

Minutes of the Meeting of the  
Arizona Game and Fish Commission  
Friday, March 9, 2007 – 8:00 a.m.  
Saturday, March 10, 2007 – 8:00 a.m.  
Riverpark Inn  
350 South Freeway  
Tucson, Arizona 85745

PRESENT: (Commission)

(Director's Staff)

Chairman Michael M. Golightly  
Commissioner William H. McLean  
Commissioner Robert Hernbrode  
Commissioner Jennifer L. Martin  
Commissioner Joe Melton

Director Duane L. Shroufe  
Deputy Director Steve K. Ferrell  
Assistant Attorney General Jim Odenkirk  
Assistant Attorney General Shelley Cutts

Chairman Golightly called the meeting to order at 8:00 a.m. The Commissioners introduced themselves and Chairman Golightly introduced the Director and the Director's staff. This meeting followed an agenda revision #1 dated March 6, 2007.

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There were no awards or commissioning of officers at this meeting.

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#### 1. State and Federal Legislation

**Presenter:** Anthony Guiles, Legislative Liaison

The Commission was provided with a Legislative Update handout (also available to the public), which included both Federal and State legislation that may affect the Department. Mr. Guiles further briefed the Commission on the status of the following State House Bills (HB):

HB2116, Big game permits, transfer to grandchildren; and HB2117, Big game permits, transfer to permanently disabled child: These were in committee two weeks ago and both passed unanimously. They are currently waiting to be addressed by the full Senate.

HB2443, Off-highway vehicles, user fee: This bill went to committee of the whole yesterday and was well received. Representative Weiers made a special request that this bill go to Third Read that same day, where it passed in the House 51 to 4. There is broad support for this bill, but there is still a lot of work to do as it moves forward in the Senate.

Commissioner McLean asked to see the official version of this bill subsequent to the floor amendment, to which Mr. Guiles stated that he will provide that to the Commission on Monday when it becomes available.

Budget: The Senate focused on the budget last week. There have been no questions or dialogue on the Game and Fish budget, which is encouraging. The Senate may vote on budget bills by next week.

HCM2008, Urge protection, KOFA herd: This bill passed out of the House this week and has been assigned to the Senate Natural Resources Committee.

H2137, Disabled veterans fishing licenses: This bill has not moved and is not expected to move in this session.

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## 2. Statewide Shooting Range Briefing

**Presenter:** Ty Gray, Education Branch Chief

The Commission was provided with an update prior to this meeting of Department activities related to shooting range support and development statewide. The update, also provided to the public, covered activities that occurred since the February 2007 Commission meeting. The statewide shooting range briefing is part of the Department's ongoing commitment to provide the Commission with updates on statewide shooting range development and shooting sports in general.

Using a Power Point presentation, Mr. Gray provided an additional update with pictures of the following developments:

**Ben Avery Shooting Range:** 1) the completion of the Ben Avery Hunter Education Range; 2) the very successful First Shots Program held on February 11; 3) the Youth Archery Range was completed and became operational during February; 4) a Ben Avery Master Plan focus group meeting was held with 35 user group representatives in attendance; 5) ongoing improvements and activities at the Clay Target Center; and 6) the development of the RV campground.

**Usery Mountain Park Archery Range:** Maricopa County operates this range and have plans to build a visitor center and an amphitheater where the existing archery range is located. The Department has met with Maricopa County and they are willing to develop another archery range at another location on the Park. The Department is working with Maricopa County to develop the new archery range. The new site being considered is adjacent to the Rio Salado Shooting Facility.

**The Northern Arizona Shooting Range:** The Department is working on access permit issues, which includes conducting a Class III Cultural Resource Survey and a Biological Evaluation Assessment. These are underway, but have been delayed due to snow covered ground. The appraisals are in progress and preliminary appraisals should be completed by mid-March. Meetings and communications continue with the public from nearby communities and workgroup sessions are planned to work through any issues. A sound study addendum was completed by the consultant which refuted some of the invalidation claims received on the sound study.

## Public Comment

Dick King, Arizona Bowhunter Association, encouraged the Commission to expedite the Usery Mountain Park Archery Range operation, and also to do a land transfer rather than a lease for the long term duration of the range.

Chairman Golightly commented that there needs to be an organized effort by user groups to resolve shooting range issues statewide. Those opposed to shooting ranges are well organized. User groups could also help the Commission make a difference by writing letters to Congressmen, Representatives and Boards of Supervisors.

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3. An Update on Current Issues, Planning Efforts, and Proposed Projects on All Lands in Arizona and Other Matters Related Thereto

**Presenter:** Josh Avey, Habitat Branch Chief

A copy of the Lands Update report was provided to the Commission prior to today's meeting and is included as part of these minutes. The update addressed decisions or activities since the February 2007 Commission meeting. This update is in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding decisions and actions on all state and federal lands in Arizona.

Mr. Avey further briefed the Commission on two items: 1) In February 2007, the Department and the Nature Conservancy partnered and filed a grant application to the U.S. Fish and Wildlife Service for \$700,000 under the Cooperative Endangered Species and Conservation Fund Grant Program; and 2) a second application was submitted for a Habitat Conservation Partnership Grant application on behalf of Pima County in excess of \$250,000. Both applications have been accepted at the regional level and are continuing through the process.

Commissioner Martin expressed concern about potential uranium mining that is being explored through the BLM Arizona Strip Field Office and the potential for further energy development being explored through Coconino Forest Plans. Commissioner Martin requested that this be looked into and included in the Lands Update, as well as what is going on in other western states in regards to increased energy development and potential impacts to big game, migratory bird, and sensitive species habitat.

Chairman Golightly asked for a summary on the Lake Mead National Recreation Area in regards to the status of the Interim U.S. 93 south of Hoover Dam.

Bob Posey, Regional Supervisor, Kingman, briefed the Commission. The Hoover Dam Bypass is a bridge across the Colorado River. Part of the Department's mitigation efforts was to close the old highway from the point of the bypass to Hoover Dam to ensure that bighorn sheep would be able to move back and forth across the highway. The Record of Decision calls for that, but there has been some stalemate regarding that with the Bureau of Reclamation (BOR), the agency responsible for the road. BOR is being pressured to keep that road open. It is the Department's

position that keeping that road open does not meet with the Record of Decision and will cause harm to sheep by fragmenting there habitat.

Chairman Golightly referenced the Lands Update in that Arizona Department of Transportation (ADOT) representatives will be taking the Department's request to their State Director, but no formal commitment was made, and suggested that the Commission write a letter.

Director Shroufe recommended that the Commission first allow him to meet with the Director of ADOT, to which Chairman Golightly agreed.

#### Public Comment

Brian Dolan, Director, Arizona Desert Bighorn Sheep Society (ADBSS) addressed the Commission. The Cabeza Prieta National Wildlife Refuge Comprehensive Conservation Plan (CCP) status has not changed. It has been in the works since 2000 and it needs to be finalized. Also, in regards to the KOFA bighorn sheep herd, the Memorandum of Understanding (MOU) with BLM does not have strong enough language. The MOU should identify that wildlife is a high priority.

Director Shroufe stated that he will be in Washington D.C. next week and will be meeting with BLM, and will communicate the need for some movement on the Cabeza Prieta National Wildlife Refuge CCP.

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#### 4. Request for Commission Direction Regarding Potential Litigation Against the Bureau of Land Management (BLM) to Resolve Concerns Over the BLM's Lack of Responsiveness to the Department's Protest Regarding the Big Ranch A Allotment

**Presenter:** Josh Avey, Habitat Branch Chief

The BLM grazing permit for the Big Ranch A allotment expired in 2001. From 2001 to the present, the BLM has issued annual grazing permits for the Big Ranch A allotment pursuant to an appropriations bill rider. In September 2003, the BLM completed a NEPA analysis on the Big Ranch A allotment and issued a Proposed Decision. The Department protested the BLM's Proposed Decision in November 2003 based on several concerns, including the lack of consultation and coordination with the Department; the evaluation did not adequately describe the new grazing system nor provide rationale for abandoning established systems, and forage allocation estimates were based upon outdated information. Since protesting the Proposed Decision, the Department and the Commission have sent numerous letters to BLM personnel, including State Director Elaine Zielinski, requesting action by BLM to resolve the protest and issue a new decision. The BLM has made no progress in reviewing and addressing the protest, and has disregarded every timeline it has provided to the Department for resolution of the protest. At this time, the Commission has exhausted all administrative alternatives in trying to resolve concerns included in the protest.

#### Public Comment

Elno Roundy, Project Manager, Mardian Ranch, addressed the Commission in support of a letter sent to the Commission from the Law Offices of Fennemore Craig, P.C. (attached to these minutes), which states that a recent press release by the Department (attached to these minutes) contained a number of inaccurate and misleading statements regarding the Big Ranch A allotment.

Chairman Golightly stated that he believed every sentence in the Press Release was factual, and further that this was not a grazing issue but rather a habitat issue as it relates to sustaining both wildlife and cattle. The Commission and Department support ranchers and cattle grazing, and ranchers have been very supportive of wildlife, which is greatly appreciated. The ranchers in this situation are caught in the middle of an issue between the Department and BLM.

#### Public Comment

Brian Dolan, Director, ADBSS, stated support for the Department's efforts to resolve the habitat issues on Big Ranch A.

Brian Tassinari, representing Mardian Ranch, opposed the Commission's position regarding the Big Ranch A allotment.

Kathy Tackett-Hicks, representing Mardian Ranch, opposed the Commission's position and encouraged the Commission not to litigate until they have looked at all the facts. Further, Ms. Tackett-Hicks asked why the Department's protest was not submitted timely to BLM.

Ms. Cutts addressed the issue of the protest not being submitted timely, stating that a valid protest can either be issued in person or in writing and that Department personnel protested in person immediately after receiving BLM's Proposed Decision.

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Meeting recessed for a break at 9:47 a.m.

Meeting reconvened at 10:14 a.m.

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#### 11. 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:** Martin moved and Hembrode seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

**Vote:** Unanimous

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4. (Continued) Request for Commission Direction Regarding Potential Litigation Against the Bureau of Land Management (BLM) to Resolve Concerns Over the BLM's Lack of Responsiveness to the Department's Protest Regarding the Big Ranch A Allotment

**Presenter:** Josh Avey, Habitat Branch Chief

Chairman Golightly stated for the record several of the Department's efforts for all wildlife in the northeastern part of the State and in particular the Black Mountain area: The Department has been active to ensure that wildlife waters are maintained; conducted disease monitoring; used other management efforts including increasing mountain lion bag limits; hired contract hunters to manage the predator situation; worked with sportsmen organization volunteers to help with all wildlife management; used radio collars on bighorn sheep to track and monitor mortality; increased survey efforts and put a lot of money into that program; reduced and limited bighorn sheep bag limits because of the drastic reduction in bighorn sheep numbers in and around the Black Mountains; and coordinated with ADOT and the Federal Highway Systems to limit bighorn sheep habitat fragmentation. The Department has gone above and beyond what they normally do to manage wildlife in this part of the State and particularly the Black Mountain area.

**Motion:** Martin moved and McLean seconded THAT THE COMMISSION VOTE TO TABLE THIS ITEM UNTIL 8:00 AM TOMORROW MORNING (SATURDAY, MARCH 8, 2007) IN ORDER TO PROVIDE THE ACTING STATE DIRECTOR OF BLM THE OPPORTUNITY TO ADDRESS THE COMMISSION ON THIS TOPIC AND POSTPONE ANY ACTION UNTIL THAT TIME.

**Vote:** Unanimous

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5. Request for Commission Approval to Authorize the Department to Renew Road Right-of-Way Number 18-093024 Across State Trust Land for Access into the Powers Butte Wildlife Area, and to Authorize the Department to Obtain the Right-of-Way in Perpetuity.

Josh Avey, Habitat Branch Chief

In 1985, the Commission authorized the Department to obtain or renew utility and right-of-way easements necessary to carry out the development of the Commission owned Powers Butte (PBWA) and Robbins Butte Wildlife Areas. At that time, Department acquired a 10 year road right-of-way (Number 18-093024) across State Trust Land from the Arizona State Land Department for access into PBWA. A new application is required to renew the right-of-way for an additional 10 years. Costs associated with the 10 year renewal amount to \$17,133.00.

Renewal of the 10 year right-of way is necessary at this time to continue use of this roadway for legal access into PBWA. It is in the best interest of the Department, however, to obtain the right-of-way in perpetuity. At such time, residual fees associated with this renewal will be applied to the perpetual right-of-way.

**Motion:** Hernbrode moved and McLean seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE DEPARTMENT TO RENEW ROAD RIGHT-OF-WAY NUMBER 18-093024 ACROSS STATE TRUST LAND FOR ACCESS INTO THE POWERS BUTTE WILDLIFE AREA, AND TO AUTHORIZE THE DEPARTMENT TO OBTAIN THE RIGHT-

OF-WAY IN PERPETUITY, AND TO AUTHORIZE THE DIRECTOR TO EXECUTE ALL DOCUMENTS REQUIRED BY THE STATE LAND DEPARTMENT.

