

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, May 18, 2007 – 8:00 a.m.
Prescott Resort and Conference Center
1500 Highway 69
Prescott, Arizona 86301

PRESENT: (Commission)

(Director's Staff)

Chairman Michael M. Golightly
Commissioner William H. McLean
Commissioner Robert Hernbrode
Commissioner Jennifer L. Martin
Commissioner Robert R. Woodhouse

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. and welcomed Commissioners Robert Woodhouse and Jennifer Martin to the Commission; both were recently confirmed by the Senate. The Commissioners introduced themselves and Chairman Golightly introduced the Director and the Director's staff. This meeting followed an agenda revision #1 dated May 14, 2007.

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1. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

The Commission was provided with a Legislative Update and other handouts (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 following:

- The Department's budget appropriation did very well this year receiving approximately 96% of the Commission budget recommendations
- The Department received every item requested in the Capital budget
- The House Capital budget included a footnote requiring a feasibility study for a shooting range in Sunflower, Arizona
- The OHV bill passed in the House, but did not pass on its first attempt in the Senate. Senator Gould strongly opposed and lobbied against the bill. Senator Bee assured the Department that he will bring the bill back up for reconsideration after the Senate moves on the budget. The Senate made some minor changes to the bill, so it will also have to go back to the House for a final vote.
- Regarding federal legislation, there are two bills, one in the Senate and one in the House, dealing with elk population management in Rocky Mountain National Park and Theodore Roosevelt National Park that would allow those elk populations to be targeted.

Commissioner Martin asked if the federal legislation regarding elk hunting on National Parks could set a precedence and open the door for Arizona's issue in dealing with buffalo populations on the Grand Canyon National Park.

Mr. Guiles stated that he believed it would.

Director Shroufe speculated that discussions will open up regarding all National Parks and that the Park Service will develop a different outlook on coordination and how to deal with an over abundance of wildlife on National Parks.

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2. 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 April 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 the following items:

- Uranium Mining: The Department recently received copies of a correspondence between the U.S. Department of Interior and the Association of Fish and Wildlife Agencies supporting efforts to allow the State Wildlife Agencies to set mitigation standards for energy exploration on BLM lands. This may provide additional controls on uranium exploration and the rights-of-ways to and from proposed sites.
- Ironwood Forest National Monument Plan (IFNMP): The Department continues efforts to educate the public on the Federal Land Management Planning Process. A final public meeting will be held in Tucson tomorrow on the IFNMP. This in part was a result of continued public concern over the proposed closure of recreational shooting and dispersed camping presented as preferred alternatives in the Plan.
- Big Ranch A: The Department continues to collaborate with BLM to complete the Big Ranch A allotment review by the July 1 deadline. Department staff will be on the ground assisting the BLM Kingman Field Office on Wednesday, May 23 to collect additional range condition data necessary to complete the evaluation.
- Tonto National Forest: The Tonto National Forest announced that they are proposing a \$6 per day user fee at the Haigler Creek Recreation area. This fee will be for both day and night use, including those parking to access the angling opportunity. The Department will remain engaged in this process and provide comment through the Resource Advisory Committee administered by the BLM, supporting the fee structure only for the use of the developed sites and not for the parking and access.

Commissioner McLean suggested that the Department keep an eye on uranium mining in the area north of Globe due to claims being re-staked in that area. Also, in regards to the IFNMP, Commissioner McLean requested the Department to keep constituents informed on the issues via the Department's website.

Commissioner Hernbrode will be attending the public meeting in Tucson on the IFNMP and will voice the Commission's opinion and statement on the proposed closure of recreational shooting.

Bob Posey, Kingman Regional Supervisor, reported to the Commission regarding Big Ranch A, stating that Congressman Trent Frank's Office requested a tour of the Big Ranch A from BLM. A date has not yet been set.

Commissioner McLean requested that the Department do everything it can to make sure that the tour of the Big Ranch A is a complete tour.

Chairman Golightly requested that the Commission be kept informed and notified when the tour date is set.

Commissioner Woodhouse asked Mr. Posey to brief him on the Big Ranch A at a later date.

Commissioner Hernbrode requested that the Department be more proactive in the Forest Service Travel Management Plan, and look into the feasibility of the Department developing a road system on what roads need to stay open on a Game Management Unit basis and put that in the GIS system.

Chairman Golightly requested that Mr. Avey check on the feasibility of Commissioner Hernbrode's request and report back to the Commission within a week or two, so that it may be on the June Commission meeting agenda if so desired.

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2.A. Request to Approve a Notice of Docket Opening and a Notice of Proposed Rulemaking to Amend Article 5 Rules, Dealing with Boating and Water Sports, as Stated in the 2005 Five-Year Review Approved by GRRC

Presenter: Dustin McKissen, Rules and Risk Manager

The proposed amendments to Article 5 originated in a preceding five-year rule review, required by A.R.S. § 41-1056. The review report identified problems with the rules' effectiveness, enforcement, and understandability and prescribed methods to address those deficiencies. The Department held public meetings across the state to receive public comments and also obtained comments by telephone and e-mail. As of today's date, no individual has expressed objection to the amendments. Under the notice, the Department proposes to make the following substantive amendments:

R12-4-501. Boating and Water Sports Definitions

- Add a definition for "certificate of origin." The Department will begin to require an individual to submit a certificate of origin when they register a new watercraft under R12-4-502. This will help establish a history of ownership for the watercraft and help reduce watercraft laundering. The definition will specifically list those documents that could be considered a certificate of origin. Based on NASBLA's (National Association of Boating Law Administrators) regulations, this is an exclusive list of documents that could be considered a certificate of origin.

R12-4-502. Application for Watercraft Registration

- Amend R12-4-502 to take stronger measures to address watercraft laundering.

- Amend (B) to compel inspection of homemade watercraft when being registered. Criminals sometimes attempt to register a watercraft as homemade when in fact it is built from stripped or stolen parts. This allows the agency to inspect homemade watercraft without exception for any criminal indicators.
- Amend (F)(6) to compel inspection of watercraft registered under a statement of fact. One component of the agency's plan to reduce watercraft laundering is to establish a history of ownership for registered vessels. Those watercraft that qualify for registration under a statement of fact typically do not have other documents of origin but may have another useful identifier that can only be found through inspection.
- Add a new (F)(7) to require that an individual who applies to register a new watercraft also provide an original certificate of origin. As stated previously, this will help establish a history of ownership for the watercraft and help reduce watercraft laundering.
- Amend (F)(6)(d) to clearly state that an applicant for a transfer of registration of a watercraft certify under a statement of fact that the watercraft was purchased, received as a gift, or received as a trade. This will ensure that the individual is using the appropriate process when registering a watercraft. Occasionally, an individual will attempt to register a watercraft under a statement of fact when another process is more appropriate.

