-Year Project Narrative for the Department's Heritage Wildlife Management Project (IIPAM-WM). Department recommendation: That the Commission vote to approve the Department's Heritage Wildlife Management Project (Project IIPAM-WM, Arizona Heritage Fund) Narrative for fiscal years July 2001 through June 2007.

This item remained on the Consent Agenda.

11. Amendment of Five-Year Federal Aid Project Narrative for the Arizona Boater Access Facilities Development and Operation Project (F-19-D) to Include Linkage to the Watercraft Strategic Plan 1999-2004. Department recommendation: That the Commission vote to approve the amendment of the F-19-D Project Narrative for fiscal years 2001 through 2003.

This item remained on the Consent Agenda.

12. Request to Approve the Habitat Enhancement, Maintenance and Operations (FW-20-D) Program Narrative. Department recommendation: That the Commission vote to approve the Program Narrative for the Habitat Enhancement, Maintenance and Operations Project (FW-20-D) for fiscal years 2001-02 through 2006-07.

This item remained on the Consent Agenda.

13. Request to Approve the Heritage Public Access Program Narrative. Department recommendation: That the Commission vote to approve the Program Narrative for the Heritage Public Access Project for fiscal years 2001-02 through 2006-07.

This item remained on the Consent Agenda.

14. Amendment of Five-Year Federal Aid Project Narrative for the Regional Office Expansion Project (FW-21D-3). Department recommendation: That the Commission vote to approve the amendment of the FW-21D-3 Project Narrative to extend it through June 30, 2002.

This item remained on the Consent Agenda.

- B. Statewide Shooting Ranges Grant Request. Department recommendation: That the Commission vote to approve the FY 2002 Statewide Shooting Range Grants as submitted.

Chairman Manning stated he wanted to withdraw Item B. for further discussion.

- C. Revisions to the Department's Budget Prioritization Manual. Department recommendation: That the Commission vote to approve the Department's Revised Budget Prioritization Process Manual.

This item remained on the Consent Agenda.

- D. Request to Amend the Wildlife Restoration Portion of the Fiscal Year 2001 Federal Aid Comprehensive Management System (CMS) Grant to Recover Indirect Costs. Department recommendation: That the Commission vote to authorize the Director to amend existing grant agreements to recover indirect costs for the Wildlife Restoration portion of the fiscal year 2001 Federal Aid Comprehensive Management System grant as deemed necessary.

This item remained on the Consent Agenda.

- E. Conservation Agreement for the Bald Eagle in Arizona. Department recommendation: That the Commission vote to authorize the Director of the Arizona Game and Fish Department, as Secretary to the Commission, to develop, execute, and amend, as necessary, a conservation agreement for the bald eagle in Arizona.

This item was withdrawn for further discussion.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEMS A. 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, C and D AS PRESENTED.

Vote: Unanimous

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Meeting recessed 10:35 a.m.

Meeting reconvened 10:52 a.m.

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Richard Ockenfels of the Research Branch provided more information regarding Item A.3 by explaining what a habitat oriented project was.

Regarding Item B., Chairman Manning withdrew his withdrawal. The statewide shooting range narration would be re-opened by Kerry Baldwin when the Consent Agenda was finished.

Regarding Item E., Bill Van Pelt of the Nongame Branch provided more information regarding the present assessment of bald eagle populations in Arizona and how close they were to being removed from the state’s threatened species list. The bald eagle has not yet been removed from the federal Endangered Species List. There are concerns about the need for continued intensive management to insure the viability of the southwestern population. The population in Arizona is considered to be a “closed” population; it is a small subset of the total population. Because of the impacts on this population, intensive management is required to insure viability of the population. Priority status can be retained for the southwestern bald eagle on the current list of Wildlife of Special Concern.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION ACCEPT CONSENT AGENDA ITEMS A.3, B AND E.

Vote: Unanimous

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4. Statewide Shooting Range Project Update – cont’d.

Presenter: Kerry Baldwin, Education Branch Chief

This item was reopened regarding the fee structure at the Ben Avery Shooting Facility. There was concern raised at the last Commission meeting with regard to the competitive shooting rate. There were also concerns raised on the campground fee. There will be public input on those two items. The Department wanted to implement the new fee structure on July 1, 2001. The fees were expected to be in place for three years.

The Commission had no desire to change its prior approval of the fee structure at Ben Avery.

This item was reopened but had no relationship to Item B. on the Consent Agenda.

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11. A Briefing of the History, Current Status and Future Management Planning for the Rocky Mountain Bighorn Sheep Populations in Game Management Unit 27

Presenter: David Cagle, Game Specialist, Region I (Pinetop)

The Department reported on information relating to the history of the Rocky Mountain bighorn sheep populations in Game Management Unit 27. Current population status was reviewed and recommendations for future management were presented.

Reasons for the decline of the Rocky Mountain bighorn sheep herd along the San Francisco River in Arizona and New Mexico include lion predation and disease transmission from livestock. Region I does not recommend any augmentations to the San Francisco River herd until the domestic sheep from the Martinez Ranch have been removed.

The Eagle Creek Rocky Mountain bighorn sheep herd is doing well and have multiplied and expanded their range from the core area of lower Eagle Creek. The Eagle Creek population can serve as a source population for future Rocky Mountain bighorn sheep transplants.

The Foote Creek herd has been stable; there has been recent expansion into the Jackson Box and Turkey Creek areas, along the Blue River. There were no management recommendations for this herd. Most of the herd is located in the Blue Primitive Area and restricted to active management. This herd could serve as a future source for transplants.

The Black River Rocky Mountain bighorn sheep herd occurs along 25 miles of the Black River drainage (between Game Management Units 1 and 27) from approximately Three Forks downstream to the San Carlos and Fort Apache Indian Reservations. A habitat needs evaluation has determined that the Black River herd would best benefit from burning of forest understories and grasslands. The Department is currently working with the staff of the Apache National Forest and members of the Arizona Desert Bighorn Sheep Society to develop and fund a large-scale burning program to enhance bighorn sheep habitat along the Black River.

An update was given regarding recent releases of Rocky Mountain bighorn sheep populations. In 1994, 21 Rocky Mountain bighorn sheep were captured in Colorado and released on the Blue River at the opening of Bear Canyon. In 1996, lion predation claimed a significant number of animals; since then the Bear Canyon herd has been stable to slowly increasing. The Department recommended that a supplemental release occur to improve the long-term viability of the herd.