**Vote:** Unanimous

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6. Commission Briefing on Status of New Headquarters Facility

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

The Commission was provided with an update on the Department's new headquarters project, which is entering its third month of construction. Using a Power Point presentation, Mr. Weise provided pictures of the building site and construction and briefed the Commission on construction progress, budget status, and other current issues related to the project. The Commission did not take any action on this item.

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9. Issues Related to Sportsmen's Access Concerns in Southeast Arizona.

**Presenter:** Gerald L. Perry, Tucson Regional Supervisor

Using a Power Point presentation with maps, Mr. Perry briefed the Commission on issues related to sportsmen's access concerns in Southeast Arizona. Staff members from the Coronado National Forest and BLM were present. In February 2005, the Aravaipa Canyon Road was gated and locked where it crossed a small segment of private property belonging to a Graham County landowner. The road, according to research the Department has conducted, has been in existence since at least 1877, well before statehood. The road was used by the U.S. Army to travel between Ft. Grant (near Bonita) and Old Camp Grant (present day Mammoth) when Arizona was a Territory. A second road of concern is the Forest Service Road 277 from Klondyke to the mine, post office, and old town site of Aravaipa, near Landsman Camp. FS277 was locked by the new owner of the Cross F Ranch in 2003. This road was constructed in the 1880's and was County maintained regularly from at least the 1920's until its closure in 2003. Southward, in Cochise County, another major access road is locked where the road traverses private property. This road accesses Skeleton Canyon and the Geronimo Surrender site. The road was locked in 2004, but historically was a route into southern Arizona before statehood. Efforts to seek County assistance in resolving these road issues have been unsuccessful to date. It is probable that these roads are still public roads under Federal law RS2477.

The Commission discussed the complexities involved with these issues and Department efforts to try and get the roads reopened to the public.

**Public Comment**

Joe Sheehey, Arizona Desert Bighorn Sheep Society, urged the Commission to direct the Department to pursue gaining public access to Aravaipa Canyon.

Trevor Hare, Sky Island Alliance, stated that access was available on foot into the National Forest and BLM lands and believes that the closed roads are because of motorized vehicle and ATV abuse. Mr. Hare further opposed using RS2477 to open roads through the Aravaipa wilderness stating that it may be harmful to wildlife habitat.

Jack Williams, representing himself, supported the Department in pursuing access to the public roads leading to Aravaipa Canyon and the other closed roads in the area.

Brian Dolan, Director, ADBSS, supported re-opening the closed roads in the area. Another concern was regarding landowners operating as private concessionaires and telling people that the public land is private property when it isn't, and telling them that they can't be in there unless they hire them as guides.

**Motion:** Martin moved and Melton seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT AND THE ATTORNEY GENERAL'S OFFICE TO INVESTIGATE THE LEGALITY OF THESE ROAD CLOSURES, INCLUDING POTENTIAL REMEDIES IF APPLICABLE, AND PRESENT THOSE FINDINGS TO THE COMMISSION AT THE JUNE 2007 COMMISSION MEETING SO THAT THE COMMISSION MAY PROVIDE FURTHER DIRECTION TO THE DEPARTMENT ON THESE IMPORTANT ISSUES OF PUBLIC ACCESS TO PUBLIC LANDS.

**Vote:** Unanimous

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#### 7. Call to the Public

There were no request from the public to speak.

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Meeting recessed for lunch at 12:15 p.m.

Meeting reconvened at 1:12 p.m.

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#### 11. 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:** McLean moved and Martin seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

**Vote:** Unanimous

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

**Presenter:** Pat Barber, Law Enforcement Branch Chief

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

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

**Presenter:** Pat Barber, Law Enforcement Branch Chief

On June 28, 2006, Mr. John D. Polzin was convicted in the Show Low Justice Court for: Take mule deer buck without valid license/permit; Possess unlawfully taken mule deer buck; Obtain 2005 resident hunt/fish license by fraud; Take bull elk without valid license/permit; Possess unlawfully taken bull elk and sentenced to seven (7) days in County Jail and 1,000 hours community service to be completed by September 1, 2007, or an additional eighty-three (83) days in jail. On December 9, 2006, the Commission revoked Mr. Polzin's hunting, fishing, and trapping licenses for a period of ten (10) years, invoked a \$16,000.00 civil assessment and further required him to complete Hunter Education before obtaining any license(s) to take wildlife in the State of Arizona. Mr. Polzin has requested a rehearing of this matter and decision and was notified by certified mail.

The Commission was asked to consider this request and was provided with the case summary and other pertinent information relating to this case for review prior to this meeting.

**Motion:** McLean moved and Melton seconded THAT THE COMMISSION VOTE TO DENY THIS REQUEST FOR A REHEARING.

**Vote:** Unanimous

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Meeting recessed for a break at 2:40 p.m.

Meeting reconvened at 3:02 p.m.

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### 8. Current Status of Draw Applications for the Antelope and Elk Draw

**Presenter:** Harry Seck, Assistant Director, Special Services Division

Using a Power Point Presentation, Mr. Seck provided the Commission with a summary of the current status of the application process for the antelope and elk big game draw. The total number of applications for elk were approximately 140,351 compared to 134,088 last year. For antelope there were 37,178 compared to last year's 31,435. Approximately 80% were applied for online.

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10. Request for the Commission Approval of the Program Narrative for U.S. Coast Guard Boating Safety Funds (Federal FY 2007 / State FY 2008)

**Presenter:** Pat Barber, Law Enforcement Branch Chief

The Department requested the Commission to consider and approve funding to add one-half of a full time employee (FTE) funded through the USCG to the existing USCG/OHV split funded Wildlife Watercraft/OHV Law Enforcement Program Manager. After removing the OHV duties and funding, this will create a full-time USCG funded and Statewide OUI and Watercraft Law Enforcement Coordinator position. A Program Narrative detailing the expenditure of U.S. Coast Guard (USCG) boating safety funds by the Arizona Game and Fish Department was provided to the Commission prior to this meeting for review and consideration. The narrative detailed the Department's watercraft activities and obligations for State FY 2008 once approval is granted by the USCG. It addressed the grant period of October 1, 2006, to September 30, 2007, and reflected the legislatively mandated watercraft responsibilities of the Arizona Game and Fish Department.

**Motion:** McLean moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE PORTION OF THE DEPARTMENT'S WATERCRAFT SAFETY PROGRAM FUNDED BY THE U.S. COAST GUARD MONIES PURSUANT TO THE FEDERAL BOATING SAFETY ACT OF 1971.

**Vote:** Unanimous

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14. Request for the Commission Approval of the Creation of a Full-Time Off Highway Vehicle (OHV) Law Enforcement Program Manager

**Presenter:** Pat Barber, Law Enforcement Branch Chief

The Department requested the Commission to consider and approve funding to add one-half of a full-time employee (FTE) funded through the Off Highway Vehicle Fund to the existing USCG/OHV split funded Wildlife Watercraft/OHV Law Enforcement Program Manager. After removing the Boating Safety Duties and USCG funding, this will create a full-time OHV Law Enforcement Program Manager. The Department anticipates continued statewide expansion of OHV management issues, and the proposed Law Enforcement Program Manager duties will be critical to implementing OHV law enforcement and OHV management activities on a statewide basis. The Department will utilize recent increases to the Off Highway Vehicle Recreation Fund as a result of increased motor fuel tax revenues to fund the one-half FTE.

**Motion:** McLean moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THE CREATION OF A FULL- TIME, OFF HIGHWAY VEHICLE LAW ENFORCEMENT PROGRAM MANAGER POSITION WITH THE ADDITION OF ONE-HALF FTE FUNDED BY OHV EXPENDITURES.

**Vote:** Unanimous

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12a. Civil Action to Recover Money Spent for Temporary Employment Services at the Ben Avery Shooting Facility

**Presenter:** James Odenkirk, Assistant Attorney General

The Commission discussed this item in Executive Session and provided direction to counsel. Subsequently, the Commission decided to take formal action in the Public Session.

Mr. Odenkirk recommended that the Commission vote to direct the Attorney General to bring civil action on behalf of the Commission and take other necessary action to recover money spent on temporary employment services at the Ben Avery Shooting Facility.

Commissioner McLean asked who the Attorney General suggests to be the appropriate parties named as defendants in that civil action.

Mr. Odenkirk stated that the Attorney General would likely pursue a civil claim against the Randstad Corporation and Don Turner, a former Department employee.

Commissioner McLean asked if during the discovery phase of litigation, additional individuals, corporations or entities are identified as appropriate to include as defendants, 1) how would that be determined, 2) would counsel come back to the Commission for further authorization, and 3) what is the process for doing an amended complaint and adding additional parties.

Mr. Odenkirk stated that if during the discovery phase it is learned that others are also responsible based on the evidence, the Court would be asked to amend the complaint to add additional defendants. , Counsel would come back to the Commission for discussion and direction before taking such an action.

Commissioner McLean asked for an estimate of the approximate amount of money the Commission would be seeking, to which Mr. Odenkirk stated he would rather not take a position on that at this time because information is still being compiled.

Commissioner McLean further asked if the amount could be several hundreds of thousands of dollars, to which Mr. Odenkirk stated that it was likely.

**Motion:** Melton moved THAT THE COMMISSION VOTE TO DIRECT THE ATTORNEY GENERAL TO BRING CIVIL ACTION ON BEHALF OF THE COMMISSION AND TAKE OTHER NECESSARY ACTION TO RECOVER MONEY SPENT ON TEMPORARY EMPLOYMENT SERVICES AT THE BEN AVERY SHOOTING FACILITY.

Commissioner McLean seconded the motion with the addition that the motion include the individuals disclosed by counsel be named in the motion.

**Motion Restated:** Melton moved and McLean seconded THAT THE COMMISSION VOTE TO DIRECT THE ATTORNEY GENERAL TO BRING CIVIL ACTION ON BEHALF OF THE COMMISSION AND TAKE OTHER NECESSARY ACTION AGAINST RANDSTAD

CORPORATION AND DON TURNER TO RECOVER MONEY SPENT ON TEMPORARY EMPLOYMENT SERVICES AT THE BEN AVERY SHOOTING FACILITY.

**Vote:** Aye - Golightly, McLean, Martin, Melton  
Opposed, same sign – Hernbrode  
Passed 4 to 1

Commissioner Hernbrode explained his vote stating that he has trouble with how far the culpability needs to go with this.

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#### 15. Director's Goals and Objectives - 2007

Duane L. Shroufe, Director

The Commission reviewed and discussed the final draft of the Director's Goals and Objectives for 2007 (attached to these minutes), which were approved at the February Commission meeting.

**Motion:** Hernbrode moved THAT THE COMMISSION VOTE TO APPROVE THE DIRECTOR'S GOALS AND OBJECTIVES AS WRITTEN.

**Amended Motion:** Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE DIRECTOR'S GOALS AND OBJECTIVES WITH THE FOLLOWING CHANGES TO GOAL 6: THE WORD "BIG GAME" BE STRUCK; THE WORDS "AND CARCASSES" BE ADDED FOLLOWING GUT PILES; AND THE WORD "BULLETS" BE REPLACED WITH THE WORD "AMMUNITION".

Commissioner McLean stated that he is unwilling at this time to go beyond the exploration of the use of non-lead bullets in a big game situation.

**Vote:** Aye - Martin, Melton  
Opposed, same sign – Golightly, McLean, Hernbrode  
Failed 3 to 2

**Motion:** Hernbrode moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE THE DIRECTOR'S GOALS AND OBJECTIVES AS WRITTEN EXCEPT FOR ADDING TO GOAL 6 THE WORDS "AND CARCASSES" AFTER GUT PILES.

**Vote:** Aye - Golightly, McLean, Hernbrode, Melton  
Opposed, same sign – Martin  
Passed 4 to 1

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#### 16. Litigation Report

There were no comments or questions on this item.

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#### 17. Call to the Public

There were no requests from the public to speak.

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Meeting recessed for the day at 3:30 p.m.

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Saturday, March 10, 2007 – 8:00 a.m.

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#### 4. (Friday's Agenda Item 4 continued) Request for Commission Direction Regarding Potential Litigation Against the Bureau of Land Management (BLM) to Resolve Concerns Over the BLM's Lack of Responsiveness to the Department's Protest Regarding the Big Ranch A Allotment

**Presenter:** Josh Avey, Habitat Branch Chief

This item was tabled from Friday's meeting in order that Mike Taylor, Acting Director for the State BLM Office, could attend the meeting and discuss this topic with the Commission.

Mr. Taylor was present and addressed the Commission to answer questions and discuss the Big Ranch A allotment evaluation. Mr. Taylor read a statement into the record (attached to these minutes) that stated BLM's position and expressed Mr. Taylor's displeasure with Commission actions in regards to an editorial posted on the Department's website (attached to these minutes). The statement also included a suggestion for resolution of this issue including a schedule for the completion of the Big Ranch A allotment evaluation. Mr. Taylor did not have the schedule with him, but offered to send it to the Commission upon returning to his office.

The Commission and Mr. Taylor discussed the issues including the schedule to complete the Big Ranch A allotment evaluation.

Chairman Golightly asked the Director if the Department could meet a 3 month time schedule.

Mr. Posey stated that if it's just the Big Ranch A, 3-6 months is plenty of time.