R12-4-503. Renewal of Watercraft Registration

- Amend (C) to clarify process to renew watercraft registration by telephone and add a new (D) to clarify the process for renewing via the Internet.

R12-4-505. Hull Identification Numbers

- Amend (E) to prescribe a time limit for affixing a hull identification number to a watercraft, make affixation permanent, and allow the registered owner to affix the number as well. The objective is to ensure that affixation is done and is permanent so that the watercraft can be clearly identified.

R12-4-506. Invalidation of Watercraft Registration

- Add (B)(7) to invalidate a certificate of number or any decals if they are issued due to Department error.

R12-4-507. Transfer of Ownership of an Abandoned or Unreleased Watercraft

- Amend definition of "abandoned" to make it more useful. A seven-day time frame and specific conditions of abandonment make the definition clear and understandable. This definition is modeled after NASBLA's.
- Amend (C)(7) and add new (C)(9) and (10) to make process for seeking transfer of ownership of an abandoned watercraft consistent with new definition. Applicant will have to describe how a watercraft meets the new definition of "abandoned."
- Amend (D) to provide a method of transferring ownership of an abandoned watercraft after the owner is contacted and wishes to retain the watercraft, but does not retrieve it. Currently there is no way to resolve this situation. The proposed process requires a watercraft owner to retrieve the watercraft in 180 days (6 months). Otherwise, it will be considered a waive of interest and transfer of ownership may begin.

R12-4-509. Watercraft Agents

- Amend (G) to add a new (2) that will require a watercraft agent to obtain a certificate of

origin for a watercraft they purchase on behalf of another individual. This is to make the rule consistent with the proposed practice of registering a watercraft with a certificate of origin.

R12-4-511. Personal Flotation Devices

- Reorder the subsections according to APA standards.

R12-4-514. Liveries

- As part of the Department's efforts to improve boating safety, add a new (4) that requires both the livery operator or agent and the renter to acknowledge presence of adequate and lawful safety equipment. This ensures that both parties are aware of what equipment is on board and that it is in fully functioning order.

R12-4-516. Watercraft Sound Level Restrictions

- Amend rule to add new requirements for watercraft noise and prescribe tests to accurately measure noise levels. Tests are taken from the Society of Automotive Engineers (SAE).
- New (C) and (D) added to prescribe procedures and requirements for the regulated community when they are asked to submit to a sound test.

R12-4-517. Watercraft Motor and Engine Restrictions

- Amend rule to allow maximum 10hp gas or electric motors on Arivaca Lake, Black Canyon Lake, Lynx Lake, and Peña Blanca Lake. These lakes would benefit greatly from Wallop-Breaux funding.
- Add Lower Lake Mary and Marshall Lake to the list of lakes on which only a single electric motor or single gas engine may be used. During wet winters, Lower Lake Mary expands and obscures signs, roads, and well heads. By restricting engine power and speed, the Department reduces the likelihood of accidents. Marshall Lake is a small lake that provides habitat for waterfowl. Engines restrictions will better conserve these resources.

R12-4-520. Arizona Uniform State Waterway Marking System

- Nonsubstantive APA amendments

R12-4-524. Water Skiing

- As part of the Department's efforts to improve boating safety, amend rule to require a watercraft observer be at least 12 years old in addition to the existing criteria. At times boaters will use very young children to act as observers. This has given the Department cause for concern because these children may not be able to fully comprehend the need for safety. Both California and Nevada have age requirements for observers.

New Rule R12-4-526. Unlawful Mooring

- New rule to prescribe restrictions on "water squatting." Unless otherwise lawful, an individual will not be able to remain on state waters for more than 14 days unless they move their watercraft at least 25 nautical miles. The Department's objective is to remove those individuals who unlawfully reside on state waters and contaminate the area with mechanical runoff and human refuse.

New Rule R12-4-528. Watercraft Checkpoints

- New rule to prescribe procedures for submitting to watercraft stops and checkpoint inspections.

Both the Notice of Docket Opening and the Notice of Proposed Rulemaking and the accompanying Economic Impact Statement were provided to the Commission prior to this meeting for consideration. If the Commission approves, these documents will be submitted to the Secretary of State's Office for publication in the *Arizona Administrative Register* by May 25, 2007. The Department must file a Notice of Docket Opening at the same time to formally initiate the rulemaking process. The Department will begin to accept public comment for 30 days after the Notice of Proposed Rulemaking is published. The Department will schedule the rules to become effective January 1, 2008.

Commissioner Hernbrode confirmed with Mr. McKissen that this was the second reading for this Notice of Proposed Rulemaking. Further, Commissioner Hernbrode requested using another term for "watercraft laundering" that will make it more clearly stated.

Motion: McLean moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE A NOTICE OF DOCKET OPENING AND A NOTICE OF PROPOSED RULEMAKING TO AMEND ARTICLE 5 RULES, DEALING WITH BOATING AND WATER SPORTS, PRINCIPALLY AS STATED IN THE 2005 FIVE-YEAR RULES REVIEW REPORT APPROVED BY GRRC. THE NOTICE WILL BE SUBMITTED TO THE SECRETARY OF STATE'S OFFICE FOR PUBLICATION IN THE *ARIZONA ADMINISTRATIVE REGISTER*.

Vote: Unanimous

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3. Statewide Shooting Range Briefing

Presenter: Ty Gray, Fisheries Branch Chief (former 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 available to the public), covered activities that occurred since the April 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:

- Prescott Rifle Club: The Department has been working with the Club and the Forest to identify a new site. Two areas were identified and are being considered
- Prescott Trap and Skeet Club: This Club is located on the Fain Ranch in Prescott and has been notified that they will have to relocate in the next 2-5 years due to development. The Fain Ranch has committed to finding the Club another area on the Ranch; however,

the Club is requesting assistance from the Department for development. The Prescott Trap and Skeet Club and the Prescott Rifle Club are considering a joint venture.

- **Usery Mountain Shooting Range:** The Maricopa County Parks Director is open to discussing the Department's acquisition of the property adjacent to the Rio Salado Shooting Range.
- **Wickenburg Sportsman's Club:** A section of land on BLM's disposal list has been identified approximately 12 miles north of Wickenburg as a possible relocation site. The Department has been asked to assist with the relocation effort. The cost associated with developing this site could be potentially high; that would include approximately \$30,000 for permitting, the cost for a perpetual easement for the road (approximately 3.5 miles), and the cost for road development as required by the State Land Department.

Josh Avey, Habitat Branch Chief, provided the Commission with an update on the Northern Arizona Shooting Range. The Geo-tech and soils testing has been completed and the site is considered viable. A meeting is scheduled for June 13 with the Mayor of Flagstaff and the Coconino County Supervisor.