Another transplant occurred in 1995 near the XXX Ranch on the Blue River; however, this transplant was not successful. Possible reasons for the failure may be due to poor rainfall in the winter of 1995 and spring 1996, confirmed lion predation, and confirmed Epizootic Hemorrhagic Disease mortality. Department personnel have not observed any sheep in the release area since October 1997. A bear hunter reported seeing 6-10 sheep this past April near the release site. This is believed to be a reliable sighting and the area

is scheduled to be surveyed this fall. If this area is to be used as a future release site, new water development construction should be evaluated west of the Blue River.

Transplant recommendations were noted. Habitat analysis was recently completed. Some of the highest ratings were adjacent to areas currently occupied. One area that rated high was Jackson Box. Another area was K P Creek, across from Bear Mountain. One area along Chevelon Canyon in Unit 4A/B would have scored higher if there were no domestic sheep in the area.

The Department's highest priority for Rocky Mountain bighorn sheep is to augment the Bear Canyon population, with about 20-25 animals. Informal scoping has begun and has been encouraging. The Department has had discussions with officials from the Apache National Forest on the Alpine Ranger District and has received verbal support. A letter of support of the supplemental transplant has been requested. Support for the project has also come from the livestock permit holder and the Arizona Desert Bighorn Sheep Society.

A viable source of sheep for this augmentation is available in Arizona. The Eagle Creek herd has an estimated population of approximately 250 animals. A majority of this population is readily accessible for capture along lower Eagle Creek. Since this herd resides primarily on lands owned by Phelps Dodge and the Bureau of Land Management, coordination will occur with these two entities.

The proposed Bear Canyon Rocky Mountain bighorn sheep release is a timely priority for the following reasons:

1. A small population has established a home range in some excellent habitat. However, the number is below the level to be considered long-term viable and an infusion of new sheep will increase the long-term success of the population.
2. History has shown that there is a high likelihood that a majority of the introduced sheep will mix with the resident animals. These resident animals know their home ranges and where best to access feed, water, and escape terrain. Newly released sheep that interact with the resident animals should have an acceptable mortality rate.
3. The Eagle Creek herd is at a population level that safely allows for the removal of some excess animals. The removal of 20-25 animals should not reduce any hunting opportunity. It is desired to capture mostly ewes, and the few rams transplanted would preferably be of younger age classes.

It is recommended to conduct this capture and subsequent release in late winter or early spring 2002.

The Department looks forward to transplanting Rocky Mountain bighorn sheep where they can best achieve the *Wildlife 2006 Strategic Plan's* bighorn sheep species specific strategies:

1. To establish self-sustaining populations at all new transplant sites
2. To evaluate transplant sites for Rocky Mountain bighorn sheep and implement further transplants as appropriate.

Commissioner Chilton suggested that the Department and Forest Service meet with the Martinez's to discuss the option of grazing cattle to prevent the transmission of sheep diseases. Perhaps some kind of habitat improvement plan with fire that would benefit the forage for those species could be worked out. Mr. Cagle noted that when the Department met with the Martinez's, the ranch had been up for sale. A conservation easement had been entertained. The domestic sheep are only on their deeded land and they have a livestock permit on the forest that is for cattle. The sheep do not provide a money-making situation for the Martinez family. They were hesitant about entering into a conservation agreement because of the deed restriction. Discussions with other family members may prove to be more fruitful in the future.

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12. Call to the Public

There were no comments.

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13. Director's and Chairman's Reports

Chairman Manning gave no report since he had been on vacation.

Director Shroufe noted the Division updates were provided to the Commission. He attended the State Growth Policy Forum for two days that was sponsored by the Western and National Governors' Associations. In her opening remarks, Governor Hull referred to lands being available for hunters and anglers to recreate on.

Director Shroufe announced the 23 recipients of the 2000-01 Heritage Grant Awards. Notebooks were distributed to each Commissioner to use as a reference.

Environmental Education

City of Safford, \$3,922, Education enhancement of Discovery Park

University of Arizona, \$10,000, Desert Heritage Experience (Maricopa Agricultural Center project)

Marana Unified School District, \$9,865, Urban Preserve Education (MUSD/Mason Audubon Center)

Amphitheater High School, \$3,212, for Amphitheater Wildlife Ecology

Schoolyard

Blue Ridge School District #2, \$6,698, Lil' Jackets Forest Habitat and Trail

Destiny School, \$10,000, Destiny Habitat Conservation Project

Paradise Valley School District, \$4,186, Hidden Hills Elementary School Hummingbird Study Habitat Video cam

White Mountain Apache Tribe, \$8,500, Cradleboard Elementary School Interpretive Trail

Khalsa Montessori Elementary School, \$9,828, Khalsa Schoolyard Wildlife Habitat

Urban

City of Tucson, \$3,925, Urban Wildlife in Lincoln Regional Park (interpretive brochure and signage)

Coconino County Parks & Recreation Dept., \$43,754, Lone Tree Park Habitat Demonstration Garden

Coconino County Parks & Recreation Dept., \$53,317, Pumphouse Canyon Habitat Restoration

Maricopa County Community College District (Scottsdale C.C.), \$6,080 SCC/SNUW Wildlife Demonstration Garden Signage and Brochure

University of Arizona, \$42,205, Before-After-Control Impact Study Design for Detecting Effects of Urban Development on Herpetofauna

Northern Arizona University, \$5,353, Gunnison's Prairie Dog Educational Brochure

Northern Arizona University, \$8,921, Gunnison's Prairie Dog Interpretive Trail, Doney Park

Public Access

U.S. Dept. of Agriculture/Apache-Sitgreaves National Forests, \$10,776, Unit 27 Trail Restoration – Public Access Enhancement

U.S. Dept. of Agriculture/Coronado National Forest, \$27,000, Rose Canyon Lake Fishing Pier

IIPAM

White Mountain Apache Tribe, \$53,620, Poker Gap Pronghorn Habitat Enhancement Project

University of Arizona, \$53,169, Ecology and Conservation of the Desert Box Turtle in Arizona

U.S. Fish and Wildlife Service/San Bernardino Wildlife Refuge, \$14,389, San Bernardino Springsnail Population Ecology and Habitat Needs

University of Arizona, \$49,953, Relative Impacts of Non-native Predators on Native Fishes of the Verde River

Arizona State University, \$47,167, Genetic Variation in Arizona Springsnails

Director Shroufe distributed reference guides to the Commission for the properties that have been offered to the Commission for purchase under the Heritage Fund. New applications would be provided periodically to the Commission to put into the notebooks.