Mr. Taylor committed to work collaboratively with the Department on this issue. Further, everything will now be documented and the Commission will be copied on all communications regarding this issue as the process is worked through.

Director Shroufe committed to utilizing any Department staff necessary to support the process.

Public Comment

Brian Dolan, ADBSS, stated appreciation for all that BLM has done; however, he expressed frustration over how long it takes to get processes like NEPAs and EAs done.

Brian Tassman, Mardian Ranch, was present in opposition to the Commission's position on this issue.

Elno Roundy, Project Manager, Mardian Ranch, was present in opposition to the Commission's position on this issue.

Kathy Tackett-Hicks, Mardian Ranch, was present in opposition to the Commission's position on this issue.

Commissioner Mclean requested that this identical item be on the June 2007 Commission meeting agenda.

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Meeting recessed for a break at 9:10 a.m.

Meeting reconvened at 9:31 a.m.

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5. Audubon Society will make a presentation to the Commission on the status of the bald eagle population in Arizona

**Presenter:** Eric Gardner, Nongame Branch Chief

In January, the Maricopa Audubon Society requested the opportunity to discuss the status of the bald eagle population in Arizona and also requested the Commission pass a resolution supporting a proposed designation of Distinct Population Segment status for the bald eagle population in Arizona.

Mr. Herb Fibel, President of Maricopa Audubon Society, was scheduled to make a presentation to the Commission; however, Mr. Fibel contacted the Department and withdrew from the agenda.

Commissioner Hernbrode read Mr. Fibel's email message into the record as follows: Dear Mr. Gardner, The request to be put on the Commission agenda in January was made by me by and for the Maricopa Audubon Society. No one from Maricopa Audubon will be at the Arizona Game and Fish Commission meeting in Tucson this weekend, and at this point no formal written material has been prepared to present to the Commission by the Maricopa Audubon Society. It would be our preference, since we never requested being placed on the March Commission Agenda in the first place, that the matter simply be stricken when it comes up. Time just got away from me, and I sincerely apologize for any trouble and inconvenience that the lateness of this email may have caused you and the Commission.

Commissioner Hernbrode requested that this item be stricken from the agenda.

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1. Request to Approve the Five-Year Rule Review Report on Article 6 Commission Rules of Practice Before the Commission for Filing with the Governor's Regulatory Review Council

**Presenter:** Dustin McKissen, Rules and Risk Manager

Under A.R.S. § 41-1056, each state agency is required to review its rules every five years on a predetermined schedule established by the Governor's Regulatory Review Council (GRRC). Under this statute, the Arizona Game and Fish Commission's Article 6, Rules of Practice Before the Commission were analyzed for the 2007 five-year rules review cycle.

The Department considered the following factors in making its recommendation to the Commission:

1. Comments received from Department personnel and the public during the past 5 years.
2. State and federal legislative changes.
3. The impact of other rule changes made within the last 5 years.
4. The conformity of the Article 6 rule language with the current Administrative Procedure Act requirements for rulemaking language and style.

In addition, the Article 6 Five-Year Rules Review Team was asked to answer the following questions for each of the Article 6 rules:

1. Is the rule meeting its objective?
2. Is the rule currently being enforced, and are there any problems with enforcement?
3. Is the rule necessary and does it fit within the overall mission of the Commission and the Department?
4. Is the rule clear, concise, and understandable?
5. Does the rule need to be revised, and if so, what is the nature of the revision and the target effective date?

The Article 6 Five-Year Rules Review Team has completed its study in accordance with these provisions and the requirements of A.R.S. § 41-1056. The 2007 Article 6 Five-Year Rules Review Report was provided to the Commission prior to this meeting for review. Approval of a five-year rule review does not change rule.

Among the recommended amendments, the Department proposes:

- Add unlawful sale, offering for sale, or unlawful bartering of wildlife as grounds for revoking, suspending, or denying a hunting, fishing, or trapping license in R12-4-605. This amendment is authorized by the 2006 amendments to statutes for revocations, suspension, and denial.
- Add unlawful use of aircraft to take, assist in taking, harass, chase, drive, locate, or assist in locating wildlife as grounds for revoking, suspending, or denying a hunting, fishing, or trapping license in R12-4-605. This amendment is authorized by the 2006 amendments to statutes for revocations, suspension, and denial.
- Amend R12-4-605 to allow the Commission to deny the right to obtain a license or suspend a license for longer than five years. This amendment is authorized by the 2006 amendments to statutes for revocations, suspension, and denial.

- Amend criteria for petitions for land and road closures in R12-4-610(B). Instead of limiting all petitions to address no more than one contiguous closure request, the Department recommends amending the rule to limit only petitions for road closures. A petition for a road closure shall only address the closure of roads that are part of a contiguous road system and are under the control of a single Arizona State Land lessee.

The Commission may modify any of the material prior to approval and will have the opportunity to approve or reject any proposed amendments to the rules as a part of the Proposed and Final Rulemaking process for Article 6. If approved by the Commission, the 2007 Article 6 Five-Year Rules Review Report will be filed with GRRC by March 19, 2007, for its May 1, 2007 meeting. The Department anticipates opening a Rulemaking Docket for the proposed rule changes to Article 6 by August 2007.

Commissioner Martin asked why R12-4-605.A identifies big game only and under R12-4-605.B, all wildlife is covered.

Mr. McKissen stated that he will explore that further and address it during the proposed rulemaking.

**Motion:** McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE 2007 FIVE-YEAR RULE REVIEW REPORT ON COMMISSION RULES IN ARTICLE 6, DEALING WITH THE RULES OF PRACTICE BEFORE THE COMMISSION, FOR FILING WITH THE GOVERNOR’S REGULATORY REVIEW COUNCIL UNDER A.R.S. § 41-1056.

**Vote:** Unanimous

\* \* \* \* \*

2. Request for Direction from the Commission Regarding Article 7 Rules Dealing with Heritage Grants

**Presenter:** Dustin McKissen, Rules and Risk Manager

The Department is considering amending Article 7 rules dealing with Heritage Grants following a five-year rule review. After reviewing the proposed amendments, the Department’s Executive Staff is considering deleting all rules under Article 7 and issuing Heritage Grants under A.R.S. § 41-2702, as it currently does with various other grant programs. Executive Staff feels that the statute offers greater flexibility and perhaps is a better alternative to an article in rule that required review and a lengthy process to amend. Article 7 was written three years before A.R.S. § 41-2702 became law.

Benefits of Deleting Article 7	Costs of Deleting Article 7
<ul style="list-style-type: none"> <li>• Greater flexibility in issuing grants.</li> <li>• Ability to issue multiple grant awards.</li> <li>• Ability to waive application process if need be.</li> </ul>	<ul style="list-style-type: none"> <li>• A.R.S. § 41-2702 does not prescribe procedures for issuing grants to governmental entities.</li> <li>• Requires creating a two-pronged process for distributing Heritage funds: one for</li> </ul>

<ul style="list-style-type: none"> <li>• No longer require rule review or rule amendments.</li> </ul>	<p>private entities, another for governmental entities.</p> <ul style="list-style-type: none"> <li>• No codified violations nor application guidelines. Safeguards would still need to be made or added into grant agreements.</li> <li>• Training personnel in new processes.</li> </ul>
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The Department requested that the Commission provide direction either to continue the regular rulemaking process to amend article 7 or to delete the article and allow Heritage Grants to be regulated by Title 41 statutes.

#### Public Comment

Beth Woodin, Vice President, Arizona Heritage Alliance, (and former Game and Fish Commissioner) expressed concerns with amending Article 7; however, Ms. Woodin also stated that it could be very positive and requested that the Department work with the Arizona Heritage Alliance and keep them informed as this moves through the process.

Commissioner McLean asked if issuing Heritage Grants under A.R.S. § 41-2702, would the grants still come to the Commission for review and award, or would that be done at the Department level.

Mr. McKissen stated that it could be either way.

Director Shroufe stated that at the present time, Article 7 indicates that the Director will make the decision and announce it to the Commission at a public meeting, which has been the practice, so currently the Commission is not making that decision.

Commissioner Hernbrode requested that this item continue its regular rulemaking process and that the Commission review and make decisions when Article 7 opens.

Commissioner McLean reminded the Commission that they need to take into account that in two years Director Shroufe will be retiring and there will be a new Game and Fish Director.

Director Shroufe advised that the Commission communicate with both the Department and the Arizona Heritage Alliance in order to ensure that by April when the Commission addresses this item again they will be well informed.

\* \* \* \* \*

### 3. Request to Close the Rule Record and Adopt the Notice of Exempt Rulemaking to Amend Rules in Article 8, Wildlife Areas and Department Property, as Part of the Annual Hunt Recommendation Process

**Presenter:** Dustin McKissen, Rules and Risk Manager

The Arizona Game and Fish Department is making amendments to R12-4-802 as part of the annual hunt recommendation process. The Department is amending the use requirements for

specific wildlife areas for the following reasons:

- Arlington Wildlife Area. Prohibit target or clay bird shooting because there are no natural safety backstops. Prohibit discharge of rifled firearms because it is not conducive to firearm discharges.
- Base and Meridian Wildlife Area. Prohibit motor vehicles except administrative and emergency vehicles because there are no public access roads into the wildlife area. Prohibit target and clay bird shooting because there are no natural safety backstops and more and more people are visiting it.
- Powers Butte (Mumme Farm) Wildlife Area. Prohibit discharge of rifled firearms because more people are visiting the area. Also allow parking only in designated areas to better manage area visitors. Allow target or clay bird shooting only in designated areas and only during a Department-authorized event. Authorization is given under R12-4-804.
- Robbins Butte Wildlife Area. Allow target or clay bird shooting only in designated areas and only during a Department-authorized event. Authorization is given under R12-4-804. Prohibit use of all rifled firearms instead of just centerfire firearms because it is not conducive to firearm discharge and because the area manager resides in the wildlife area.
- Upper Verde River Wildlife Area. Prohibit overnight camping to minimize damages caused by overnight visitors.

In addition to these amendments, Mr. McKissen presented a floor amendment to the Notice of Exempt Rulemaking. This floor amendment will change R12-4-802 to include all GMUs that a wildlife area crosses into. Recently an individual violated the instructions on the Upper Verde Wildlife Area. Because the rule currently states that the Upper Verde Wildlife Area is in Unit 19A and it does not state the other GMUs that the Wildlife Area crosses into, the violator was able to avoid a citation. Adopting a floor amendment will list all of the GMUs that each Wildlife Area crosses into and will avoid this type of technical argument from being made in the future. Because Article 8 is an Exempt Rulemaking, a public comment period is not necessary for this floor amendment.

If approved by the Commission, the Notice of Exempt Rulemaking will be submitted to the Secretary of State's Office by March 16, 2007, for publication in the *Arizona Administrative Register*. The rules will become effective May 15, 2007. Additionally, the Department recommended that the Commission vote to close the rule record and adopt the Notice of Exempt Rulemaking to amend rules in Article 8, Wildlife Areas and Department Property, as part of the annual hunt recommendation process.

Commissioner McLean expressed concerns about making sure not to restrict dove hunting in those areas, especially the juniors dove hunts.

Mr. Senn stated that the Department will look into it and make sure there is not that unintended consequence, and then bring this back to the Commission next month.

Commissioner Melton asked if the areas were well signed so people know where they are.

Mr. Senn stated that most are well signed and for those that are not the Department will make sure that they are.

\* \* \* \* \*

#### 4. Progress and Direction of Draft Changes to Article 3, Rule 12-4-319 During the 5-year Rules Review.

**Presenter:** Dustin McKissen, Rules & Risk Manager

The Commission was presented with draft changes being considered to R12-4-319, Use of Aircraft to Take Wildlife, as a part of the current 5-year rules review. Article 3 will enter the regular rulemaking process in mid 2007, with any proposed rule changes likely becoming effective in late 2008 or early 2009. Mr. McKissen also briefed the Commission on a fast track option that could make this rule effective by December 1, 2007.

The significant changes to this rule are in R12-4-319, C and D (changes underlined) as follows:

C. Except in hunt units with Commission-ordered special seasons under R12-4-115 and R12-4-120 and hunt units with seasons only for mountain lion and no other concurrent big game season, an individual shall not locate or assist in locating wildlife from or with the aid of an aircraft in a hunt unit with an open big game season and attempt to take wildlife or communicate information regarding wildlife to any other person attempting to take wildlife in that unit. This restriction begins 48 hours before the opening of a big game season in a hunt unit and extends until the close of the big game season for that hunt unit.

D. An individual shall not use aircraft in such a way that disrupts the lawful taking of wildlife during an open big game season or harasses wildlife per R12-4-320.

Chairman Golightly stated that this rule should be fast tracked.

The Commission discussed the intent and clarity of this rule and discussed a revised version written by Commissioner Hernbrode that he provided to the Commission prior to this meeting.

Commissioner Hernbrode requested that the Commission start the process with the language he provided when the rule opens in April.

#### Public Comment

Dave Blankenbaker addressed the Commission in regards to what he believed were vague areas of the rule that will cause people to be unfairly or inappropriately cited for violations.

Stephanie Nichols-Young, submitted a speaker card in support of this rule.