Commissioner McLean requested to know the time of the scheduled meeting. Mr. Avey stated that he would get that information and provide it to him.

Public Comment

Alan M. Dapp, Wickenburg Sportsman Club, addressed the Commission in support of the Wickenburg Shooting Range and discussed the details of the proposed relocation site.

Chairman Golightly directed the Department to work with the Wickenburg Sportsman Club on road issues for the proposed Wickenburg Shooting Range, to work with BLM in their land transfer process, and to work with the Peoria-Surprise Sportsman's Club to see if they are willing to join with the Wickenburg Sportsman's Club and contribute to this effort. The Commission were in consensus.

This agenda item was tabled in order to discuss the Northern Arizona Shooting Range later in this meeting.

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4. Information and Education Activities Briefing

Presenter: Bob Miles, Information Branch Chief

The Commission was provided with a Program Report dated May 2007 (also provided to the public), which presented new information as well as progress toward ongoing issues and concerns related to Information and Education programs. The update covered activities and events that occurred during April 2007 and was provided in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding the Department's Information and Education programs. Per Commission direction at the April Commission meeting, the information and education activities in the report were separated.

Commissioners Hernbrode and Martin discussed how comprehensive the report was and suggested reducing the detail and only highlighting items of interest. Director Shroufe discussed that the Department is hesitant to choose items of interest because it is difficult to know which items the Commission may be interested in and the Department may unintentionally eliminate an item that an individual Commissioner has an interest in. The Commission discussed this point and determined that the Department should not pick and choose which items to include but could include a brief summary or bullet point of each issue instead of a longer narrative. If a Commissioner has questions on an item, it can be discussed during the pre-Commission meeting briefing by the presenter or additional information on an item can be provided later.

Director Shroufe stated that the report will be refined to bullet points or summaries for the June Commission meeting.

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Meeting recessed for a break at 9:05 a.m.

Meeting reconvened at 9:35 a.m.

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5. Petition by Mr. James Schoppmann Under R12-4-601 for Commission Review of the Hunter Education Course Age Requirements

Presenter: Ty Gray, Fisheries Branch Chief (former Education Branch Chief)

Mr. James Schoppmann petitioned the Commission under R12-4-601 “to review an existing practice or substantive policy” that he alleged qualified as a rule; specifically, he requested a review of “the requirement that all hunter education students must be a minimum of ten years of age to be certified”. Mr. Schoppmann contended that this requirement was not contained in statute or rule, and that it therefore did not have the authority of such. Mr. Schoppmann further requested that the Commission consider a new rule to allow an individual who is nine years of age or older to take and graduate from a hunter education course.

Public Comment

James Schoppmann addressed the Commission and provided an illustration using a white board of how the current rule prevents some ten-year olds from applying for hunts depending on the day and month of the year that they turn ten years old and the availability or timeliness of hunter education courses. A youth has to be ten years old before the start of a hunt and they have to turn ten years old before they can graduate from a Hunter Education class.

Mr. Odenkirk offered his legal opinion stating that the statute would need to be changed in order to lower the age to nine years old for graduation from Hunter Education.

Melvin Schoppmann addressed the Commission in support of James Schoppmann’s request.

Randy Lamb, Hunter Education Instructor, addressed the Commission in opposition to lowering the age to nine for graduation from Hunter Education. He believes they are not mature enough. Mr. Lamb also stated that many Hunter Education instructors will make special arrangements for classes when necessary.

Motion: Martin moved THAT THE COMMISSION VOTE TO DENY THE PETITION FOR A RULE CHANGE AND FURTHER DIRECT THE DEPARTMENT TO INCLUDE CHANGES IN A.R.S. § 15-714A TO CHANGE THE AGE OF TEN TO THE AGE OF NINE AS PART OF THE NEXT LEGISLATIVE PROPOSAL PACKAGE.

Commissioner McLean offered to second the motion if it were broadened to include “and any other statutes that might require change”.

Motion: Martin moved and McLean seconded THAT THE COMMISSION VOTE TO DENY THE PETITION FOR A RULE CHANGE AND FURTHER DIRECT THE DEPARTMENT TO INCLUDE CHANGES IN A.R.S. § 15-714A TO CHANGE THE AGE OF TEN TO THE AGE OF NINE, AND ANY OTHER STATUTES THAT MIGHT REQUIRE CHANGE, AS PART OF THE NEXT LEGISLATIVE PROPOSAL PACKAGE.

Vote: Unanimous

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6. Request for Commission Approval of Federal Assistance Research Project

Presenter: Chantal O’Brien, Research Branch Chief

Seasonal fish-kills on three Salt River lakes (Canyon, Apache, and Saguaro lakes) have been attributed to the production of toxin by golden alga. These fish-kills have led to increased concern by the angling community over the future of the fisheries in the affected Salt River lakes. The Department proposed to study the effectiveness of stocking to restore bass populations and recreational fisheries in the three affected Salt River lakes by marking stocked bass and assessing presence of the stocked fish in the fish community and creel. As part of the study, the Department proposed conducting creel surveys and fish community sampling to determine fish community structure and health, angler utilization and satisfaction, catch and harvest, and the need for possible regulatory approaches. Though kills have been seasonal and the Department can make general predictions regarding the months when fish-kills are likely to occur, no particular variables have been identified to aid in prediction or prevention of possible fish-kills. The Department proposed to determine and monitor trends in golden algal blooms and fish die-offs spatially, temporally, and in relation to reservoir operations in the Salt River Lakes to identify potential correlations with factors that may affect the toxic behavior of golden alga.

At the April Commission meeting the Commission approved the Department’s Action Plan for the Salt River Reservoirs regarding golden alga. In order for the Department to allocate fish restoration research dollars for the golden alga research project, the Commission must approve submission of the project as part of the Comprehensive Management System Job Statement to Federal Assistance.

Motion: Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE DEPARTMENT TO SUBMIT THE GOLDEN ALGA RESEARCH PROJECT AS PART OF THE COMPREHENSIVE MANAGEMENT SYSTEM JOB STATEMENT TO FEDERAL ASSISTANCE.

Vote: Unanimous

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6.A. Commission Support Letter to the University of Arizona Regarding Replacement of Dr. Paul Krausman

Presenter: Chantal O'Brien, Research Branch Chief

Dr. Paul Krausman formally announced his departure from the University of Arizona. Currently the University of Arizona is not planning on filling Dr. Krausman's position. Dr. Krausman's position as Professor of Wildlife and Fisheries Science is a very critical position for many reasons and the impacts of not replacing Dr. Krausman will have a detrimental effect on wildlife research interests in Arizona and elsewhere.

Prior to this meeting, Commissioner Hernbrode drafted a letter to the University of Arizona in regards to filling Dr. Krausman's vital position. The draft letter was provided to the Commission for discussion at this meeting.