Director Shroufe provided copies of the final audit reports on Heritage and Wildlife Management to the Commission.

Director Shroufe noted documents that were provided to the Commission on the Bellemont Shooting Range. One document was the latest minutes from the conference call with the Coconino National Forest. The other document listed expenditures for the Bellemont Range.

Director Shroufe distributed a report of the latest meeting with the Alamo Lake users.

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

Presenter: Leonard Ordway, Law Enforcement Branch Chief

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

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14. Commissioners' Reports

Commissioner Chilton attended a meeting regarding the Arizona Sonora Desert Conservation Plan. She worked on the access issue with regard to the Buenos Aires National Wildlife Refuge.

Commissioner Carter attended the Graham Cochise Cattlemen's meeting. He participated with Region V and local ranchers and elected officials regarding the black-tailed prairie dog process.

Commissioner Golightly attended the Arizona Bowhunters Association banquet. He attended meetings with the Coconino Sportsmen. This group would like to see some help with recruitment into its membership. Chairman Manning stated he would like to go out and recruit new areas for new organizations to enhance the sportsmen's image.

Commissioner Gilstrap gave no report but expressed appreciation to Mr. Kennedy for providing the land acquisition notebook.

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15. Approval of Minutes

The final draft of the minutes for April 20-21, 2001, had not been completed for approval. The minutes for March 23-24, 2001 were signed.

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16. Future Agenda Items

Commissioner Chilton asked to have a report on the legal ramifications and liabilities involved when an angler accidentally catches a listed fish species. She wanted to know the listing status of the Gila trout and how to proceed in the process. She wanted to know if a moderate drought or moderate fishing could cause the entire population of the species to be eliminated in any of the water courses they occupy. She wanted to know the water course requirements for a native fishery. Director Shroufe noted there were certain protections for people taking listed species. The Department should not be in favor of doing a reintroduction if it was going to cause people problems. The Department could do a review of special issues with regard to designations within the Endangered Species Act. The Department could do an informational presentation on Gila trout and Apache trout.

Commissioner Golightly wanted to discuss in public session the procedure and protocol of establishing agenda items. He wanted a presentation from the Department with regard to history and legal aspects of placing items on the agenda for a public meeting. Commissioner Golightly believed the procedure was changed last year. To put an agenda together, the items were forwarded to Commission members to get a consensus on the items placed on the agenda, especially controversial issues. Director Shroufe noted the Department would look into the issue and bring it back as an agenda item.

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Motion: Carter moved and Gilstrap seconded THAT THE MEETING ADJOURN.

Vote: Unanimous

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Meeting adjourned 12:12 p.m.

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Saturday, May 12, 2001 – 7:00 a.m.

1. Arizona Game and Fish Commission Tour on Mt. Graham

The tour was conducted by the U.S. Forest Service personnel and familiarized commissioners with land use and forest health issues on Mount Graham. No official action was taken and no minutes were taken.

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Saturday, May 12, 2001 – 1:30 p.m.

Chairman Manning called the meeting to order at 1:30 p.m. Members of the Commission, Director's staff, and Representative Jake Flake were introduced.

2. A Briefing of the Results of the Analysis of the Mexican Wolf Project Data for the Three-Year Project Review by the Conservation Breeding Specialist Group

Presenter: Richard Remington, Region I (Pinetop) Supervisor

The Department briefed the Commission on information relating to the three-year review of the Mexican Wolf Recovery Project. The presentation consisted of an update on the current status of wolves within the recovery area, the current role of the Arizona Game and Fish Department in the Mexican wolf recovery, the data on the evaluation criteria that was used in the three-year evaluation and the three-year review process.

Current status of wolves in the recovery area include five packs; five wolves that are currently traveling as loners; 22 radio-collared wolves; 8-9 un-collared wolves and 11 missing wolves, for an estimated population of 27-31 wolves occupying 1412 square miles.

Current population demography consists of 9 adults, 18-22 sub-adults and one known pup with a potential of up to 30 pups born this year. This population make up is 12 females, 14 males and 1-5 pups and yearlings whose genders are undetermined.

The four packs that have been identified in Arizona include Hawk's Nest, Francisco, Cienega and Saddle. The Pipestem Pack is in New Mexico. The majority of wolves free-ranging at the present time are ones that have been released into the project.

There have been 48 wolves released since March 1998 to May 2001. During that time, 18 pups have been born, 6 wolves have been shot, one wolf was killed by a lion, 11 are missing and presumed dead, 17 have been returned to captivity for problem or depredation behaviors, one died of parvo-virus, three have been killed by vehicles, and one is currently under investigation.

The history and status of individual packs were given.

The Hawks Nest Pack formed a home range of up to 240 square miles, maintains 3-5 wolves, and has been free-ranging for over 3160 wolf days-all wolves are free-ranging with a breeding pair.

The Cienega Pack formed a home range of up to 200 square miles, maintains 3-5 wolves, and has been free-ranging for over 1270 wolf days-all wolves are free-ranging with a breeding pair.

The Pipestem Pack was forming a home range in Arizona of about 230 square miles, maintains 6-10 wolves, was free-ranging in Arizona for 1715 wolf days and was subsequently translocated into New Mexico.

The Gavilan Pack originated in Arizona has formed a home range of up to 70 square miles, maintained 7-8 wolves-all wolves were free-ranging for 2564 wolf days and was recaptured and returned into captivity for depredation reasons.

While the alpha male in Arizona, the Campbell Blue's male formed a home range of over 243 square miles. The pack maintained 2-4 wolves, and was free-ranging for 1970 days. The male with his recent mate were captured on the San Carlos Reservation and translocated to New Mexico where they have subsequently split. The Campbell Blue Pack was forming a home range in Arizona but have not established a home range in New Mexico.

The Francisco Pack formed a home range of 280 square miles, maintains 7-8 wolves, and has been free-ranging for 2291 wolf days-all wolves are free-ranging with a breeding pair.

The Saddle Pack formed a home range of 150 square miles, maintains 6 wolves, and has been free-ranging for 585 days-all wolves are free-ranging with a breeding pair.

The Wildcat Pack, consisting of three wolves, was recently released but they have not formed a pack in Arizona or New Mexico and have been free-ranging for 919 wolf days but remain separate.