\* \* \* \* \*

#### 6. Status of the Evaluation of the Reintroduction of the Black-tailed Prairie Dog

**Presenter:** Eric Gardner, Nongame Branch Chief

Mr. Gardner briefed the Commission using a Power Point presentation on the status of the 12-step evaluation process for the reintroduction of black-tailed prairie dog. The 12-step evaluation process defines the procedures for nongame wildlife and endangered species re-establishment projects in Arizona, in accordance with Commission policy. Information was provided on the evaluation of potential reintroduction areas for black-tailed prairie dogs in southeastern Arizona, as well as summarized previous public input related to the proposal. The Department's recommendation to continue with the evaluation process was also discussed. By way of this agenda item, the Department completed step 7 of the 12-step process. Step 8 involves the preparation of a re-establishment proposal which will be provided to internal and external customers as well as the Commission for review.

#### Public Comment

Stephanie Nichols-Young, Animal Defense League of Arizona, stated that prairie dogs are very important and she appreciates the efforts of the Commission and the Department.

\* \* \* \* \*

#### 7. Call to the Public

There were no request from the public to speak.

\* \* \* \* \*

#### 8. Review of Golden Alga in Arizona Lakes and Reservoirs and Strategies to Address Alga and the Effects on the Fisheries Resources.

**Presenter:** Lawrence M. Riley, Fisheries Branch Chief

Since 2004 a number of lakes have been affected by golden alga (*Prymnesium parvum*), a toxic alga. As of this time, approximately 21 public, municipal, and private lakes have been affected. Notably, three of the affected lakes are large reservoirs on the Salt River – Saguaro, Canyon, and Apache lakes on the Tonto National Forest.

Golden alga are microscopic plants that inhabit the waters of lakes and potentially other aquatic ecosystems. It can produce a toxin that can kill gill breathing animals and has resulted in large die-offs of fish and other aquatic animals. The toxin damages gills and destroys their ability to absorb oxygen, often leading to death of the animal. The toxin does not affect humans or air breathing animals. The toxic events appear to be seasonal and related to the abundance of golden alga, and potentially other factors. The fish die-offs in the Salt River reservoirs commence in late February or early March and end in mid-June. In smaller lakes in Arizona the events can begin as early as October and continue into April. Some fishes are particularly susceptible, and die-off events can result in marked reductions of valued sport fish. In particular in these reservoirs, die-off events have affected threadfin shad (a key forage fish), smallmouth bass, largemouth bass, walleye, and other fish pursued for sport.

Because of the losses of fish resulting from these events, fishing recreation at the three Salt River reservoirs has been severely impacted. Anglers are disappointed with the die-off events and their

lack of fishing success. This is a sense of frustration and disappointment that the Department shares. Severe events took place in the Salt River reservoirs in 2004 and 2005, and a lesser event took place in 2006.

Mr. Riley, with the assistance of Dr. David Walker of the University of Arizona, presented an overview using a Power Point presentation of the state of knowledge of golden alga, its distribution in Arizona and elsewhere, strategies to attempt to offset its affects, and expectations for the future.

Chairman Golightly commented that funding sources needed to be found to deal with this issue, possibly matching funds and fundraising banquets held by angler groups.

#### Public Comment

The following members of the public submitted speaker cards in support of restoring warm water fisheries, in particular the Salt River chain of lakes, and several addressed the Commission with their concerns.

Artie Applebaum  
Ernest Banz (Rudy)  
Rob Ryse  
Daphne Ryse  
Ken Levy  
Will Hover  
Debra Hover  
Matt Landspurg  
Denny Anderson  
Jim Patterson  
Raymond Hitt  
Jerry Nelson  
Ron Schofield  
Bruce Rains  
Jack Sellan

The Commission directed the Department as follows: To bring back a plan to the Commission for recovery of these lakes; to do the necessary monitoring; and to develop a budget on what it will take and where the funds will come from to get the these lakes started again. Also, the Commission requested to be kept informed of test results as they are conducted and become available.

\* \* \* \* \*

#### 9. Director and Chairman's Report

Chairman Golightly worked on issues in the Kingman area; worked on the Northern Arizona Shooting Range; spent time at the Legislature; and routine Commission business.

Director Shroufe conducted routine daily duties and toured Arizona with staff from the Washington office of the Forest Service.

\* \* \* \* \*

#### 10. Commissioners' Report

Commissioner Hernbrode performed routine Commission duties and hiked the Catalinas.

Commissioner Martin attended Legislative Day; participated in a Natural Resources Advisory meeting; met with the Natural Resources Advisor; attended the Condor release at Vermillion Cliffs; read through the State Parks Trails Plan that includes the OHV Plan; and communicated with the Peregrin Fund regarding the voluntary programs for using non-lead bullets.

Commissioner Melton attended the Commission meeting in Yuma; attended a Bowhunters banquet; and did some lion scouting.

Commissioner McLean left this meeting for another appointment and was not present for this item.

\* \* \* \* \*

#### 11. Approval of Minutes and Signing of Minutes

**Motion:** Martin moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FOR FEBRUARY 9, 2007.

**Vote:** Unanimous  
McLean absent

The Commission signed the minutes for February 9, 2007.

\* \* \* \* \*

#### 12. Future Agenda Items

Mr. Ferrell captured the following future agenda items/action items:

- Continue to brief the Commission on emerging issues in reference to energy development in Arizona via the monthly Lands Update
- The Director will meet with the Director of ADOT regarding resolution of the concern over the status of the old Highway 93 approach to Hoover Dam
- Continue to brief the Commission on the legality of road closures and provide potential remedies by the June 2007 Commission meeting
- Re-word Goal 6 of the Director's Goals and Objectives to add carcasses to that goal statement
- Add the Big Ranch A allotment to the June Commission meeting agenda
- Investigate why R12-4-605 paragraph A identifies big game and paragraph B does not and correct any inconsistency in proposed rulemaking

- Revisit the issues of clay target prohibitions and rifle firearms prohibitions in the proposed rulemaking of Article 8 for the wildlife areas along the Lower Gila River
- Start a five-year rulemaking on R-12-4-309 with language that was offered by Commissioner Hernbrode
- Have Region VI and Fisheries Branch come back to the Commission at the April Commission meeting with a more detailed proposal on how the Department will address the issue on the Salt River lakes with a prioritized plan of action and a proposed budget for the next twelve months
- Provide fish survey data on the Salt River lakes to the Commission as that data is gathered.

\* \* \* \* \*

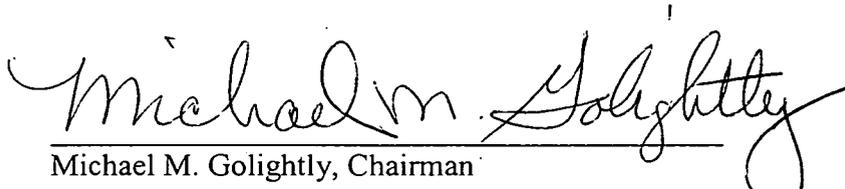
**Motion:** Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

**Vote:** Unanimous

\* \* \* \* \*

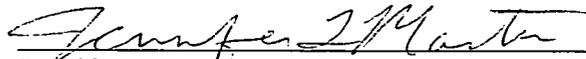
Meeting adjourned at 12:02 p.m.

\* \* \* \* \*

  
Michael M. Golightly, Chairman

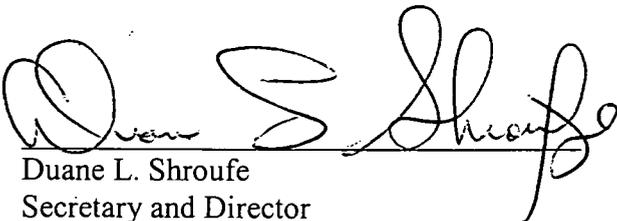
  
William H. McLean, Member

  
Robert Hernbrode, Member

  
Jennifer L. Martin, Member

  
Joe Melton, Member

ATTEST:

  
Duane L. Shroufe  
Secretary and Director

**Game and Fish Litigation Report  
Presented at the Commission Meeting  
March 9, 2007**

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. ***State v. Johnson, CV2005-002692.*** On February 14, 2005, the State of Arizona ("State") filed a multi-count complaint against land developer George Johnson and related individuals and entities ("Defendants") alleging that Defendants: (1) bulldozed over 270 acres of State Trust Lands and 2,415 acres of other lands in and near the Ironwood Forest National Monument ("Monument") and the Los Robles Archeological District; (2) irreparably damaged protected archeological sites on State Trust Lands; (3) destroyed thousands of protected native plants; (4) discharged pollutants into waters of the State and altering and damaging watercourses of the State; (5) breached the terms of a State grazing lease; and (6) allowed diseased domestic goats to roam into the habitat of the Silver Bell desert bighorn sheep herd on the Monument, thereby infecting 47 desert bighorn sheep with keratoconjunctivitis and contagious ecthyma and causing the deaths of 21 members of the herd.

Along with the Complaint, the State filed a motion to place the case into Arizona Superior Court's Complex Litigation Pilot Program.

On March 18, 2005, the State filed an amended Complaint wherein the State Land Department added claims for waste and punitive damages.

On March 25, 2005, the Court issued an order designating the case as complex and assigning the matter to Judge Rebecca Albrecht. The parties held a case management conference before Judge Albrecht on May 11, 2005.

On May 23, 2005, Defendants filed motions to dismiss the Commission's negligence per se and unlawful killing of wildlife claims. Defendants did not move to dismiss the Commission's negligence claim. The Attorney General's Office filed responses to Defendants' motions on June 21, 2005. Defendants filed reply briefs in support of their motions to dismiss on July 6, 2005, and the Court heard oral argument on the motions on July 21, 2005.

On August 23, 2005, the Court issued a ruling denying both of Defendants' motions to dismiss. On September 15, 2005, the State filed a Second Amended Complaint at the Court's direction to more fully address the State's basis for asserting personal liability against George Johnson for certain of the State's claims related to trespass, destruction of native plants, damage to archeological sites, and violation of water quality and storm water discharge laws.

On October 13, 2005, Defendants filed a counterclaim for defamation against the Attorney General and the Director of the Department of Environmental Quality arising from statements made to the press about the case. On October 14, 2005, Defendants filed an answer to the State's Second Amended Complaint. As required by Rule 26.1 of the Arizona Rules of Civil Procedure, the parties

will exchange comprehensive disclosure statements regarding the factual and legal basis of the claims in the case on November 10, 2005.

The parties served initial disclosure statements on November 10, 2005, and are working on a proposed case management order. Due to the retirement of Judge Albrecht, the case was transferred to Judge Barton. The defendants filed a notice of change of judge with respect to Judge Barton, and the case has been reassigned to Judge Kenneth L. Fields. Judge Fields has scheduled a status conference for February 13, 2006 to discuss the proposed case management order. The parties held a status conference before the Court on February 27, 2006. The Court ordered the parties to prepare a Joint Case Management Order no later than noon on March 8, 2006. The parties have started the written discovery process, and depositions will commence the second week of May.

The parties held a status conference on June 5, 2006, and filed a Joint Alternative Dispute Resolution Statement with the Court. The parties agreed to mediate this dispute, and have Tom Toone of Beer & Toone to serve as mediator. On August 7, 2006, the parties filed their respective mediation statements. The mediation took place on August 18, 2006, but the parties were not able to resolve the dispute. Following the mediation, the defendants noticed the depositions of several Department employees. **These depositions took place in the fall of 2006. The depositions of Department witnesses Jim Heffelfinger and Brian Jansen will take place in early-2007.**

2. ***Charles M. Johnson v. Arizona Game and Fish Department, LC2006-000775.*** On November 13, 2006, Charles M. Johnson filed a Complaint in Arizona Superior Court appealing the Commission's orders revoking his license privileges for three (3) years, requiring him to complete a hunter education course before obtaining another license to hunt in Arizona, and denying his request for a rehearing. Mr. Johnson filed with his Complaint an Application for Order to Show Cause ("Application") asking the Court to stay his license suspension pending the outcome of the appeal. On November 17, 2006, Game and Fish filed an Opposition to Mr. Johnson's Application. On November 21, 2006, the Court issued a minute entry finding that Mr. Johnson's Application was "neither procedurally appropriate nor substantively adequate" and declining to issue a stay.

**The parties held their first status conference before the Court on January 10, 2007. The Court set the briefing and oral argument schedule as follows: (1) Johnson's Opening Brief due March 5, 2007; (2) the State's Response Brief due April 16, 2007; (3) Johnson's Reply Brief due May 16, 2007; and (4) Oral Argument on May 30, 2007 at 9:00 a.m.**

(1/17/07) (JFO/SDC)

**Lands Update**  
For the Arizona Game and Fish Commission  
March 9, 2007  
Tucson, Arizona

**U.S. FOREST SERVICE**

**Apache-Sitgreaves National Forests**

The Department and the Forest held their annual coordination meeting. Topics included the Forest Plan Revision, Travel Management Planning, the White Mountain Stewardship Project, sportfish and native fish stockings and reintroductions, landscape level habitat project planning, and the fall 2007 hunt recommendations. The Department reiterated concerns on maintaining adequate recreation access, dispersed camping, and game retrieval provisions within the Travel Management Plan. The Department's herbaceous forage monitoring protocol was also discussed. The Forest was concerned that the current protocol is not capturing potential impacts of browsing by elk, especially on riparian woody species. The Department and the Forest agreed to meet again to further discuss this issue. The Forest also discussed how to address concerns that the Forest Plan Revision does not provide a mechanism for the withdrawal of pastures from the rangeland grazing base acres as was agreed upon in the May 2005 Memorandum of Understanding among Apache-Sitgreaves National Forests, Arizona Elk Society, and Livestock Permittees.