Motion: Hernbrode moved and McLean seconded THAT THE COMMISSION VOTE TO FINALIZE A LETTER TO THE UNIVERSITY SIGNED BY THE CHAIRMAN OF THE COMMISSION AND FOR THE LETTER TO BE SENT AS SOON AS POSSIBLE.

Vote: Unanimous

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7. Commission Briefing on Status of New Headquarters Facility

Presenter: Mark Weise, Development Branch Chief

Using a Power Point presentation, Mr. Weise provided the Commission with an update on the development of the Department's new headquarters. The project is entering its fifth month of construction. The update included pictures of construction progress, budget status, and other current issues related to the project. The completion date is still scheduled for late September. Sundt Construction Company is making attempts to bring the completion date up to the original projected date of August. The current tentative Department move-in is slated for early October.

Fred Bloom, Development Branch Engineer, reported that the Department is looking into an opportunity to enter into a cost share agreement with ADOT for the intersection signalization at the new headquarters, which would provide approximately \$160,000 for the cost of the intersection. Also, the Department applied for a rebate program offered by APS based on energy savings applications in new construction. The Department's application was approved and may result in as much as \$50,000 in rebates.

Mr. Weise extended an invitation to the Commission to tour the new headquarters site, to which Commissioners Martin and Woodhouse expressed an interest. Mr. Weise will contact them and make arrangements.

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8. Request for Commission Approval on Department Recommendations to Modify the Commission Guidelines for Reintroduction of Federally Listed Aquatic Wildlife

Presenter: Bob Broscheid, Assistant Director, Wildlife Management Division

The Commission provided the Department with guidelines for the reintroduction of federally listed aquatic wildlife at the August 8, 1997 Commission meeting. These guidelines provide specific authority to the Director on making reintroduction decisions and reserves decision-making authority for the Commission under certain situations. The Department presented the following modification to the guidelines:

Commission Policy On Reintroduction of Federally Listed Aquatic Wildlife

Established: May 2007

Note: This Policy operates outside of the Department's 12-Step process for reestablishment of nongame wildlife and endangered species.

1. The Director may approve reintroductions under full protection of the Endangered Species Act provided that:
 - a. Appropriate NEPA documents have been prepared that identify the proposed action and anticipated impacts and has been publicly reviewed; or the Department has coordinated with the appropriate State or Federal land management agency and permittees, USFWS, and/or private landowners. Coordination may occur through formal or informal meetings or written correspondence and shall include a complete project description and summary of known or anticipated impacts. All comments and significant issues identified during coordination shall be considered and addressed, where appropriate and feasible, with accompanying responses and conclusions documented in the project file prior to the reintroduction; and
 - b. there are no conflicts with sportfishing or other wildlife management activities.
2. For reintroductions in which there are significant conflicts with sportfishing, other wildlife management activities, or land manager/owner/permittees the Director may decide:
 - a. not to approve the reintroduction;
 - b. to approve the reintroduction as a fully protected population;
 - c. to approve the reintroduction only as a nonessential experimental population; or
 - d. to present a recommendation to the Commission via an action memo for their decision on the proposed reintroduction.

Definitions

1. Reestablishment – stocking or transplanting an aquatic organism into Arizona which was formerly documented from the state but has since been extirpated and is no longer known from within the state.
2. Reintroduction – stocking or transplanting an aquatic organism into historic range within Arizona that is currently known from other areas within Arizona.

Commissioner Hernbrode requested the following changes to the policy: 1) remove the word “aquatic” from the title; 2) remove the words “and permittees” in 1.a; remove the words “sportfishing or other” in 1.b; remove the words “sportfishing, other” in 2, and change “the Director may” to “the Director will”, followed by 2.d; eliminating 2.a, 2.b, and 2.c.

The Commission discussed and considered that expanding the scope to include all wildlife and not just aquatic was not adequately reflected in the agenda item and will need to be brought back to the Commission at a later date.

Mr. Odenkirk stated that the Commission could discuss the matter, but advised not to take any action at this time.

Director Shroufe noted that another Commission policy requires that any change to Commission policy will be presented to the Commission twice. This is the first presentation with draft changes to the policy and at Commission direction, the Department will bring back a final draft.

Commissioner Martin requested to leave the words “and permittees” in 1.a, considering that it may be perceived as being dismissive. Commissioner Hernbrode agreed.

Commissioner McLean requested word smithing to the definitions that currently read “aquatic organism”, to reflect the proposed changes.

Public Comment

Sandy Bahr, Conservation Outreach Director, Sierra Club – Grand Canyon Chapter, addressed the Commission in support of the amended policy as discussed.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO BRING BACK THE COMMISSION POLICY ON REINTRODUCTION OF FEDERALLY LISTED AQUATIC WILDLIFE WITH THE PROPOSED CHANGES AS DISCUSSED, AND THAT THE COMMISSION BE GIVEN A SECOND REVIEW WITH PUBLIC NOTICE FOR THE JUNE COMMISSION MEETING.

Vote: Unanimous

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9. Request for the Commission to Approve an Agreement that will accept the donation to the Commission and deliver to the Department Nanci Harlin’s original painting, *Wild Born*, to encourage a continued commitment to community development in Seligman and Aubrey Valley with black-footed ferret reintroduction efforts

Presenter: Bob Posey, Kingman Regional Supervisor

Nanci Harlin is an accomplished artist who lives in Seligman, Arizona. She is an art teacher for the Seligman School District and became aware of the Black-footed Ferret Project through personal interaction with Department personnel and presentations that were given by the Department at schools in Seligman. Because of her interest for the project, she decided to show support for the project by donating a limited edition painting to the Commission, with proceeds that would be split between the Department and the Seligman School District art program. The painting will help promote the success of this program as we celebrate the 10-year anniversary of the reintroduction of the black-footed ferret in Arizona. The painting depicts actual ferrets that were released into Gunnison’s prairie dog colonies found in the Aubrey Valley, just outside of Seligman, Arizona. The Commission discussed the desire to change the distribution of proceeds from a 50:50 percent split between the Seligman School district and the Department to a 75:25 percent split where the Seligman School District would receive 75% of the proceeds. Bob Posey noted that he felt Ms. Harlin would be amenable to this change.

Motion: Martin moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE AND ADOPT THE ART DONATION AGREEMENT WITH NANCI HARLIN IN WHICH THE COMMISSION WOULD RECEIVE THE ORIGINAL PAINTING “WILD BORN” WITH THE EXCEPTION THAT ANY PROCEEDS REMAINING AFTER COSTS WILL BE DISTRIBUTED ON A 75:25 BASIS WITH 75% TO THE SELIGMAN SCHOOL DISTRICT ART PROGRAM AND 25% TO THE DEPARTMENT.