The Mule Pack formed a home range of 180 square miles, maintained 2-6 wolves and were free-ranging in Arizona for 1404 wolf days; this pack was subsequently translocated into New Mexico.

The Turkey Creek Pack did not form a home range; the alpha male and female were free-ranging for 63 wolf days. The male was shot and the female was recaptured and sent to Sevilleta.

The Pipestem Pack in New Mexico has formed a home range of over 300 square miles, maintains 2-3 wolves, and has been free-ranging for 422 wolf days. The female recently died and has been replaced by her yearling (now believed to be the alpha female).

The Interagency Field Team is comprised of the U.S. Fish and Wildlife Service (FWS), Arizona Game and Fish Department (AGFD), New Mexico Department of Game and Fish, U.S.D.A. Wildlife Services, and White Mountain Apache Tribe.

The current role of AGFD in the wolf recovery:

- Provide a leadership position to the field team
- Respond to requests for help or information
- Coordinate activities with local landowners and permittees
- Make hunter and camper contacts in the field
- Conduct informational mailings to hunters
- Participate on Interagency Field Team
- Assist with development of annual Work Plans
- Conduct daily wolf monitoring and management
- Assist in the re-analysis of the non-essential/experimental rule

- Participate on the Interagency Management Advisory Group (IMAG)
- Make professional and educational presentations

The IMAG was established by the FWS to assist in development and review of the Mexican Wolf Interagency Management Plan. It provides a forum to evaluate the status and progress of the project; coordinate law enforcement activities, consider citizen concerns and exchange pertinent information.

The level of AGFD involvement on the project was noted. Three field positions are based in Alpine and are 100% committed to the project. Two days out of a five-day work week are scheduled to do flight surveys with various pilots from Phoenix, which occupies 40% of a pilot's work week. The Project Leader based in Pinetop occupies 35% of his time on the project. The Heritage Education Coordinator position in Phoenix utilizes 10% of her time on the project. The Nongame Branch Chief position in Phoenix utilizes 5% of his time on the project. The Nongame Mammals Program Manager based in Phoenix occupies 5% of his time on the project. The Regional Supervisor stationed in Pinetop occupies 5% of his time on the project.

Funding sources expended by the AGFD on the Mexican wolves started in 1988-89. The current fiscal year budget is for \$197,750, of which \$151,750 is provided through the funding agreement with the FWS. All funds expended in the project since FY 88-89 total \$939,792. Expenditures have remained relatively stable the last few years. The federal funds expended on the project were similar to the state's. After release in 1998, the majority of the funds expended by the state are federal funds that have been committed to the project's funding agreement. The total federal expenditures since release in 1998 have ranged from \$700,000 (88-89) to just below \$1 million (00-01), with a third of those funds going to the cooperators on the project.

Current agreements related to Mexican wolf recovery were reviewed.

In order to do the three-year review, the FWS contracted with a Conservation Breeding Specialist Group (CBSG). This is a subsidiary of the Wolf Conservation Union. The CBSG selected a panel of independent scientists to analyze the project data. This group was asked to review and make recommendations on the biological aspects of the project. The CBSG presented the Biological Assessment to the IMAG on April 25, 2001. During this meeting the forum to address the non-biological assessment of the project was determined. The CBSG will complete its final report in the next 4-6 weeks (available on the wolf website when complete).

The information presented at today's meeting was not the team's final assessment.

Regarding the context and overview of the evaluation performed by the CBSG, it

- Used available data
- Evaluated data quality
- Identified data gaps
- Analyzed and interpreted data
- Reviewed pertinent literature
- Compared progress with program goals
- Evaluated program success and failures

- Developed data collection, data management and conservation recommendations

Within the Interagency Management Plan, there were nine criteria to be evaluated during the three-year review. These include:

- Have wolves successfully established home ranges within the designated wolf recovery area?
- Is the population growth curve substantially lower than projected in the EIS?
- Is wolf mortality substantially higher than projected in the EIS?
- Have reintroduced wolves reproduced successfully in the wild?
- Are numbers and vulnerability of prey adequate to support wolves?
- Is the livestock depredation control program effective?
- Have documented cases of threats to human safety occurred?
- Is there effective cooperation with other agencies and the public?
- Are combined agency funds and staff adequate to carry out needed management, monitoring and research?

Each of these criteria was looked at individually.

- Have wolves successfully established home ranges within the designated wolf recovery area?

The CBSG's preliminary summary findings are:

- Pack territories have been established within the recovery area
- This may be compounded by frequent recapture and re-release
- Some individual wolves have dispersed as expected from each of the packs

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- Is the population growth curve substantially lower than projected in the EIS?

The CBSG's preliminary summary findings are:

- The question could not be answered with a simple yes or no
- Frequent intervention confounds the question and answer
- Currently, population growth would fall short of that projected in the EIS in the absence of intervention at this state of the project. The EIS did predict intensive management to sustain projected growth rates during the first stages of reintroduction.
- The current population size is similar to that projected in the EIS

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- Is wolf mortality substantially higher than projected in the EIS?

The CBSG's preliminary summary findings are:

- The question could not be answered with a simple yes or no
- Frequent intervention confounds the question and answer

- Mortality discussions are centered on management removals and/or actual mortality
- Actual mortality is close to that predicted in the EIS

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- Have reintroduced wolves reproduced successfully in the wild?

The CBSG's preliminary summary findings are:

- Births have occurred in the wild
- Considering all births, whether in acclimation pens or in the wild, the birth rates are similar to that predicted within the EIS
- At this stage of recovery, recruitment is too low to sustain the population without management

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- Are numbers and vulnerability of prey adequate to support wolves?

The CBSG's preliminary summary findings are:

- The CBSG summary stated, in short, the data are insufficient to assess this
- However, no wolves have starved
- Wolves have maintained or gained weight
- Young have survived
- Supplemental feeding has been eliminated and
- Prey numbers have not changed dramatically from that predicted in the EIS

Mr. Remington noted that the percentage of wolf kills leans toward elk (15% of current prey). Impact thresholds to native prey were 1) elk, deer and bighorn sheep herds are not expected to be impacted more than 2% annually and 2) if wolves reduce prey populations or hunter success for two consecutive years more than 35%, the Department can request management actions be taken to ensure healthy prey and wolf populations occur.