The Department coordinated with the Forests on Apache trout recovery activities. The main topic was refining the chemical treatment protocol for removing non-native fish from recovery streams. Other topics included upcoming schedules, coordination to avoid conflicts with permittees/livestock on the Forest, barrier maintenance, NEPA compliance, Forest closures, stocking Apache trout, and monitoring populations.

The Department met with the manager of the Hopi 3 Canyon Ranches to discuss a potential land trade. The Department owns approximately 71 acres known as the Lee Valley Property, which is located immediately adjacent to the tribal-owned 26 Bar Ranch. The Lee Valley Property was originally purchased to acquire water rights in Lee Valley Reservoir. Since the 1960 purchase, the water rights associated with the property have been successfully transferred and severed. Several potential land exchanges were discussed at the meeting, including a parcel located in Springerville that straddles approximately 1/3 mile of the Little Colorado River and potentially includes priority water rights and a second parcel of land associated with the Aja Ranch in Game Management Unit 4A adjacent to the Chevelon Wildlife Area. This 300 acre tract has riparian values associated with Chevelon Creek but does not have associated water rights. The Department recommends disposal due to low wildlife values at the Lee Valley Property, and to acquire land with more desirable wildlife values. The Department will continue to coordinate with Hopi Tribe officials in exploring a possible land exchange.

The Department met with a contractor to discuss possible projects or improvements to Rudd Creek on the Sipe Wildlife Area. Project objectives focus on improving stream function and associated habitat conditions for threatened Little Colorado spinedace and other native fishes. The Department's water diversion structure on Forest Service land upstream of the wildlife area was also discussed, with intentions of installing stream gauging structures that would assist in managing water diversions while minimizing impacts to spinedace. The stream gauging structures were a strategy suggested during a meeting with the Springerville Ranger District and the US Fish and Wildlife Service regarding renewing the Department's Special Use Permit for the water diversion structure.

The Department coordinated with the Show Low Creek Watershed Enhancement Partnership Committee on updates to an ADEQ 319 grant proposal. The proposal was written to fund an evaluation of dredging Rainbow Lake in Navajo County to address the water quality and nuisance aquatic weed issues. The Department operates a weed harvester at Rainbow Lake every year and expressed our support for this grant proposal in a letter written to the Watershed Partnership. The group also discussed possible improvements to the Pinetop Springs area and the Department's water collection system at the springs. The water diversion is a degraded structure that supplies water to the old Pinetop Hatchery system.

### **Coconino National Forest**

The Forest initiated planning efforts on the Fossil Creek, Hackberry and Pivot Rock allotments located along the Mogollon Rim above Fossil Creek and the Verde River. Fossil Creek Allotment is on the south edge of the Forest running down from the Mogollon Rim to Fossil Creek. Wildlife of interest includes mule deer, whitetail deer, javelina and Chiricahua Leopard Frogs. The last leopard frogs in the Forest are the western most extent of the population, and are struggling to survive.

Cattle were removed in October 2004 based on poor watershed conditions. Some cattle went back on this winter. The USFWS has been involved with the Department and the Forest from the beginning and has been very proactive and helpful in dealing with this allotment. The Allotment has been moved up in the Allotment Management Planning (AMP) revision schedule because of concerns from the Department and USFWS. The allotment is 42,000 acres in size, of that only 1525 acres are in satisfactory soil condition (4%); the rest is impaired (49%), unsatisfactory (7%) or inherently unstable [steep slopes] (40%). The draft proposed action calls for a 4% increase in maximum cattle numbers based on forage production in 2006. While the frogs are heavily impacted by poor range conditions, the deer and javelina are less impacted because they can use the forage on the steep slopes. With the proposed "Adaptive Management" Protocols the AMP could be issued with maximum numbers and target utilization levels. This philosophy relies heavily on monitoring data to make the right decisions. The best potential for habitat improvement on all three allotments is a proposed reduction in acceptable utilization from 50 % to 35%. This should result in maintenance of, or increases in, ground cover and plant species diversity over time, which are proposed objectives of the AMP. The

Department strongly supports these objectives, and believes they are needed to improve wildlife habitat. Without adequate monitoring, adaptive management will be ineffective.

The Department continues to participate on the Greater Flagstaff Forest Partnership (GFFP) to analyze fuels reduction projects. Flagstaff Fire Department has marked an 80-acre area according to a description of desired conditions developed by the Department and the USFWS. The GFFP took a field trip out to the site and was encouraging further use of the prescription. The area could be cut as early as this summer.

The Department is continuing to participate with the GFFP in the Jack Smith/Schultz Fuels Reduction Project planning. Elements of the desired condition developed by the Department and USFWS may be incorporated.

### **Coronado National Forest**

The Department worked with the Santa Catalina Ranger District and the U.S. Fish and Wildlife Service to survey for endangered Gila chub in Sabino Canyon, Romero Canyon, and Bear Canyon. These three canyons had been restocked with salvaged chub after the Aspen Fire. Last summer, heavy monsoon rains caused catastrophic flooding and mudslides in the Santa Catalina Mountains. The Department was concerned that the chub population might have not survived the erosion and sediment. The chub survived the floods, but were no longer in the original stocked pools. In Bear and Romero Creeks, we found adult chub had washed into pools downstream of the stocked pools. In Romero and Sabino Creeks, young of year were present, indicating that spawning occurred prior to flooding. These findings confirm that Gila chub are capable of surviving large flood events. No exotic fish were found in any of the three creeks.

The Department worked with two private property owners in the Huachuca Mountains to capture 38 Gould's turkeys for translocation into the Santa Rita and Catalina Mountains. Ten hens and ten gobblers have been released into the Santa Rita Mountains, and 10 hens and 8 gobblers were released in the Catalina Mountains. These captures were made possible through the cooperation of the two private landowners and 20 dedicated volunteers, along with numerous Department personnel.

The Department met with the Forest, the U.S. Fish and Wildlife Service, U.S. Bureau of Reclamation, and grazing permittees to discuss the proposed construction of a fish barrier in Redrock Canyon on Forest lands. The construction of this fish barrier is part of the Biological Opinion on the impacts of the CAP canal on Gila Basin native fish populations. An additional part of this project is also a chemical renovation of the watershed for the protection of historic Gila topminnow populations. Grazing permittees were supportive of restoration efforts to protect the fish, but they were not supportive of the construction of the fish barrier for aesthetic reasons.

The Department met with the Forest to discuss the establishment of Gila topminnows in Sabino Canyon. Gila topminnow was found in Sabino historically but was extirpated in the late 1980's. The Forest is supportive of the Department's efforts to restore native fish populations in this location; however, they are concerned about the impacts this might

have on their efforts to rebuild the road in the Canyon that was destroyed following severe flooding last summer. The Department agreed to closely coordinate with the Forest on this project and that no fish will be released if their presence will complicate the effort to restore access into the Canyon.

The Department continues to meet with the Forest and U.S. Fish and Wildlife Service to discuss mitigation needs for sensitive and listed species for the Pinaleño Ecosystem Management Plan. A compromise is being pursued for methods to treat mixed conifer habitat to address forest health issues (e.g., insect outbreaks and catastrophic fire) while preserving habitat for species that require specific habitat conditions (e.g., Mount Graham red squirrel).

The Department continues to participate in the Pinaleños Partnership. The Partnership continues training sessions where experts in diverse fields provide training to enable partners to obtain a broad understanding of issues affecting forest health and potential actions. At the last meeting, presentations were provided on: ecology and conservation of the Mt. Graham red squirrel, global warming and the effect on the Pinaleños, Western Apache perspectives on natural resource stewardship, implementation practices used by the White Mountain Apache Tribe, forest restoration in southwestern mixed-conifer forests, and the mixed severity fire regime.

The Department recently met with the Forest to discuss the Forest Travel Management Plan. The Forest must develop maps of all open roads to be presented to the public by 2009. The first maps to be developed are of the Nogales and Santa Catalina Ranger Districts by July 2007. The Department will conduct several meetings with our constituents to compare current Forest system roads with those on topographic maps and other known non-system roads commonly used for hunting and recreation. The Department will meet with the Forest in April and present our revision of the map. The Forest will incorporate these roads into their database. Roads that are not on the final map will be closed to public use.

#### **Kaibab National Forest**

The Department continues to participate in the North Kaibab Westside Habitat Project to improve deer habitat through vegetative treatments. The Forest released the Decision Notice and the Environmental Assessment, and is appealable for 45 days. Implementation could begin as early as April of this year.

#### **Tonto National Forest**

The Department will be attending public and agency scoping meetings regarding the update of the Land Management Plan. Public meetings are planned to be held at all Ranger District Offices during February and March.

The Department continues to be cooperatively involved in the ongoing NEPA planning in the Payson and Pleasant Valley (Young) Ranger Districts. These two ranger districts are unique since the existing Forest Plan authorizes cross-country travel by motorized vehicles. The two Ranger Districts have contracted an external partner to help administer

the NEPA process and to address the Forest Plan provisions, as well as determine final road designations. Formal NEPA scoping for the two districts will begin in spring 2007 and is scheduled to be completed by fall 2008.

The Department will be participating in the NEPA process with the Globe Ranger District. Because of the number of roads entering and exiting the Forest from BLM, State Land and private lands, a separate NEPA analysis will be conducted. The NEPA process will begin in spring 2007 with completion targeted by fall 2008.

The Department reviewed proposed road designations with the Tonto Basin Ranger District. The Department is currently drafting a formal letter to the District designating 30 roads that should remain open for public access. The District anticipated publishing its Travel Management map in late summer or early fall 2007, without going through the formal NEPA process and using the Roadless Area Travel Management map from 15 years ago with a few changes. The Department's assessment is that significant revisions to the draft road designations need to occur prior to publication of the final map or legal public access on the Forest could be severely impacted.

The travel management planning process has not started on the Cave Creek Ranger District.

#### **Coconino, Kaibab and Prescott Forests**

The Coconino and Kaibab Forests are proceeding with the Land Management Plan revision process. The Department has begun work on ecological sustainability and socioeconomic on both forests. The Department is asking the Forests to consider House Rock and Watchable Wildlife sites as potential special areas.

The Department reviewed road maps for the Coconino, Kaibab and Prescott as part of the Travel Management Rule process. The Department will attend the Kaibab's next public meeting in March and pursue appropriate access for hunters including game retrieval.

### **BUREAU OF LAND MANAGEMENT**

#### **Arizona Strip Field Office**

The Department and the AZ Strip District held their annual coordination meeting. Among the topics discussed were Uranium Mining Potential, Tebuthiron treatments on sagebrush and alternatives and updates on planned prescribed burns.

#### **Mesa Field Office**

The Department is working with the City of Mesa on a joint Recreation and Public Purposes Act application for BLM lands adjacent to the Regional Office. Approximately 10 acres would be transferred to the Department, and other adjacent lands would be used by the City for a school.

### **Havasu Field Office**

The Department met with BLM biologists to discuss areas for incorporation into a future Area of Critical Environmental Concern (ACEC) for desert tortoise east of Bullhead City. The Department's recent tortoise survey efforts convinced the Havasu Field Office to remove this land from their proposed disposal list and increase the level of protection with the ACEC designation.

### **Kingman Field Office**

The Department met with the BLM twice to discuss coordination and communication improvements. The Kingman Field Office intends to re-evaluate the Big Ranch "A" grazing permit this year. Responsibility for the evaluation has been transferred from BLM's grazing program to their NEPA coordinator. BLM stated that a new timeline will be provided in the near future.

The Department received a notice of proposed decision for livestock grazing on the Crozier Canyon allotment in Truxton (Gary Overson, permittee). This allotment contains approximately 45,000 acres of grassland that is important for pronghorn. The BLM is proposing to reinstate grazing privileges that were suspended during the last permit. The proposed increase will be from 780 to 930 cattle, and be phased over several years. The decision incorporates seasonal rest for several pastures in pronghorn habitat, and outlines mechanisms to protect important riparian values in Wright Creek, which is a BLM Area of Critical Environmental Concern. The Department met with the permittee on several occasions, and expressed interest in cooperative projects that would benefit wildlife and livestock. The Department will be completing a review of the proposed decision over the next two weeks.

The Department assisted BLM wildlife biologists in evaluating potential impacts associated with several flagstone mining claims proposed on the Crozier Canyon allotment. A proposed access route would pass through prime pronghorn habitat and require improvements to facilitate heavy truck traffic. The agencies are evaluating other access alternatives.

The Department presented the benefits of drainage diversion and below ground PVC storage catchment design to the Kingman Field Office. The BLM supported the design because of the low visual impact, and believes this design meet the requirements within wilderness areas. The Department has quantified large expanses of quality bighorn sheep habitat that are devoid of water in the Black Mountains. However, most of the area occurs in the Warm Spring Wilderness where visual resource issues preclude traditional catchment development. The Department intends to redevelop several catchments using this design, and to propose new developments in the Warm Springs Wilderness.