Vote: Unanimous

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10. Request for the Commission to Approve an Intergovernmental Agreement with the Arizona State Forester for the Purpose of Cooperative Forest and Wildland Fire Protection within the State of Arizona

Presenter: Mike Senn, Assistant Director, Field Operations Division

The Arizona State Forester has the authority to prevent and suppress wildfires on state and private lands located outside incorporated municipalities in Arizona. In Arizona, the State Forester may enter into cooperative agreements with state agencies and departments for the prevention and suppression of wildfires, assistance with fire and non-fire national and state emergencies, and multi-agency logistical support.

Pursuant to the authority provided in A.R.S. § 37-623(F), the State Forester and the Arizona Game and Fish Commission will execute an Intergovernmental Agreement where the State Land Department will assist with the protection of forests and wildlands on Commission-owned properties, as well as forests, wildlands, agricultural lands and rural structures on other lands in Arizona, and the Game and Fish Department will be reimbursed for services or assistance provided for fire suppression or protection activities.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA STATE FORESTER FOR THE PURPOSE OF COOPERATIVE FOREST AND WILDLAND FIRE PROTECTION WITHIN THE STATE OF ARIZONA.

Vote: Unanimous

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11. Call to the Public

Kevin Horton addressed the Commission regarding the motorized vehicle restriction, imposed by the Maricopa County Parks and Recreation Department, at the northwest portion of the Lake Pleasant Regional Park, which will take effect July 1, 2007. The restriction will prevent anglers from accessing the north portion of the Aqua Fria arm with vehicles and boat trailers. Mr. Horton asked the Commission to make it a priority for the Department to work with Maricopa County Parks and Recreation Department and the BLM to provide recreationist and sportsmen permanent vehicular and boat access to this portion of the lake.

Director Shroufe stated that the Department is aware of the situation and suggested that Mr. Horton discuss the issue with Development Branch Chief Mark Weise as to what actions the Department is taking to try and resolve the issue. The Department will agenda this item for the next Commission meeting and brief the Commission.

Commissioner Martin requested that the briefing include an in-depth briefing on the reasons for the closure.

Wayne Horton addressed the Commission in support of Kevin Horton's request and further briefed the Commission on the reasons for the closure, which were vandalism and destruction of the landscape; however, Mr. Horton stated that anglers do not participate in that vandalism and destruction.

Melvin Schoppmann, addressed the Commission requesting that the Commission allow the sale of licenses at Antelope Point Marina and Roosevelt Lake Marina.

Chairman Golightly suggested that Mr. Schoppmann discuss this matter with Assistant Director Harry Seck.

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17. "Contact Me" link for Commissioners on AGFD Web Site

Presenter: Harry Seck, Assistant Director, Special Services Division

Mr. Seck presented a proposal to allow Department constituents to provide comments to individual Commissioners via a link on the Department's website. Using a Power Point presentation, Mr. Seck informed the Commission on how this would work. Each Commissioner

could choose to use a separate email address or have a link to their regular Department email address.

Ms. Cutts advised the Commission to use caution and avoid violating the Open Meeting Law by sending an email of interest that they want to share with other Commissioners to the Department for distribution.

Commissioner Martin requested that the website reflect that each Commissioner has state-wide responsibilities and avoid the perception that they are only responsible for the regions where they reside.

The Commission was in consensus to add the “contact me” link to the Department’s website.

Mr. Seck stated that this would be done within the next two weeks.

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18. Request For Commission Approval of a New “Meet the Commission” Awards Category – License Dealer Award (Small and Large Vendor)

Presenter: Martin Fabritz, Executive Staff Assistant

The Department has 320 external license dealers that account for 80 percent of all hunting and fishing license sales, 90 percent of all stamp sales and 85 percent of all non-permit (over the tag sales). Because of license dealer importance and impact to Department product sales, the Department would like to provide an opportunity for formal recognition of top performing license dealers at the annual “Meet the Commission” Awards Banquet. Approval and subsequent addition of this award will increase the total from 11 to 12 total award categories.

Chairman Golightly recommended having a vendor category without distinguishing between large and small vendors.

The Commission discussed what the criteria might be that would equalize the opportunity for large and small vendors for the award.

Mr. Fabritz offered that the Department will bring the criteria for the award back to the Commission.

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE DEPARTMENT’S REQUEST TO DEVELOP AND IMPLEMENT A MEET THE COMMISSION LICENSE DEALER AWARD CATEGORY.

Vote: Unanimous

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Meeting recessed for lunch at 12:03 p.m.

Meeting reconvened at 1:06 p.m.

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14. 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 Hernbrode seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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16. 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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Meeting recessed for a break at 2:46 p.m.

Meeting reconvened at 3:07 p.m.

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14. Request for Commission Approval of the Watercraft Safety Competitive Grant Prioritization Process.

Presenter: Pat Barber, Law Enforcement Branch Chief

The Watercraft Safety, Communications and Marketing Team (Team) was charged with developing a competitive grant program implementation process to facilitate expenditure of the watercraft-funded boating safety grants. The Team developed this process in accordance with A.R.S. § 41-2702, which establishes the legal authority and guidelines for state agency competitive grant administration. This process will be the means by which the Department will award external grants under both the OUI Enforcement Grant Program and the Boating Safety Grant Program.

Motion: Martin moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE THE DEPARTMENT'S GRANT PRIORITIZATION PROCESS FOR BOTH THE OUI ENFORCEMENT GRANT PROGRAM AND THE BOATING SAFETY GRANT PROGRAM AS OUTLINED IN THE OUI ENFORCEMENT AND BOATING SAFETY GRANT APPLICATION MANUAL.

Vote: Unanimous

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19. Litigation Report

There were no comments or questions on the Litigation Report.

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20. Call to the Public

There were no requests from the public to speak.

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21. Director's and Chairman's Reports

Chairman Golightly reported that he and Commissioner McLean attended a Town Hall meeting in the City of Williams on May 8 in regards to the public's opposition to the Off-Highway Vehicle Plan presented by the Kaibab National Forest; worked on shooting range matters; worked on items for this meeting; and worked with the Legislature on confirmation issues and OHV legislation.

Director Shroufe briefed the Commission on the 2007 Heritage Grant Awards as follows (the Commission was provided with a detailed informational packet):

- Environmental Education: There were 6 applicants; \$32,000 was available; 4 applicants were awarded for a total of \$32,000
- IIPAM: There were 13 applicants; \$320,000 was available; 7 applicants were awarded for a total of \$270,225
- Public Access: There were no grant applications received and none awarded
- School Yard: There were 7 applicants; \$37,500 was available; 3 applicants were awarded for a total of \$26,800
- Urban: There were 11 applicants; \$112,500 was available; 5 applicants were awarded for a total of \$109,700

Director Shroufe stated that with matching donations, \$932,896 will go into work on the ground. This information will be distributed to the representatives and senators of the districts where the grants were awarded.