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CBSG Preliminary Conclusions – Conclusions and recommendations are predicated on the assumption that the goal is successful recovery.

Conclusion #1:

- An active and fully enabled Recovery Program (comprising private interests, conservation non-governmental organizations, local, state, federal and tribal agencies) is essential for successful recovery. The biology, politics and sociology of wolf reintroduction in the Southwest are too complex for recovery to be successful without a fully engaged and participatory program. Fortunately, the program has a successful history of reintroducing and effectively managing recovered wolf populations in other parts of the country.

Conclusion #2:

- Several factors currently hinder recovery. No single factor predominates and the cumulative and synergetic effects of these several factors generate a significant risk of ultimate failure. Fortunately, these factors can be overcome. Factors and potential solutions will be annotated in the final report.

Conclusion #3:

- Recovery should continue with modifications that will be presented in the final report.
- The final report from CBSG will contain conclusions on livestock depredation and threats to human safety.

* * *

Evaluation criteria not addressed in the preliminary report but will be addressed in the final report:

- Is the livestock depredation control program effective?
- Livestock depredations were controlled to levels predicted (based on depredation rates throughout the United States, which were 1-34 livestock annually). If the rate were applied to the current population of wolves in the recovery area, there would be 1-11 cattle killed in 2000 (actual depredation rates were lower than predicted).
- The reported wolf depredations from March 1998-May 2001 include:

One cow that was possibly injured by wolves

Confirmed are one miniature horse, one dog and three cats injured by wolves

Four cows and one calf determined as possibly killed by wolves

One dog, one lamb, one cat, four cows and one bull as confirmed depredated by wolves

The Defenders of Wildlife (DOW) maintains its compensation program. The program is intended to reduce negative economic impacts on livestock producers from wolf recovery. From 1999 to May 2001, this compensation program has paid for 11 depredations or damages at roughly \$6,018. The DOW has recently established a Carnivore Conservation Fund. This is available to provide proactive approaches to avoid wolf situations. These can include fencing and livestock management to avoid interaction problems.

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- Have documented cases of threats to human safety occurred?
- A few cases of threats to humans were investigated (none involved injury to people)
- One reported group of incidents may have involved hybrid wolves in the recovery area

- Wolves that displayed aberrant behavior were immediately removed from the project

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Additional criteria for evaluation include:

- Is there effective cooperation with other agencies and the public?
- The IMAG cooperation survey
- Conducted by New Mexico Cooperative Fish and Wildlife Research Unit, Las Cruces
- Findings were overall IMAG members are generally positive about cooperation, information distribution and administration related to recovery
- Strongest needs relate to reduction in perceived arrogance of the FWS, enhanced attention to internal and public communication processes, and adherence to IMAG meeting and review schedules.

* * *

- Are combined agency funds and staff adequate to carry out needed management, monitoring and research?
- Past and current funds have been sufficient to accomplish management and monitoring activities. Future funding will be dependent upon the needs determined through open houses and public meetings this summer through the stakeholder process.

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Can more wolves fit in Arizona?

- EIS predicted that Arizona would have 5-6 packs of 25-30 wolves; current status is 4 packs with about 20 wolves
- EIS predicted home range size of 250 square miles; average home range size is about 235 square miles
- Results appear to be close to predictions

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Release site criteria are:

- Distance from recovery area boundaries
- Prey density, distribution and seasonality
- Livestock density, distribution and seasonality
- Hunting season timing and intensity
- Other recreational uses within the area
- Accessibility to vehicles, stock and hikers
- Water availability

There have been two additional release sites identified in Arizona and six release sites identified for potential evaluation in New Mexico.

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The 2001 Annual Work Plan

- Includes plans for wolf releases
- Monitoring
- Management
- Outreach
- Interagency coordination
- Data management

The 2001 Annual Work Plan called for

- Releases planned for Bear Mountain area and Mannes Peak area in Arizona
- Investigate as many as six potential translocation sites in New Mexico
- Move Arizona field office to a new Alpine location

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Reintroduction vs. Recovery Goals

- Reintroduction goal of 100 wolves is a subset of Recovery Goal
- Recovery plan would require more than one population to de-list the Mexican wolf

* * *

AGFD Role in Future Recovery Efforts:

- To recover native species when feasible
- To represent the state's interests in the multi-agency effort
- To minimize impacts to the state's wildlife and citizens
- To be in a position for a smooth transition of federal to state control if de-listing occurs

* * *

Preliminary Observations:

- Overall high site fidelity
- Typical territorial behavior
- Strong predatory instincts
- Free-ranging wolves are maintaining weight
- Impressive navigational skills
- Normal litter sizes and pup growth
- Moving towards self-sufficiency with less need to manipulate

* * *

Conclusions of the Three-Year Review by CBSG:

- The project should continue with modifications
- The FWS has concurred with the finding
- The FWS will be conducting a series of Open Houses and stakeholder meetings to gather further information that will be used to provide recommendations for future management actions for the five-year review

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Open Houses and Stakeholder Meetings

- Continue to provide the public with information
- Intended to allow the public to make recommendations to the interagency field team in order to improve management of the project
- Provide a forum to discuss recommendations in small groups
- Frame questions to be answered at the five-year review in 2003
- The Department will provide an update to the Commission on the results

* * *

A question/answer period followed Mr. Remington's presentation.

Chairman Manning asked if there were no free-ranging wolves at the end of 1998. Mr. Remington stated at the end of 1998, the wolves were back in acclimation pens. Wolves were not free-ranging at the end of 1998.

Chairman Manning asked what the fate was of the pups born in the wild. He asked how many wolves were born in the wild and how many have survived to this day. Dan Groebner, Region I (Pinetop) Wolf Project Leader, noted it was difficult to monitor pups and it was better to take a "more hands off" approach. There were not good numbers on pups produced. The focus was more on recruitment, i.e., pups that are born that survive to the next year. The focus will now be on monitoring the recruitment. Some of the pups born in the wild were captured and put into captivity.

Commissioner Gilstrap was concerned about the amount of handling and management of the wolves. He asked if this would decline. Mr. Remington stated there was a need to reduce active management on wolves. He anticipated handling would be discussed at Open Houses and stakeholders meetings, as well as at the biological assessment by CBSG. In terms of actual management needs to manipulate the population, there has been a decline and it should continue to decline.

Commissioner Gilstrap asked if there was supplemental feeding at the present time. Mr. Remington stated that there was no supplemental feeding of wolves at this time. The field team on an individual basis would evaluate specific needs for supplemental feeding for management purposes.