### **Tucson Field Office**

The Department will be attending workshops focusing on agreement of a preferred alternative road network for GMU 37B north of the Florence Kelvin Highway. Workshops will be facilitated by the U.S. Institute for Environmental Conflict Resolution, and will occur from March 15 to April 14. The State Land Department

(ASLD) requested that all roads on state land be removed from the workshop maps. The Department needs to evaluate these roads for access and wildlife habitat concerns and will continue to allow their depiction and evaluation for those purposes.

#### **Safford Field Office**

The Department reviewed draft NEPA documents for the construction of a fish barrier and chemical renovation of aquatic habitat in the lower reaches of Bonita Creek. The Department supports this effort that will increase protection of existing native fish populations in the upper portions of Bonita Creek.

#### **Yuma Field Office**

The Yuma Draft Resource Management Plan (RMP) and Draft Environmental Impact Statement (EIS) was released for public review on December 15, 2006 with the public comment period ending on March 15, 2007. The Department worked closely with BLM at both the Field Office and State Office levels to ensure consistency in regards to wildlife and wildlife management. The Department will continue to meet with BLM to review and discuss comments on the draft's preferred alternatives for biological resources, recreation, transportation, and public access.

### **BLM NATIONAL MONUMENTS**

The Department continues to be involved as a Cooperating Agency in the planning efforts for the five national monuments and the adjacent BLM landscapes through direct participation in meetings and workshops or by reviewing draft documents and providing verbal and written comments. The Department continues to meet with the BLM State Office to discuss direction regarding consistency issues pertaining to transportation, recreation, and management of lands containing wilderness characteristics, among other resources. The Department continues to work with the State Office to update and finalize the statewide Master MOU consistent with Commission direction. The draft MOU has been finalized and sent to the Solicitor's Office of both agencies for review.

#### **Grand Canyon-Parashant National Monument**

The public review period ended on March 17, 2006, for the draft RMP/EIS. The proposed final RMP/EIS is anticipated to be released in early 2007. The plan includes the identification of a series of unique route networks designed for each alternative concept, including the preferred alternative. The Department continues to work closely with both the Field Office and State Office levels to ensure consistency in regards to wildlife and wildlife management

#### **Vermillion Cliffs National Monument**

The planning efforts for the Vermillion Cliffs NM are incorporated into planning efforts for the entire Arizona Strip District.

### **Agua Fria National Monument**

The public review period ended on April 5, 2006, for the draft RMP/EIS. The proposed final is expected to be released in summer of 2007. The Department will be working closely with BLM to address any comments submitted regarding wildlife and wildlife management.

### **Sonoran Desert National Monument**

The Phoenix Field Office continues to work on finalizing the range of alternatives along with the development of a preliminary preferred alternative. The Department continues to participate in cooperative meetings and is also proactively developing comments throughout the planning process.

### **Ironwood Forest National Monument**

The Department continues to meet with BLM to review and discuss Department comments on the latest draft range of alternatives for biological resources, grazing, recreation, and water developments, transportation and public access. The Department submitted updated comments to the Field Office, and our efforts to incorporate those and additional comments into the preliminary draft alternative will continue. The Department will also continue to review and provide comments on any updated drafts as they become available.

The Department and BLM are working on a proposal to develop a new bighorn sheep catchment in the Waterman Mountains within the Monument. The Department met with representatives of the environmental community, Arizona Desert Bighorn Sheep Society, and BLM to discuss the issue. The catchment is going through environmental review within BLM and is meeting some resistance from the Recreation Program due to its placement on an old mining road identified in the draft Resource Management Plan (RMP) as a non-motorized trail. The Recreation Program staff believes there could be a conflict with trail users in the future, resulting in restrictions on use of the trail. The RMP is not currently in effect, however, this catchment is being considered under the 1989 Phoenix RMP. The site was chosen to minimize soil disturbance and environmental impacts.

## **U.S. FISH AND WILDLIFE SERVICE**

### **Cabeza Prieta National Wildlife Refuge**

The Department continues to work cooperatively with the Service on completion of the Comprehensive Conservation Plan for the Refuge. The Department met with the Service to discuss the draft final plan and awaits release of the final plan.

### **Kofa National Wildlife Refuge**

The Department is working cooperatively with the Service to complete a white paper on the Refuge's bighorn sheep decline to be sent to agency leadership. The white paper includes a recommended plan of action for the recovery of this sheep population. Strategies addressed include mountain lion and water management, monitoring for

potential diseases, and assessment of the potential restriction of recreational access to key lambing areas during the lambing season.

#### **Buenos Aires Wildlife Refuge**

The Department installed a kiosk at Brown Canyon on State Trust land this year. The Refuge and the Department are now posting pertinent information on the kiosk to inform hunters on the rules and regulations for hunting near the Refuge properties.

### **DEPARTMENT OF DEFENSE**

#### **Barry M. Goldwater Range**

The final EIS/INRMP for the Goldwater Range has been released to the public. No formal comments were received during the comment period and the Department of Defense recently released a draft Record of Decision for agency review and comment. The Department is currently reviewing a draft of the stand-alone INRMP, which will include a proposed project list for the first five years of the plan.

#### **Yuma Proving Ground**

The Yuma Proving Ground (YPG) is proposing to expand military training activities into Game Management Unit 41 through a withdrawal of BLM land. The YPG staff completed the initial information gathering and evaluation phase and is starting the Army's process for approval of a withdrawal. The application process will further define the purpose and need for the mission. The timeline for completion of the withdrawal process is at the end of the 2008 Congressional session. The Department will be actively participating in this process and will provide the Commission with more information on this proposal when it becomes available.

### **GENERAL UPDATES**

#### **Lake Mead National Recreation Area**

The Department coordinated with state and federal transportation officials, the National Park Service, and Bureau of Reclamation to discuss the long-term status of Interim U.S. 93 south of Hoover Dam. According to the Record of Decision for the Hoover Dam Bypass, Interim 93 was to be removed upon completion of the bridge crossing. It has since been deemed necessary to provide access to Reclamation sewer ponds that service Hoover Dam, and to provide passage over the dam during emergencies. The Department believes Interim U.S. 93 compromises the effectiveness of mitigation features designed to facilitate bighorn sheep movement across the bypass road. With all stakeholders present, the Department requested an official decision regarding the closure status of this access road. ADOT representatives will be taking the Department's request to their State Director, and no formal commitment was made.

#### **Gila River Technical Subcommittee**

The Department recently attended a meeting of the Subcommittee, which is evaluating the biological feasibility of alternatives to implement the Arizona Water Settlement Act to permit diversion of 140,000 acre-feet of water from the Gila or San Francisco Rivers to

meet New Mexico's allocation of water. There are four potential diversion sites for the Gila River and four potential diversion sites for the San Francisco River in New Mexico. The Subcommittee developed the scope of work for 16 studies to gather data to evaluate the impacts in Arizona and New Mexico of the water diversion. This data will assist in the development of the Fish and Wildlife Coordination Act Report that is due in 2009.

The 2004 Arizona Water Settlements Act provides additional water for New Mexico and \$66 million to \$128 million in non-reimbursable federal funding. This bill provides several options for New Mexico to take Gila River water in lieu of CAP water in return for authorization of the CAP. One option is a "cash option" which would not impact flows in the river. However, the option currently being pursued is water diversion, which would divert water to NM along the Gila River upstream of the Arizona border. The effects of the diversion must be studied to comply with the Endangered Species Act and the Fish and Wildlife Coordination Act.

The NM Interstate Stream Commission has given the technical subcommittee until the end of March to provide study designs or "scopes of work" and the location of several study sites to determine the impacts of water diversion. Currently no sites in Arizona are being seriously considered.

#### **Buffelgrass Summit**

The Department attended the Buffelgrass Summit in Tucson. The Buffelgrass Summit was a call to solicit multi-agency cooperation, to develop treatment strategies and schedules, and to identify costs and sources of funding for comprehensive buffelgrass control on public lands and right-of-ways.

#### **City of Flagstaff**

Restoration of the Rio de Flag through Picture Canyon continues and will provide benefits for wildlife and wildlife habitat including construction of ephemeral and perennial wetlands along the entrance to Picture Canyon near outfall of treated effluent from the City Wildcat Hill Wastewater Treatment Facility, restoration of wetland and riparian vegetation along the entire stream, removal of noxious weeds, and construction of a Watchable Wildlife nature trail.

#### **Coconino County**

The Department continues to review the County planning and zoning projects. The Department is encouraged by the partners' willingness to collaborate to avoid and minimize impacts to wildlife habitat as exploration of options for alternative energy development continues.

#### **Town of Marana HCP**

The Town of Marana has reinitiated their Habitat Conservation Planning. The Department will participate as a member of the Stakeholder Working Group and as a member of the Technical Biological Team. The Town announced at the first meeting of the Technical Biological Team, that they will advocate for the "Tortolita Fan" lands on

the south bajada of the Tortolita Mountains to become part of the Ironwood Forest National Monument.

**U.S. Border Patrol**

The Department has been working with other agencies to draft a script for a new Environmental Awareness Training DVD for new Border Patrol agents. The Border Patrol invited land managers and resource managers to help them develop the script and facts for the video. The final product is expected to be used by all Border Patrol sectors in Arizona. In the CWCS, the Department identified activities of illegal immigration and enforcement actions as having significant impacts to wildlife on all lands along our southern border.

**Maricopa County Department of Transportation**

The Department will be attending a planning meeting with the County concerned with building three bridges over the Salt River at Dobson, McKellips and Gilbert Roads. Potential access at Dobson Road may exist for wildlife viewing at nearby wetlands.

**Albins Property**

The Department is coordinating with the Albins family and the citizens of Black Canyon City on a \$40,000 grant application to the National Park Service to restore and plant riparian vegetation on the Albins property along New River.

## Arizona Desert Bighorn Sheep Population Threatened by BLM Management Actions

News Media  
Feb 7, 2007

By Michael M. Golightly  
Chairman, Arizona Game and Fish Commission

One of the nation's most significant and contiguous desert bighorn sheep habitat is located in the Black Mountains between Kingman, Arizona and Las Vegas, Nevada. This mountain range supports a significant bighorn sheep population that serves as one of the last remaining source populations for transplant efforts in Arizona and other western states in re-establishing new populations into historic habitats. The habitat within the Black Mountains is being jeopardized because the Bureau of Land Management is proposing continued and expanded livestock grazing in this area without current rangeland evaluations. Instead, the BLM is relying on outdated information to justify expanding livestock grazing into bighorn sheep habitat despite repeated objections by the Arizona Game and Fish Commission.

After 25 years since the last rangeland data analysis was completed (1982 Allotment Management Plan), livestock grazing on the Big Ranch 'A' Allotment was reinitiated in 2003 on the heels of Arizona's worst recorded drought during which three separate wildland fires occurred. Year-round livestock grazing has continued since that time, despite documented bighorn sheep declines and repeated objections from the Arizona Game and Fish Commission.

The Big Ranch 'A' includes a 54,000-acre pasture that is extremely arid and lies below 3,000 feet in elevation. This area receives an average of only 6 to 8 inches of annual rainfall so available forage, as one may assume, is very limited. The year's available forage must be shared between livestock, wild burros, bighorn sheep and other wildlife species, while maintaining enough residual plant material to support next year's growing cycle.

Since expiration of the 10-year public land grazing permit in 2001, the BLM has relied on the 2001 DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT to renew this permit on an annual basis while NEPA and rangeland analysis is being completed. This 2001 Congressional rider allows BLM and other federal agencies to delay required NEPA analysis during that current year until the federal agency makes time to complete the analysis. The reality is that the BLM seems to never have time to complete the analysis and they simply reinstate the grazing permit under the rider each year without regard for habitat conditions. Meanwhile, livestock grazing and the drought continue. In September 2003, the BLM completed an environmental impact analysis related to livestock grazing on the allotment and issued a proposed decision that included expansion of livestock grazing into prime sheep habitat. This decision was based on ocular reconnaissance data that was collected in 1976.

Since BLM failed to address concerns over the expansion of livestock grazing into sheep habitat, the Arizona Game and Fish

Commission was forced to file an administrative protest in November 2003. The protest was based on the concerns that the evaluation did not adequately describe the newly proposed grazing system nor provide rationale for abandoning established systems. Three and a half years have past since the Arizona Game and Fish Department filed the protest. After numerous meetings between agency personnel, discussions between the respective agency directors, and commitments made to the Arizona Game and Fish Commission, no progress has been made on this issue.

Inappropriate numbers of livestock coupled with drought, recent wildfire activity, highway expansion and human development continue to pose significant problems for the Arizona Game and Fish Commission in managing the area's bighorn sheep. Survey results for desert bighorn sheep, which is an animal well adapted to arid environments, were 30-percent of normal since grazing was initiated. As a result, the Arizona Game and Fish Commission has undertaken numerous activities to prevent further declines.