Mike Senn, Assistant Director, Field Operations Division, addressed the Commission for Director Shroufe and briefed them on the Department's efforts in negotiations for motorized big game retrieval with the U.S. Forest Service. Mr. Senn and Leonard Ordway, Game Branch Chief, have been participating in a committee with the Apache-Sitgreaves National Forests Supervisor, and the Regional Wildlife Staff in Albuquerque. Motorized big game retrieval will be allowed for bison, year-round, and up to 3 miles from an open road. There is disagreement regarding elk; the Forest wants elk retrieval for the early seasons only. On Mule deer, a person can retrieve up to 1 mile from an open road between June 1 and October 15, with the exception of the Kaibab National Forest, which will be less restrictive. The Forest Service would not allow retrieval for bear. The CHAMP permittees will only be allowed retrieval up to 1 mile from an open road, and there will be a closure on motorized retrieval between one hour before sunrise and 10 a.m.

Director Shroufe noted that motorized big game retrieval is not an issue that other states have had an interest in pursuing. They do not intend to allow it and they are not getting constituent complaints at this time.

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22. Commissioners' Reports

Commissioner McLean reported that he has been talking with constituents on elk versus deer issues and archery deer issues; met with the Governor's Office Policy Advisor for the Environment and Natural Resources to discuss a number of issues; attended the Town Hall meeting in Williams; attended, with Commissioner Martin, the Boyce Thompson Important Birding Area Ceremony; attended an RMEF East Mesa Red Mountain banquet and won a Ruger; had a number of discussions concerning issues at this meeting; and attended a Heritage program at the Flagstaff Public Library.

Commissioner Martin attended an Earth Day event hosted by the Arizona League of Conservation voters; met with the Governor's staff on a variety of issues; participated in a bald eagle survey; attended the Department Awards Ceremony and the Boyce Thompson Important Bird Area Ceremony; and worked with Department staff and members of the public on agenda items for this meeting.

Commissioner Woodhouse reported that on April 25 he had his committee hearing in the Senate and passed unanimously; attended a Department planning meeting in Yuma; attending a Boards and Commissions training session on Open Meeting Law, Conflicts of Interest, and Ethics Training; attended a Yuma Valley Rod and Gun Club meeting in Yuma; and on this past Tuesday, he and Commissioner Martin received their full floor confirmations in the Senate.

Commissioner Hernbrode attended the Jaguar Technical Meeting; attended two and a half Operations Plan meetings, one in Tucson, one in Safford, and the half in Phoenix; attended a Southern Arizona Sportsman Alliance meeting; attended the Department's Award Ceremony at Department School and attended several classes; was recently appointed to the University of Arizona School of Natural Resources Advisory Council and attended the first quarterly meeting.

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23. Approval of Minutes and Signing of Minutes

Motion: Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FOR APRIL 20-21, 2007.

Vote: Unanimous
3 to 0
Golightly absent
Woodhouse abstained

Following approval, the Commission signed the minutes for April 20-21, 2007.

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23. Future Agenda Items

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

- Look into the status of the uranium claims in Unit 23
- Notify the Commission of the proposed field trip to the Big Ranch A allotment that is scheduled to occur with Congressman Trent Franks
- Get the status of the implementation on the Lake Mary improvements – during break Marty Fabritz contacted Ron Sieg who reported that there was no change to the plans to charge a fee at Lake Mary and the plans went into effect on May 4, 2007
- Develop with the use of GIS technology, a Department alternative to Forest Service and BLM's travel management plans by game management unit and report the feasibility of accomplishing that prior to the June 2007 Commission meeting
- Inform the Commission of the time of the June 13 meeting with the Mayor of Flagstaff and the Coconino County Supervisor regarding the Northern Arizona Shooting Range to be held at the Region II office
- Work with the Wickenburg Shooting Range to explore an R and P with the BLM and the State Land Department to better understand their intentions for improved access requirements for that site, and begin communications with the Peoria-Surprise Sportsman's Club
- Summarize or highlight the monthly Information and Education Division Report to reduce the amount of staff work necessary to complete that
- Add the Hunter Education graduation to the Commission's 2008 Legislative agenda
- Finalize a letter to the University of Arizona for Chairman's signature to encourage them to refill Paul Krausman's position
- Modify Commission policy on Aquatic Wildlife per today's Commission direction and bring it back to the June 2007 Commission meeting for ratification or approval
- Modify the "Wild Born" agreement with the artist to distribute proceeds 75/25 to favor the school
- Add a briefing to the Lands Update regarding the Aqua Fria arm of Lake Pleasant and as a June agenda item, include reasons for the closure in that briefing

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15. An Update on Bureau of Land Management (BLM) Planning for the Ironwood Forest National Monument and Proposed Recreational Shooting Ban

Presenter: Josh Avey, Habitat Branch Chief

Mr. Avey provided the Commission with an update on BLM planning for the Ironwood Forest National Monument (IFNM). The BLM Tucson Field Office released the Draft IFNM Resource Management Plan / Environmental Impact Statement for public review on March 2, 2007. Currently, the draft plan includes a decision within the preferred alternative to "prohibit the use and discharge of firearms within the IFNM, except for permitted or authorized hunting activities conducted in accordance with AGFD hunting regulations". The Draft RMP/EIS generated a

large public response, particularly regarding the prohibition of target shooting within the IFNM. The Department has been working closely with the BLM Tucson Office and has previously submitted comments on draft alternatives in support of target shooting as a legitimate recreational pursuit on the monument and has verbally restated the Department's position to IFNM planners that the Department does not support the preferred alternative on this issue. Public comments are due by May 30, 2007.

The Department completed a preliminary review of the Draft RMP/EIS and provided a draft summary to the Commission prior to this meeting. The Commission Resolution was forwarded to the BLM State and Tucson Field Office on May 1, 2007. The Resolution will be included as an attachment to the final response letter. The Commission will be provided with a copy of the final response letter prior to submission.

Commissioner Hernbrode suggested that the Department publicly get clarification on the definition of "administrative access" in the Draft RMP, so that the definition fits the needs of the Department in its management responsibilities to wildlife in the State.

Public Comment

Sandy Bahr, Sierra Club – Grand Canyon Chapter, was not present, but submitted a Speaker's Card in support of the recreational shooting ban on the Ironwood Forest National Monument and opposed the Commission's position.

* * * * *

14. 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 McLean seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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16. Identification of Commission-Owned Properties for Use in an Exchange or Sale with the Forest Service as Part of the Acquisition of the Northern Arizona Shooting Range.