Commissioner Gilstrap asked for an approximate number of lessees who would be directly impacted by future releases. Mr. Remington thought there would be 10-15 permittees that would have livestock associated with active permits.

Commissioner Carter asked for clarification on several issues. The first dealt with categories of mortality. He asked for specifics on human-caused mortalities. Mr. Remington stated it would include wolves hit by cars or shot. Commissioner Carter asked to have clarification on the "at fault" issue if a wolf runs out in front of a vehicle.

Commissioner Carter noted that the CBSG preliminary conclusions addressed an issue with respect to Conclusion #1 (what is needed). In order for a program such as this to be successful, it must involve private interests and all others listed throughout the process.

Commissioner Carter asked if there would have to be a decline for two consecutive years of more than 35% of hunter success before there would be consideration in terms of modification of the wolf population. Mr. Remington stated that was correct as outlined in the EIS, but the definition can be amended and could be modified through the rule process.

Concerning the IMAG survey, Commissioner Carter noted the FWS needed people skills training. Additional criteria for evaluation references future funding dependent upon the needs determined through the public and stakeholder process. He asked how the FWS would deal with information given during this process. Mr. Remington noted that the CBSG is comprised of independent scientists who review data. The CBSG recommendations will be centered on the biological assessments of the project. He stated that in order to bring full partnership to the project the FWS elected to conduct a series of Open Houses that would be conducted within recovery areas to look at local citizen input and then conduct a stakeholder meeting later in the fall with representatives from all interests in wolf recovery. The FWS intends to take information from those three processes, mold them into a product that would be presented to the IMAG to update the current management plan, and establish evaluation criteria for the five-year review process. Commissioner Carter noted this was a total departure from FWS actions in the past.

The next issue Commissioner Carter brought up was reintroduction vs. recovery goals. He noted the reintroduction goal of 100 wolves is the subset of the recovery goal. He asked if this was a first step to reach that objective. Mr. Remington noted the current recovery plan was written in 1983. This plan outlined four populations towards delisting. The current recovery plan calls for two populations. However, once the reintroduction goals were met from this effort, the group would have to be reformed to rewrite the recovery plan. The team may continue with the need to have two distinct populations or it may look at whether or not a special separation from existing wolf packs and available habitat would suffice.

Terry Johnson, Nongame Branch Chief and member of the recovery team, stated the recovery team began revision of the recovery plan in conjunction with the EIS development activities of the DEIS from 1992-1995. The populations could include those in Mexico, New Mexico and Arizona to meet the draft recovery plan. One of the valid criticisms of the entire process was that the recovery plan was not revised; it has been on the backburner for more than three years. It would be important during the next few years to get the recovery goals set in a revised recovery plan.

Commissioner Carter was concerned about the long-range objective in terms of impact on the ground and where that may occur within the United States. Historically, when species have been listed as threatened or endangered in the United States, populations in Mexico were not considered. Mr. Johnson noted that the downlisting and delisting triggers and thresholds should be part of the recovery planning process and were intended to accompany the entire reintroduction. The thresholds that the recovery team based on input from all of the wolf experts were looking at were two populations of about 100 wolves each; this would trigger a delisting. This was to be contingent upon decisions made by the FWS at the national level as to whether the Mexican wolf was a subspecies or tied to the gray wolf downlisting and delisting activities.

Chairman Manning asked what other areas of Arizona would be part of the recovery. Mr. Johnson stated the areas were depicted as wolf recovery zones in the DEIS and the EIS. Wolves moving south within the parameters of the reintroduction plan were identified for recovery for recapture and relocation. The southern borderland existed as a legitimate reoccupation zone for wolves moving north. Because of subspecies issues, there was a conscious decision not to look at wolf reintroduction north of the Mogollon Rim, including the Kaibab.

Commissioner Chilton's questions addressed the graphs showing probable wolf kills. Mr. Remington stated the field team does not find every wolf kill. The field team has documented over 80 kill sites. From that data base they have determined the percentage of big game species that would have been preyed upon. A wolf will consume 5-8 pounds of meat per feeding. In terms of locating depredated animals, the majority of livestock depredations have been located by the field team while monitoring wolves. One of the things the IMAG pointed out to the CBSG was the need to include that part of the analysis of the livestock depredation into the analysis. There should be more data in the CBSG's report. Commissioner Chilton asked if the percentages could be translated into numbers of animals. Mr. Groebner stated as part of the EIS process, a model was done of potential impacts with three different plausible scenarios as far as impacts on native prey. When deer and elk populations are decreasing, the wolves will cause it to decrease further.

Commissioner Golightly's questions were related to the conclusion of the three-year review conducted by the CBSG. He asked about modifications. Mr. Remington stated that discussions with some of the scientists reflected a need for better kill site information and better den site information. They may make recommendations on how to best manage data so questions could start to be answered. He was not aware of any specific recommendations the CBSG would make.

Commissioner Golightly asked about the displacement of other predators within the food chain. Mr. Remington stated there has been evidence in other wolf projects of some displacement of previous predators. The presence of wolves is not a compensatory mortality or depredation on top of what is existing. Wolf packs will displace and discourage reinvasion of wolf pack territories by coyotes. Studies have shown a decrease in mountain lion density within definitive pack territories.

Commissioner Golightly asked about the public attitude surveys. Mr. Johnson stated Phase I was conducted in 1987-88 and Phase II was held in abeyance until 1989-1990 because of a problem with Arizona Cattle Growers participation. By 1990-92, all of the results were in. The surveys then showed 70% support for wolf reintroduction. Mr. Johnson noted that as of this morning 900 e-mails had been received. Of those, 770 had been analyzed as to their origin and only six were in opposition to the recovery program. The American public generally favors reintroductions of endangered species (65-85%).

Commissioner Golightly asked how many forums were held in that 2-3 year period. Mr. Johnson stated the FWS conducted two scoping meetings in Albuquerque and White Sands and then two others in White Sands and Tucson. Arizona Game and Fish

conducted 47 meetings, which did not include presentations to individual organizations. There were different styles to the meetings. What the Department offered in its meetings that the FWS did not was an opportunity to make clear that we were both speaking and listening. Commissioner Golightly mentioned that as a result of some of the earlier meetings, the Commission asked the Department to incorporate some of their needs that had not been thought about. An evaluation was done of things the public brought to the meetings. It was not strictly a government project.