Arizona Game and Fish Department biologists have employed population and disease monitoring protocols, and conducted controversial predator management actions in an attempt at arresting alarming population-level declines in this important bighorn sheep herd. Department biologists estimate desert sheep numbers have been experiencing significant declines since the mid 1990's. The Arizona Game and Fish Commission made significant comments to the BLM's recent 10 year evaluation of The Black Mountain Ecosystem Management Plan (August 2006) regarding habitat issues for desert sheep. The Arizona Game and Fish Commission has not received any feedback other than the BLM is analyzing the comments and will meet with agency personnel at some point regarding the plan.

Despite all these concerns, the BLM's response to this protest remains unresolved and grazing is allowed to continue under the Congressional rider. Even if the BLM does make a decision in the near future, there is no guarantee that it will be in the best interest of wildlife. With that said, the Arizona Game and Fish Commission is forced to seek other remedies. Filing an appeal on a BLM decision only sends the matter to the Interior Board of Land Appeals, which is averaging better than five years before rendering decisions. Meanwhile, livestock grazing continues with no resolution in sight.

The Arizona Game and Fish Commission will be considering what further options are available to resolve this continuing impasse.

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March 8, 2007

The Honorable Michael M. Golightly  
Chairman  
Arizona Game & Fish Department  
2221 W. Greenway Rd.  
Phoenix, AZ 85023-4399

**Re: Big Ranch A Allotment, Mohave County, Arizona**

Dear Chairman Golightly:

We are the attorneys for Arizona Acreage L.L.C., which owns the base water rights associated with the Big Ranch A Allotment, located in Mohave County, Arizona ("the Allotment"). Arizona Acreage has instructed us to write you in regard to the press release issued by the Arizona Game & Fish Department ("AZGFD") on March 7, 2007. As explained below, the press release contains a number of inaccurate and misleading statements regarding the Allotment.

The Commission apparently is considering a lawsuit against the Bureau of Land Management ("BLM") relating to the management of the Allotment. In light of the errors contained in the March 7 press release, Arizona Acreage is concerned that the Commission may be asked to make a decision without having a full and accurate understanding of the background facts, including the grazing system that is currently being used to manage activities on the Allotment. Arizona Acreage believes that there is no basis for such a lawsuit, and asks that the Commission decline to authorize litigation against the BLM.

## **1. The BLM Grazing Permit and Management System**

According to the March 7 press release, grazing on the Allotment has been authorized under Public Law 106-291, and no efforts have been made to evaluate the impacts of grazing on

# FENNEMORE CRAIG, P.C.

Mr. Michael M. Golightly

March 8, 2007

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other resources. This is simply not correct. In fact, in 2003, BLM completed an allotment evaluation, a standards and guidelines determination and an environmental assessment under the National Environment Policy Act, and renewed the term grazing permit for the Allotment. That permit was intended to, and did, supersede the permit previously issued under Public Law 106-291. Thus, grazing is not occurring under a "Congressional rider" as stated in the press release.

The permit issued in 2003 specifically incorporates the Cooperative Rangeland Management Agreement. That agreement, which became effective on July 7, 2003, provides that the stocking rate will not exceed 325 cattle. Considering the size of the Allotment, which contains approximately 100,000 acres, this is a moderate stocking rate. In addition, under the management agreement, cattle are rotated between the two major pastures and associated use areas, stocking rates are adjusted during periods of drought to maintain adequate forage, and formal monitoring must be conducted every three years. The AZGFD press release ignores these facts, and erroneously implies that significant numbers of cattle are being grazed on the Allotment without any management prescriptions or monitoring, and that cattle are being deliberately introduced into bighorn sheep habitat. This is simply not true.

## 2. The Commission's "Protest"

According to the March 7 press release, the Commission filed an administrative protest in November 2003 that was based on concerns that BLM's allotment evaluation and environmental assessment "did not accurately describe the newly proposed grazing system nor provide rationale [*sic*] for abandoning established systems." I have reviewed the protest filed by AZGFD, dated November 24, 2003, and the description of the protest in the news release is inaccurate. In fact, the discussion in the protest itself indicates that AZGFD was confused about BLM's decision. AZGFD recommended that the Cooperative Rangeland Management Agreement, discussed above, be incorporated into the term grazing permit, when it was apparent on the face of the proposed decision that the management agreement was incorporated into the permit. Other assertions contained in AZGFD's November 24, 2003 letter similarly suggest that AZGFD did not carefully review or did not understand BLM's decision.

Putting aside the substance of AZGFD's protest, the protest was not timely. As stated in BLM's proposed decision, under 43 C.F.R. § 4160.2, a protest of a proposed decision must be made within 15 days after receipt of such decision. Based on our review of BLM's records, AZGFD received a copy of the proposed decision concerning the Allotment on November 6, 2003, and submitted its protest letter on November 24, 2003. The March 7 press release suggests that BLM ignored AZGFD's protest. The press release should have stated, instead, that AZGFD failed to file a timely protest.

Moreover, the proposed decision specifically stated that "[a]ny applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an

# FENNEMORE CRAIG, P.C.

Mr. Michael M. Golightly

March 8, 2007

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appeal and petition for stay of the decision pending final determination on the appeal" under 43 C.F.R. §§ 4160.4, 4.21 and 4.470. The proposed decision also explained that the appeal and petition for stay must be filed within 30 days following receipt of a final decision. Consequently, if AZGFD had significant concerns about the decision, as indicated in the press release, it should have appealed the decision in accordance with the applicable regulations. However, AZGFD elected not to do so. This fact is also not mentioned in the press release.

In short, AZGFD failed to properly protest BLM's proposed decision, and then chose not to appeal the final decision, waiving its rights to challenge the new term permit. The press release suggests that BLM is somehow at fault for AZGFD's failure to follow the administrative process. This is inaccurate and certainly isn't grounds to sue BLM.

### **3. There is No Evidence that Grazing Under the Current Management System is Adversely Impacting Bighorn Sheep**

The March 7 press release strongly suggests that recent declines in the bighorn sheep herd located in the Black Mountains are the result of livestock grazing on the Allotment. Arizona Acreage is not aware of any studies, analyses or other scientific data supporting a causal relationship between the decline in the bighorn sheep herd and grazing on the Allotment. As previously stated, the Allotment's stocking level is approximately 1 cow per 300 acres of land. Moreover, grazing is being managed under the Cooperative Rangeland Management Agreement, which requires, among other things, implementation of a rotational grazing system, limits on forage utilization, the reduction of stocking rates during drought and implementation of a formal monitoring program.

Arizona Acreage believes that further reductions in stocking levels or other changes in the Allotment's management system are unlikely to have any impact on the status of the Black Mountain bighorn sheep herd. Cattle do not use the same type of habitat as bighorn sheep, nor is Arizona Acreage aware of any direct resource conflicts between cattle and bighorn sheep. Frankly, it appears that livestock grazing is being made a scapegoat for other problems that AZGFD has been unable to effectively address, such as predation.

Arizona Acreage strongly urges the Commission to re-evaluate the relevant background facts and prior events prior to deciding whether to initiate litigation. For the reasons stated above, there does not appear to be any legitimate basis for a lawsuit against BLM. Arizona Acreage also urges the Commission to ensure that future press releases and other public communications relating to this matter are factually accurate.

# FENNEMORE CRAIG, P.C.

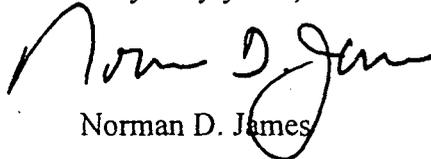
Mr. Michael M. Golightly

March 8, 2007

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Thank you for your courtesy and cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Norm D. James". The signature is fluid and cursive, with the first name "Norm" and last name "James" clearly distinguishable.

Norman D. James

NJAM/mlh

cc: William H. McLean, Commissioner  
Bob Hernbrode, Commissioner  
Jennifer L. Martin, Commissioner  
Joe Melton, Commissioner  
Bureau of Land Management, Kingman Field Office  
Arizona Acreage, L.L.C.

1892291.1

Statement by Michael Taylor, Acting State Director  
Bureau of Land Management – Arizona  
before the Arizona Game and Fish Commission  
March 10, 2007

I would like to thank the Commission for allowing me to speak before you today. I am here to address your questions and concerns regarding the Big Ranch “A” allotment evaluation issue.

Before I do that I feel I must take this opportunity to read the following statement for inclusion into the public record.

While we have had a long history of working with the Arizona Game and Fish Department on habitat improvement and other actions in support of our State’s Desert Bighorn Sheep populations, and other wildlife species, about 5 years ago we felt that our relationship has deteriorated significantly. The low point was the threat of a third lawsuit by the Department against the BLM over wild burros in the Alamo Lake area. While BLM prevailed in the two previous lawsuits, and, were assured by our Solicitors of success in the third, our new State Director and I felt that this was an absurd waste of time and money. Consequently, we focused on working together with the Department on our common goals for the area, and left the positioning behind. The result? An agreement which met both parties’ needs, and, more importantly, focused our efforts on the well being of the land and animals.

We have instituted a policy of collaboration and cooperation for BLM actions since that time, not just with the Department but with all stakeholders. The BLM suggested a jointly funded position with the Department for working through our land use planning efforts – identifying and finding common ground on potential issues to reduce the possibility of conflict over our management actions for years to come. We have worked with Department on a Memorandum of Understanding outlining protocols for addressing and resolving issues at the lowest level.

As part of our commitment to a real and sustained partnership with the Department we have provided thousands of dollars in funding and countless staff hours in support of Desert Bighorn Sheep projects as well as other game and non-game species.

Since 2003 we have:

- completed NEPA documentation, and provided Challenge Cost Share funding to build or maintain at least 20 water catchments, many of them specifically for bighorn sheep;
- worked with AGFD to get ahead of the curve in planning for and carrying out maintenance of wildlife waters by establishing a protocol and timeline for getting the necessary clearances and NEPA documentation completed in a timely manner;

- fought environmentalist challenges against the presence of wildlife waters on the Sonoran Desert National Monument, assuring the continuance of these vital habitat improvements and the Department's ability to maintain the facilities;
- have worked with the Department to reintroduce or augment bighorn populations where their numbers are low or absent, most recently at Kanab Creek on the Arizona Strip and the Bighorn Mountains west of Phoenix;
- supported bighorn sheep reintroduction efforts even when challenged by lawsuits, as was the case in the Hell's Half Acre area in the northwest part of the State. BLM prevailed in this lawsuit, and, we are currently waiting for sheep numbers to increase so the transplant can proceed;
- supported the removal of domestic goats in the Silverbell Mountains, and have contributed funding for documenting habitat use by the herd;
- completed habitat improvement for Pronghorn on the Agua Fria National Monument through prescribed burns and fence modification. Negotiated the closure of 58,000 acres to livestock grazing to improve habitat for Sonoran Pronghorn. We provided funding in the amount of \$183,000 to compensate the permittee for range improvements; we removed miles of barbed wire fences to facilitate wildlife movement; installed 2 new water storage tanks for wildlife; and modified 7 water facilities to facilitate wildlife access. Additionally, BLM regularly provides thousands of dollars for operation and maintenance of the captive breeding facility and Sonoran Pronghorn monitoring flights.

The list of the BLM's efforts in support of game and non-game species goes on and on. I have attached a more complete list to this statement.

I mention this to remind the Commission that we are your partners in wildlife management.

Unfortunately, a series of missteps and miscommunication has led to the motion you are considering today regarding the Big Ranch "A" allotment.

We initiated an evaluation of the allotment in 2002. This resulted in the issuance of a proposed decision to modify the grazing regime on the Ranch. The Department, disagreeing with the proposal, protested. Upon evaluation of the Department's protest, we determined that more work was needed and stood down on the action.

An assessment of issues and workload by the BLM Kingman Office at that time led to our decision to delay further work on the Big Ranch "A" allotment. We decided to focus on completion of the Crozier allotment evaluation and to review and gather data for a review of the Black Mountain Ecosystem Plan, the basis for forage allocation within the Black Mountains. It was felt that this information was vital to the reassessment of the Big Ranch "A" allotment. The fact that grazing was *not* occurring within Bighorn Sheep habit on the Big Ranch "A" allotment and would not occur without reevaluation of the assessment was considered in this decision.

Unfortunately, it appears that this was not adequately communicated to the Kingman Office of the Game and Fish. Contributing to the issue was our offices' statement to Commissioner Golightly that the evaluation would, in fact, be completed by the end of Fiscal Year 2006.

The depth of misunderstanding is exemplified by a recent editorial posting on the Department's web site. While the editorial states, correctly, that the evaluation relied on old data in reaching its conclusion many other items are incorrect, misleading and inflammatory.

To correct the record I offer the following facts:

In the second paragraph the editorial states that grazing was reinitiated on the Big Ranch "A" allotment in 2003. That is incorrect. Grazing has been ongoing on the allotment for many years prior to 2003. The paragraph incorrectly suggests competition between bighorn sheep and livestock. Grazing has occurred on the lowlands, not within bighorn sheep habitat. The editorial would lead one to believe that grazing on the Big Ranch "A" allotment is endangering the sheep population within the entire Black Mountains. In fact, the allotment contains a small amount of sheep habitat compared to the entire Black Mountain range.