Presenter: Josh Avey, Habitat Branch Chief

At the April meeting, the Commission authorized the Department to pursue a Special Use Permit from the U.S. Forest Service (Forest) for development of a public shooting range facility in northern Arizona. The Commission authorized the Department to negotiate a land exchange with the Forest to obtain property for the Northern Arizona Shooting Range Facility, subject to Commission approval. The Director was further authorized to execute all documents as may be necessary.

Because shooting ranges are allowable under Federal Aid for Wildlife Restoration program, the justifications needed to liquidate, exchange, or sell Commission-owned properties for Forest lands could be developed if the Commission so chooses. At this time, the Department identified the Willard Springs site in Coconino County as the desirable location for the development of the Northern Arizona Shooting Range Facility. The Department is in the process of developing a proposal to present to the Forest, and as part of this proposal, the Department plans to include a Commission approved list of Commission-owned properties to be presented to the Forest as available for liquidation, exchange, or sale for the acquisition of the Northern Arizona Shooting Range Facility site.

Bob Broscheid, Assistant Director, Wildlife Management Division, briefed the Commission on Department discussions with the Coconino Forest Supervisor and the feasibility of a Special Use Permit for the Willard Springs site. The issuance of a Special Use Permit would not be any quicker or less complicated than an exchange of property. It would still require the NEPA analysis and other processes as with a land exchange; the only difference being no exchange of real property. They have verbally stated, pre-decisionally, that they will not issue a Special Use Permit for the Willard Springs site. They have only issued Special Use Permits for less than 100 acres; that is the policy where the Forest Supervisor can make that decision. Willard Springs will be a larger multi-range facility. The Forest is more willing to explore smaller single-use ranges in the southeastern area.

Director Shroufe stated that a letter will be sent this Monday to the Coconino Forest Supervisor requesting a return written response to the Department's request within approximately 1-2 weeks. Copies will be sent to the Forest Service in Washington and the Region.

The Commission discussed the three options (land exchange, Special Use Permit, and a land grant) for obtaining the Willard Springs site and the issues or challenges with these options.

Motion: Hernbrode moved and McLean seconded THAT THE COMMISSION DIRECT THE DEPARTMENT TO APPRAISE THE PROPERTIES PRESENTED IN TABLE 1 OF THE LIST OF PROPERTIES PRESENTED TO THE COMMISSION IN EXECUTIVE SESSION, IN ORDER TO GET A TRUE VALUE AS A NEGOTIATING TOOL, AND THAT THE APPRAISALS BE KEPT CONFIDENTIAL.

Commissioner McLean stated that he seconded the motion to allow the Department to move forward with one of three prongs towards the acquisition of property at Willard Springs to build a shooting range, and to be kept confidential, so that the Commission and the Department will have a realistic idea of the real estate value of the property.

Vote: Unanimous

The Commission further discussed the three options in acquiring Willard Springs and confirmed that all three will be pursued concurrently.

* * * * *

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

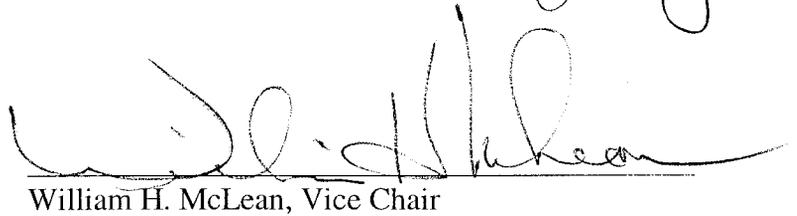
Vote: Unanimous

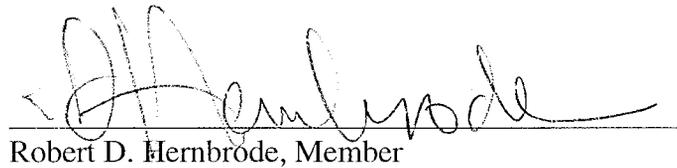
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Meeting adjourned at 5:04 p.m.

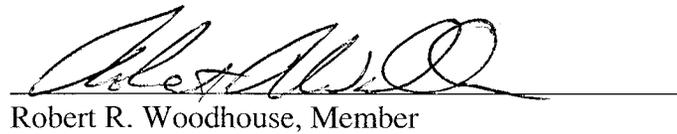
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Michael M. Golightly, Chair


William H. McLean, Vice Chair


Robert D. Hernbröde, Member


Jennifer L. Martin, Member


Robert R. Woodhouse, Member

ATTEST:


Duane L. Shroufe
Secretary and Director

Game and Fish Litigation Report
Presented at the Commission Meeting
May 18, 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 parties held a status conference in April and the court agreed with the request to extend discovery deadline from August to December.

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.

(5/1107) (JFO/SDC)

Lands Update
For the Arizona Game and Fish Commission
May 18, 2007
Prescott, Arizona

U.S. FOREST SERVICE

Although the U.S. District Court in northern California has ordered the Forest Service not to use the 2005 National Forest Land Management Planning Rule, some limited planning has resumed. The Department is re-starting discussions with the extended Forest Plan Revision Team regarding Special Area designation for the Coconino National Forest. A tentative meeting has been proposed for June.

Apache-Sitgreaves National Forests

The Department continues to participate on Allotment Management Plan (AMP) review teams for a number of grazing permits in the Forest such as Big Lake, Burk, Molina Springs, Bush Creek, Greens Peak, Cerro Trigo, and Hall Allotments (all in the Springerville Ranger District), and the Coperas and Sardine Allotments (Clifton Ranger District). The Forest is conducting AMP analyses utilizing the Chapter 90 Grazing Guidelines adopted by the Forest Service in 2005. During the initial planning and project phase, the Department has been coordinating with the Districts to identify important wildlife and riparian habitat concerns including pronghorn foraging and fawning cover components, turkey foraging components, and big game browse plant resources.

The Department continues to participate on the Goshawk Guidelines Collaborative Interdisciplinary Team (ID Team) to provide input on a demonstration project within the approximately 3,500 acre Eagar South Wildland Urban Interface Analysis area in Apache County. We also recently assisted the Springerville Ranger District in a tree marking effort centered on removing encroaching ponderosa pine while retaining critical vegetative cover components immediately adjacent to meadow habitat. This effort should benefit a number of wildlife species including turkey, mule deer, and elk.

Regarding Apache trout renovations on the Springerville Ranger District, the Department developed a schedule to chemically treat the South Fork Little Colorado River (LCR) and Stinky Creek up to three times each in 2007. Several slight conflicts between treatment and cattle grazing adjacent to the South Fork LCR were easily resolved with minor schedule changes; however, a pending solution to a larger timing conflict will be presented to permittees by Forest range staff. The Department and Forest had agreed in the Environmental Assessment that antimycin would not be applied to remove non-native fish from an Apache trout recovery stream while cattle had access to the water. Livestock safety is not an issue, however this extra precaution was included to avoid any questions after a renovation was completed.