Chairman Manning stated until wolves were on the ground for 10-12 months, he thought them not to be part of a valid equation. The three years under consideration would be 1998-2000.

Public comment:

Mike Wear, representing self, stated that if the wolf reintroduction continues, deer populations would be impacted. Hunters don't want to hunt deer where there are wolves for fear they will shoot a wolf.

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Meeting recessed and reconvened

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Chairman Manning stated all speakers would be limited to two minutes; there would be no exceptions.

Public supporting the Mexican wolf reintroduction project but not wishing to speak:

Name	Representing
John F. Braden	Defenders of Wildlife
Renée Guillory	Self
Barbara Siewert	“
Michael Feldman	Animal Commandos
Kent Stritar	Self
Meryl Anderson	Preserve Arizona's Wolves
Tamora Lynn Anderson	“ “ “
Sylvia Crisler	Spay/Neuter Hotline
Halina Szyposzynski	Self
Emmy Lou Schenk	“
Sue Thomas	“
Lawrence Case	“
Shirley and Phil Harris	Selves
Karen Gotch	Self
Scott Mittelsteadt	Sierra Club
Rick Flory	Earth Friends
Lee Robert	“ “
Todd Hurst	Self
Angela James	“
Tricia Gerrodette	“

Public submitting written comments that were entered into the public record:

Name	Representing	Oppose/Support
Lynn Ashby	Self	Support
William Berlat	Self	Oppose

Public opposing the Mexican wolf reintroduction project but not wishing to speak:

Name	Representing
Evelyn Caswell	Self
Linda McIntosh	“
Rich Miller	“
William Craig Smith	“
Steve Stevens	“

Public speaking in support of the Mexican wolf reintroduction project:

Name	Representing
Jeff Williamson	Phoenix Zoo
Michael Robinson	Center for Biological Diversity
John Nichol	Self
Bobbie Holaday	“
Peter Ossorio	“
Jean Ossorio	“
Holly Reck	“
John Davis	“
Sharon Morgan	“
Mike Seidman	“
Steve Pavlik	“
Gary Wheat	Sunset Enterprises
Nora Fiedler	Self
Jim Shea	“
Anna Marsolo	“
Sophia Kaluzniacki, D.V.M.	AZ Sonora Desert Museum Bd. Trustees
Michael Brady	Self
David Bluestein	“
Tony Povilitis	“
Craig Miller	Defenders of Wildlife
David Komm	Self
D. J. Schubert	Animal Defense League of AZ
Richard Daley	AZ Sonora Desert Museum
Don Steuter	Palo Verde Chapter Sierra Club
Richard Genser	Self
Paul Pierce	“
Sandy Bahr	Grand Canyon Chapter Sierra Club
Robert Dean	Self

Cont'd.: Public speaking in support of the Mexican wolf reintroduction project:

Name	Representing
Chris Rossie	Self
Gary Blakely	“
Sandy Hurst	“
Dr. Alan Haffa	“
Jennifer Katcher	“
Curt Bradley	“
Will Holder	“
Sandy Hathaway	Upper Gila Watershed Alliance
Ken Sweat	Self/Walk Softly Tours
Elna Otter	Self
Quentin Wells	“
Madi Thompson	“
Karen Williams	“
Megan Southern	“
Helena Szypczynski	“

Public speaking in opposition of the Mexican wolf reintroduction project:

Name	Representing
Ed Montierth	Self & Family
George Lemen	Self
Dennis Stacy	“
State Representative Jake Flake	District 4 & Greenlee Co. & Self
Laura Schneberger	Gila Forest Permittees' Assn.
Don Williams	Self
Jack Diamond	“
Kaye Diamond	“
Mike Wear	“
Charles Hill	“
Bill Morton	“
Newell Dryden	Klondyke Bonitas Assn.
Richard Travis	People for the USA
Angus McIntosh	NMU Range Improvement Task Force
Jeff Menges	Arizona Cattle Growers Assn.
Don Wynne	Self
Martin Moore, Ph.D.	Eastern Arizona Counties Organization
Robert Price	Self
Evelyn Caswell	“
Suzanne Menges	“
Clark Cluff	“

Commissioner Golightly stated he has been committed to this program all along. Comments and recommendations from the scientists will not be available for a few more months. Any action taken now would be premature. He felt the Department needed to be at the table to have a voice and a management role in the wolf project. The wolves are in Arizona; it is our Arizona, our wolves, not federal wolves. They belong to the state and belong to the Department to manage. The program has not been a complete success and requires some work. Part of his responsibility is to adhere to the mission statement and that is to protect and restore Arizona's diverse wildlife species. This includes all of Arizona's native species. He would continue to advocate for the wolf and promote Department involvement in wolf management in Arizona.

Commissioner Gilstrap stated the Commission needed to receive input on the wolf project, no different than it does on any other wildlife management project in Arizona. The Commission needed to be able to have the expertise of wildlife professionals and this should be done without threats to the Commission and individuals misinterpreting the objectives, responsibilities and role of the Commission.

Commissioner Chilton stated she added all of the wolf days noted in the Department's presentation (15,998). She took six pounds of prey and came up with 95,988 pounds of prey, some of which would be domestic livestock and wildlife. She did not see a decrease in lion or coyote populations. These predators have not been displaced because of the wolves. She did not see evidence that predation by wolves was compensatory. She was concerned about maintaining the broad wildlife base. The Department has the responsibility for managing wildlife in the state. However, the Department is hampered in management of habitat and wildlife by restrictions placed on it by the Fish and Wildlife Service (FWS) that make it difficult to carry out its mandate. The Department has given advice to FWS and it is not reflected in its actions. Therefore, she wanted to know a lot more before she would be interested in continuing support for this program.