The sixth paragraph of the editorial lays the blame of declining sheep numbers on livestock grazing in spite of the fact that grazing occurs on the lowlands, outside of crucial bighorn sheep habitat. One could also read into this statement that declining sheep numbers in the Black Mountains are a result of livestock grazing even though livestock use decisions were a part of the Black Mountain Ecosystem Plan, developed and agreed to in cooperation with your own Department.

And finally, in the last paragraph the editorial states that "livestock grazing continues with no resolution in sight," once again suggesting that the decline in bighorn sheep numbers are due to livestock grazing in the Big Ranch "A" allotment.

Allegations as serious as those made in the editorial should be supported with facts. There is no such data to support these allegations.

I have personally come before this Commission many times and have always offered to speak to you and answer any questions you may have at any time. I wish that you would have asked me to come to discuss this issue prior to the listing of the agenda item and posting of the editorial.

I recognize the frustration the Commission feels over this issue and the lack of adequate communication between the BLM and the Department. I, too, am frustrated. We should not be here today discussing this issue in this manner. For our communication lapses, I apologize. It takes a great deal of hard work to build good relationships, yet little effort to damage them.

I have requested and have received a schedule from our Kingman Office for completion of the Big Ranch "A" allotment evaluation. I can personally assure you that it will be met. However, to resolve this issue and to begin to restore working relationships I offer a suggestion:

Staff from the BLM and the Department offices in Kingman, as well as representatives of Department's Greenway Office and the BLM's State Office, meet within the next two weeks to address the real issue behind all of our concerns -- the decline in Bighorn Sheep numbers in the Black Mountains. This would include a comprehensive review of the Black Mountain Ecosystem Plan. We would *jointly* determine schedules for completing any identified actions, including allotment evaluations.

If this is not acceptable to the Commission I am open to any other suggestions.

Again, I thank you for this opportunity to address the Commission.

## Attachment to Michael Taylor's statement before the Arizona Game and Fish Commission

The list of issues, initiatives, and on-the-ground projects on which the BLM and the Department work together is diverse and long. Demands from the public for the multiple uses occurring on BLM-managed lands, changing expectations, and shrinking budgets challenge us all every day. Following is a partial list of cooperative accomplishments by our agencies between 2003 and 2006. We believe that both agencies need to work together to achieve similar accomplishments and more in the future.

### Desert Bighorn Sheep and Other Big Game

BLM and AGFD have worked hard to provide water for big game, especially during the recent drought. Just in the past 4 years BLM has completed NEPA documentation, and provided Challenge Cost Share funding to build or maintain at least 20 water catchments, many of them specifically for bighorn sheep. BLM has also worked with AGFD to get ahead of the curve in planning for and carrying out maintenance of wildlife waters by establishing a protocol and timeline for getting the necessary clearances and NEPA documentation completed in a timely manner.

Drought is not the only obstacle we have faced in providing water for wildlife. Plans to maintain 16 water catchments in the new Sonoran Desert National Monument were challenged in the legal arena by preservationists. BLM, with the help of the AGFD, worked hard to prove the maintenance was legal and justified, and we were upheld. BLM even hosted a Wildlife Water Symposium in response to the lawsuit in an effort to bring the two sides together and demonstrate the benefits and impacts of providing artificial waters.

BLM has worked with the Department to reintroduce or augment bighorn populations where their numbers are low or absent. In 2005 Kanab Creek on the Strip and the Bighorn Mountains west of Phoenix each received 26 desert bighorn sheep. Even this effort has been challenged by outside groups, as demonstrated in the lawsuit over reintroducing bighorn sheep in the Hell's Half Acre area in the Kingman F.O. The BLM decision to allow the transplant was upheld, and we're currently waiting for sheep numbers to increase so the transplant can proceed.

When domestic goats invaded bighorn sheep habitats on the new Ironwood National Monument BLM was there to assist in their removal and document the events leading up to that mess. BLM's funding of studies showing habitat use in the Silverbells by bighorn sheep also contributes to efforts to protect this remnant herd.

Other big game accomplishments include fence modifications to facilitate pronghorn movements on the Strip, Agua Fria National Monument and the Las Cienegas National Conservation Area. BLM has carried out prescribed burns, fuels reductions and vegetation treatments to benefit big game and other wildlife.

## Wild Horse and Burro Management

The Alamo Wildlife Area lawsuit brought by AGFD in an effort to remove wild burros from the area was unsuccessful until BLM agreed to settle the issue. On April 28, 2004 Arizona BLM and Arizona Game and Fish Department signed a Settlement Agreement to resolve the ongoing controversy regarding the Alamo Wildlife Area and wild burro management in the Alamo Herd Management Area. Burro management in general has been less controversial since we agreed to joint counts and habitat monitoring.

## Planning

Over the past several years, we have involved the Department in the development of our new land use plans, attempting to facilitate the Department's management of wildlife resources, wildlife oriented recreation and working through issues of multiple use of the public lands and resources. To do this, we worked with the Department in a ground-breaking effort to ensure closer coordination through co-funding a Game and Fish Department Liaison for these planning efforts: first Rebecca Davidson and now Laura Canaca, at a cost of half their salary and incidentals during this period.

In addition, BLM strives to involve the Department in more detailed implementation-level planning such as that for the Aravaipa Ecosystem and Black Mountains Ecosystem.

Further, BLM biologists participated in cooperative development and review of the Department's Comprehensive Wildlife Conservation Strategy.

Both BLM and the Department go to great lengths to meet at the Regional and Field Office, District, and Headquarters levels to coordinate activities, identify and resolve issues. BLM provided \$2500 to AGFD to help host this year's Western Association of Fish and Wildlife Agencies meeting in Flagstaff.

BLM and AGFD participate together on the Bill Williams River Corridor and Lower Colorado River Multi-species Conservation Plan Steering Committees.

## Endangered and Nongame Species

BLM was the first signatory to the new Bald Eagle Memorandum of Understanding which should help contribute to continued recovery of the species and has co-funded the bald eagle nestwatch program during this period totaling \$60,000.

BLM has been a major player with the Department in conservation of the Sonoran Desert Tortoise and has helped fund the Department's monitoring program by well over \$200,000 during this period.

Cooperative conservation and monitoring of desert pupfish and Gila topminnow have been facilitated through BLM contributions exceeding \$60,000 during this period.

Yellow-billed cuckoo, a candidate species, has been cooperatively studied and monitored by both agencies on the Agua Fria River, San Pedro River, and lower Colorado River, yielding a host of new information on occupation of many new sites.

The Department's Peregrine Falcon post-delisting monitoring has been co-funded by BLM to the tune of \$30,000.

BLM has been a long-term cooperator with the Department on Bat Management and has constructed many bat gates and participates in monitoring of roosts through bat counts yearly to the tune of hundreds of hours and thousands of dollars of labor cost.

BLM is a long time member and active participant in the Jaguar Team and will be a signatory to the pending MOU. Additionally, BLM anticipates co-funding a habitat use study.

BLM funded maintenance and use of the Department's Heritage Data Management System for a total of \$20,000 during this period and an additional expenditure of \$20,000 is pending.

BLM negotiated, funded and implemented the closure of over 58,000 acres to livestock grazing in order to improve habitat for wildlife including Sonoran pronghorn, desert bighorn sheep, mule deer and many other wildlife species. The closure required \$183,000 to compensate the permittee for his interest in range improvements. In the Ajo area, we removed miles of barbed wire fences to facilitate wildlife movement, installed 2 new water storage tanks for wildlife and modified 7 water facilities to facilitate wildlife access. Additionally, annual contributions for operations and maintenance of the captive breeding facility and Sonoran pronghorn monitoring flights have raised our expenditures to well over a hundred thousand during this period.

### Recreation

BLM has worked with AGFD to find suitable sites on public lands for shooting ranges and other AGFD facilities, most notably R&PP leases for a few Regional Offices. Recreational access has been another issue that we need to work together to address in the face of increasing instances of locked gates and development. In order to get a handle on the increasing use of OHVs and the associated impacts on the land, BLM and AGFD are working together to prepare Travel Management Plans. The two agencies regularly work together to host events to highlight wildlife and habitat needs, such as birding and nature festivals. BLM was also a major contributor to the recently completed Arizona Breeding Bird Atlas and Partners in Flight Conservation Plan.

### Weeds and Invasive Species

BLM and the Department have cooperated extensively, along with a host of other agencies and organizations to eradicate Giant Salvinia, control Arundo, and other weeds

and invasive species in several areas, particularly along the lower Colorado River totaling tens of thousands of dollars during this period.

### Fisheries and Native Fish

The BLM and AGFD worked together to complete the Lake Havasu Fisheries Improvement Program. The program has improved Lake Havasu's access for shoreline anglers, increased native fish populations, provided improved habitats for game and non-game fish, and resulted in a significant economic benefit to the local economy. We also continue to in the effort to conserve native fish by working with AGFD, the Fish and Wildlife Service to reintroduce them into appropriate habitats on public lands, with more than a dozen sites pending, jointly developing the Statewide Conservation Agreement and Strategy for 7 declining fish species, and participating on the statewide and local Native Fish Conservation Teams.

### Mt. Trumbull Ecosystem

BLM helped fund AGFD research on impacts to wildlife from forest thinning projects at Mt. Trumbull.

### Watchable Wildlife

BLM participated on the team that assembled the latest watchable wildlife guide for Arizona and manages several of the sites contained in the guide. The Bureau was a major contributor to the Breeding Bird Atlas.

**DIRECTOR'S GOALS AND OBJECTIVES**  
**2007**

**Goal 1: Report to Commission on Department Activities and Actions.**

**1.a.** Report at regular monthly Commission meetings the following as appropriate: 1) State and Federal Legislation; 2) Ongoing lands and habitat activities; 3) Information and Education activities; 4) Statewide Shooting Range issues; and 5) New Department Headquarters.

**1.b.** Beginning in April 2007, expand monthly Information and Education presentation to include a formal education outreach report. Formal Education is defined as Department programs and products that are guided by the State of Arizona model content standards with target audiences of teachers and students for grades pre-K through 16. They will be programs and products that: 1) engage students in interdisciplinary exploration of wildlife and natural resource concepts; 2) are activity oriented, curriculum supplementing, biologically accurate, and balanced in the wildlife information presented; and 3) provide the classroom teacher with access to methodology, biologically sound material, and wildlife management concepts.

**1.c.** Report in writing at six months with a final report at the end of the year on the following Department activities: 1) Nongame and endangered species; 2) hunting issues; 3) fishing issues; 4) watchable wildlife issues; and 5) watercraft issues.

**1.d.** At least once during the calendar year of 2007, host a multi-day, no decision workshop for the Commission and Department staff to discuss timely issues (could be on the second day of a regularly scheduled Commission meeting).

**Goal 2: Increase Access to Public, Private and State Lands Across Arizona.**

**2.a.** Provide a quarterly report to the Commission on successes in the Department's public access efforts.

**2.b.** By January 2008, report back to the Commission the feasibility of housing heavy equipment at the regional level to enhance access and landowner relations.

**Goal 3: Protect Current Revenue Streams and Actively Seek New Funding Sources for the Department.**

**3.a.** By October 1, 2007, develop language, protocol, and calendar for at least one significant new funding source for the Department.

**Goal 4: Increase Deer and Elk Hunting Opportunities.**

**4.a.** Increase deer hunting opportunities by approximately 10% by the end of 2009 big game season.

**4.b.** During 2007, review and revise deer hunt guidelines to include but not limited to review of standard opening dates, increased stratification of seasons, Alternative Deer Management Plans, and review of the table that gives guidance to decrease, stay the same or increase permits.

**4.c.** Increase elk hunting opportunities by 10% by the end of the 2009 big game season.

**4.d.** During 2007, review and revise elk hunt guidelines to include but not limited to review of standard opening dates, increased hunt stratification, Alternative Elk Management Plans, and review of the table that gives guidance to decrease, stay the same or increase permits.

**Goal 5: Periodically review, revise, and report on Predator Management Plans for Black Bears and Mountain Lions (particularly for females with young) to include the following in one document: Hunting and recreation opportunities; human/predator conflict resolution strategies; urban predator conflict strategies; wildlife depredation strategies; and livestock depredation strategies.**

**Goal 6: Review and report the effects of the use of lead in bullets on wildlife and human health. Explore the possibility of expanding the use of non-lead bullets in big game hunting and the possibility of required removal of contaminated gut piles and carcasses.**

**Goal 7: Significantly expand the use of "Safe Harbor Agreements" as a recovery tool for threatened and endangered species by July 2008.**

**Goal 8: Increase Watchable Wildlife Outreach Efforts.**

**8.a.** By January 2008, complete Regional Watchable Wildlife Plans to compliment a Statewide Watchable Wildlife Program Plan.

**8.b.** Have a presence and give presentations at the Governors next Conference on Arizona Tourism.

**8.c.** Take a lead role in the planning and successful completion of the Watchable Wildlife Conference to be held in Tucson in October 2007.

**8.d.** Over the year 2007, work with the Arizona Wildlife Tourism Association to promote watchable wildlife in Arizona.

**Goal 9: Increase Warm Water Angling**

**Goal 10: Increase Shooting Sports Opportunity**