Commissioner Carter agreed with the comments made by Commissioners Gilstrap and Chilton. In order for any program to succeed, and especially those where they are interfaced with humans and other kinds of potential conflicts, everyone must and should be involved from the onset of the process and throughout the process. Historically, in rural communities, that has not occurred. It doesn't make a lot of difference if something is perceived or real, it creates division and conflict. It was the efforts of the Department in terms of the role it has played that has gotten us where we are today with the program; it was not the FWS. He understood that the previous Commission vote to participate in the program was 3-2. There must have been division at that time; this has not changed today. There are four new commissioners since that decision. There have been three years of on-the-ground activity and it appears that conflict continues to exist. This should lay at the hands of the FWS and its methods of moving its agenda. Commissioner Carter was ready to give direction to the Department on this issue.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION DIRECT THE DEPARTMENT TO PREPARE A LETTER TO THE U.S. FISH AND WILDLIFE SERVICE FOR THE CHAIRMAN'S SIGNATURE WHICH CONTAINS THE FOLLOWING:

THAT THE U.S. FISH AND WILDLIFE SERVICE PROVIDE TO THE COMMISSION WRITTEN ASSURANCE THAT:

- ALL FUTURE PUBLIC AND/OR STAKEHOLDER MEETINGS RELATED TO THE REINTRODUCTION PROGRAM FOR THE MEXICAN GRAY WOLF BE HELD WITHIN A REASONABLE DISTANCE TO THE RELEASE SITES, I.E., SILVER CITY, NEW MEXICO; SPRINGVILLE, ARIZONA; SAFFORD, ARIZONA; PINETOP OR SHOW LOW, ARIZONA.
- ALL FUTURE STAKEHOLDER MEETINGS RELATED TO THE REINTRODUCTION FOR THE MEXICAN WOLF INCLUDE THE OPPORTUNITY FOR FULL PARTICIPATION BY ALL PERMITTEES WITHIN THE GEOGRAPHIC REGION IDENTIFIED IN THE EIS AS POSSIBLE RELEASE SITES.
- ALL LOCAL GOVERNMENTS (CHIEF ELECTED OFFICIALS AND EXECUTIVE OFFICIALS) WITHIN THE GEOGRAPHIC REGION IDENTIFIED IN THE EIS AS POSSIBLE RELEASE SITES BE PROVIDED SPECIFIC WRITTEN NOTICE OF ALL PUBLIC AND/OR STAKEHOLDER MEETINGS.
- THE U.S. FISH AND WILDLIFE SERVICE BE FULLY RESPONSIBLE FOR ALL COSTS INCURRED RELATING TO CLAIMS, INCLUDING LITIGATION, AGAINST THE GAME AND FISH DEPARTMENT, THE COMMISSION, OR STATE OF ARIZONA RELATING TO THE REINTRODUCTION PROGRAM.
- THE U.S. FISH AND WILDLIFE SERVICE WILL NOT USE ANY ADDITIONAL RELEASE SITES IN ARIZONA FOR THE MEXICAN GRAY WOLF REINTRODUCTION PROGRAM BEYOND THOSE SITES WHICH HAVE BEEN USED SINCE INCEPTION OF THE PROGRAM.

Chairman Manning was of the opinion that the current program had three basic flaws:

- 1) The designated release site can contain 100 wolves
- 2) Most of the wolves will stay in the designated release area
- 3) If they do leave the area, the wolves would be recaptured and handled appropriately

All of these assumptions have proved false up to this point.

Chairman Manning was concerned about the presence of hybrid wolves in the designated release areas. He asked what would happen if an alpha male hybrid took control of a Mexican wolf pack. He wondered what would happen to the Mexican wolf reintroduction program. He was concerned about liability for the people in the State of Arizona. In the past, millions of dollars have been paid for wildlife-related incidents. He was afraid that the reintroduction of a major predator into Arizona was leaving the state open to a liability suit.

Vote: Carter, Chilton, and Gilstrap – Aye
Golightly – Nay
Chair voted Aye
Motion passed 4 to 1

Motion: Carter moved and Gilstrap seconded THAT THE DEPARTMENT, IN PREPARATION FOR RECEIPT OF THE FINAL THREE-YEAR REVIEW REPORT FROM THE U.S. FISH AND WILDLIFE SERVICE AND IN PREPARING TO PRESENT IT TO THIS COMMISSION, BOTH THE BIOLOGICAL AND THE NEWLY ADDED SOCIAL COMPONENT, INCLUDE, AT A MINIMUM, THE ADDITIONAL INFORMATION:

- FULL COST FOR THE DEPARTMENT'S PARTICIPATION IN THE PROGRAM SINCE ITS INCEPTION ALONG WITH THE AMOUNTS REIMBURSED BY THE U.S. FISH AND WILDLIFE SERVICE
- TOTAL HOURS FOR DEPARTMENT STAFF INVOLVED IN THE PROGRAM SINCE ITS INCEPTION AND A BREAKOUT OF STAFF HOURS SINCE THE INITIAL RELEASE
- TOTAL HOURS FOR THE DEPARTMENT OWNED OR LEASED EQUIPMENT USED IN SUPPORT OF THE PROGRAM SINCE THE INITIAL RELEASE ALONG WITH A GENERAL BREAKOUT OF THE HOURS FOR EACH TYPE OF EQUIPMENT, I.E., AIRCRAFT, VEHICLES, ETC.
- THE IDENTICAL COSTS FOR CONTRIBUTIONS MADE BY THE U.S. FISH AND WILDLIFE SERVICE, I.E., COST IN MAN-HOURS, EQUIPMENT, ETC., SINCE THE INITIAL RELEASE

Vote: Unanimous

Commissioner Gilstrap explained this vote and his previous vote. Much of what this motion requested was included in today's report. These motions state this is a wildlife project that this Commission is going to continue to monitor and hear. The first motion states the State of Arizona wants to be a full partner and participant in the management plan and wants to hold, as best it can, FWS accountable for its role and responsibility and impact they have on the people and wildlife in Arizona. There will be more opportunities to discuss the reintroduction project.

Chairman Manning noted the Department and Commission should have the final recommendations from the FWS in August.

Commissioner Carter provided closing comments with respect to the Department's and Commission's relationship with the FWS. If the state was moving the FWS agenda, sometimes at the expense of the impact on the citizens of the state, both their lives and livelihoods, the state was a most valuable partner. However, when the agency tries to carry out its statutory and trust responsibilities with respect to wildlife as a whole across the state, those lands under the jurisdiction of the FWS, or major role that it plays with respect to management of those lands, we have to:

1. Band with all other sister agencies across the West. We have to go to Congress. We have to get the Governor and everyone else involved to do two things:
 - A. Insure that we are able to carry out statutory responsibilities with respect to wildlife management and
 - B. Provide public access for all wildlife recreationists

Motion: Gilstrap moved and Carter seconded THAT THE MEETING ADJOURN.

Vote: Unanimous

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Meeting adjourned approximately 6:30 p.m.

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