The Department completed annual spring gillnetting surveys of Regional lakes in March-May. A winter kill, which included trout that had grown to four pounds, was documented at Carnero Lake, but the lake was stocked immediately afterwards to restore angling opportunity. Good winter survival of trout stocked in 2006 was documented at a number

of Regional lakes: Big Lake, Crescent Lake, Lee Valley Lake, Luna Lake, Becker Lake, Scott Reservoir, Show Low Lake, Black Canyon Lake, and Chevelon Lake. Established populations of illegally introduced northern pike were monitored at Rainbow Lake and Fool Hollow Lake where trout survival through the winter was nearly non-existent. Recently analyzed angler creel surveys from 2006 showed that stocked trout returning to creel (caught by anglers) was also very low, likely because of predation by pike. An illegally introduced northern pike was found at Scott Reservoir, indicating that anglers continue to spread these fish from one lake to another. The Department continues to work with the University of Arizona on a northern pike mechanical control project on Rainbow and Fool Hollow Lakes; however, a more drastic course of action, such as draining or chemical treatment, may be needed to prevent the pike from spreading throughout the Region and impacting the management of other sportfish populations (e.g., trout, bass, and sunfish).

Coconino National Forest

The Department's response to scoping on the Fossil Creek Allotment requested evaluation of a new alternative that would set grazing intensity and grazing utilization at 20%, utilize rest rotation grazing, and set an initial number of livestock on the allotment. The District will hold a meeting to develop alternatives on May 21.

The Greater Flagstaff Forest Partnership (GFFP) is currently reviewing the Proposed Action (PA) for the Jack Smith/Schultz Fuels Reduction Project. The PA proposes fuels reduction and prescribed burning treatments on approximately 8,500 acres on the southeast and east flanks of the San Francisco Peaks in Flagstaff. Through the GFFP, the Department has worked very hard with the Jack Smith/Schultz Interdisciplinary Team (IDT) to incorporate forest structural heterogeneity concepts into the PA. While this has been a positive breakthrough relative to previous Forest Wildland Urban Interface projects, the Department continues to be concerned about the Forest's new interpretation of the northern goshawk guidelines (from Forest Plan Amendment #11) within the PA. The result is that canopy cover at the stand level may be lower after treatment than what is required to meet the habitat needs of Wildlife Species of Concern, Management Indicator Species, as well as the northern goshawk. The modified guideline interpretation has not been formally submitted to the Department or to the public and can be construed as a modification to the Forest Plan. The Department feels the Forest should consider a public scoping process or at least consult with state and federal wildlife agencies prior to implementation. A decision is planned on Jack Smith/Schultz for fall 2007.

Although not a GFFP collaborative project, the Department is actively sharing the same concerns with regard to goshawk guideline interpretation on the Elk Park Fuels Reduction Project. Elk Park calls for harvesting, thinning, and prescribed burning on approximately 6,400 acres six miles southeast of Flagstaff near Lake Mary. A decision on Elk Park is expected May 2007.

Due to significant financial shortfalls, GFFP staff has been downsized, work teams are led entirely by volunteer effort from partners, and partnership goals and strategies are up for discussion. The Department will continue to be involved through completion of our

wildlife research within the Mountaineer Fuels Reduction Project, but will weigh future levels of involvement in terms of the value we may derive after the Partnership goals and objectives change.

Coronado National Forest

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 Restoration Plan (PERP). During the last month, the ID Team participated in a conference call to resolve differences in prescriptions for stand treatments from different specialists (wildlife, silviculture, fuels, fire). Additionally, the Department hosted a meeting of the Pinaleño Science Collaborators (PSC) to bring them up to date on the PERP planning effort. The PSC includes some members of the Mt. Graham Red Squirrel Recovery Team as well as other agency and non-agency biologists with knowledge and interest in the biological resources of the Pinaleños. The Department and Forest solicited input from these source experts regarding direction of the PERP project. The PSC supported the direction, provided recommendations, and were willing to serve on a biological review board to annually review monitoring of PERP implementation impacts on sensitive species.

The annual Gould's turkey survey was conducted throughout the Huachuca Mountains on April 14 and 15. Preliminary numbers from eight volunteer surveyors indicate 69 turkeys were observed on Forest land (22 gobblers and 47 hens). Survey results from private landowners throughout the area, along with routes completed on Fort Huachuca, have not yet been received.

Kaibab National Forest

The Department held a well attended public meeting on April 17 to encourage public involvement in the Land Management Plan Revision and Travel Management processes.

The Williams Ranger District held an open house to gather public input on the McCracken Project. District staff also participated with the Department in a field trip to assess work on this fuels project located south of Bill Williams Mountain.

Implementation began on the Westside winter range project in April 2007. This 10-year project aims at increasing quality winter range browse for mule deer. The first treatments are within historic push renovations where a mechanical grinder is removing pinyon and juniper in order to increase browse vigor. The next treatment will be seeding of desirable browse species.

An Environmental Impact Statement (EIS) is currently being drafted for recovery of the Warm Fire area. This document is slated to be out to the public in July. The Proposed Action for the Warm Fire calls for a potential salvage operation on 9,990 acres, and reforestation on approximately 14,690 acres. In addition, the Proposed Action calls for 4,050 acres of natural aspen regeneration. The Department has commented on an additional document related to the Warm Fire in which 1,600 acres are being proposed for reforestation. These acres are outside the existing NEPA and are focused on planting

of Ponderosa pine and Douglas fir. The Department has asked the Forest to consider natural regeneration and to limit planting within a mixed conifer area. The Department has also requested information regarding Forest plans for weed control associated with reforestation activities.

During the last week of April, the Department and the North Kaibab Ranger District met for a field trip on the eastside of the fire within the pinyon-juniper vegetation type. The forthcoming EIS will not address the eastside pinyon-juniper area as part of recovery efforts and the Department has been urging the Forest to consider treatment. These areas are not only important winter range for a portion of the deer herd but also subject to potentially severe cheatgrass invasion. Natural recovery of some grasses and forbs was evident; however, browse species did not seem to be recovering. It is expected many of the shrubs such as cliffrose and sage will be very slow to recover as they are relatively intolerant to high intensity fire. Sterile grasses aerially seeded (post-fire) for erosion control are likely providing spring/summer forage for wildlife, but are of little value to wintering deer. We informed the Forest that the Department would support a mix of native grasses, forbs, and shrubs in future reseeding efforts.

Discussions of possible treatment in the field included seeding the relatively flat areas, felling of dead-standing juniper for erosion control on the steeper slopes, and subsequent aerial seeding. The Department is hopeful that planning and implementation on the westside will assist in determining how to approach recovery efforts on the eastside of the Warm Fire. Not unlike the westside, little to no archaeological clearance has been done on the eastside, which will impact treatment.

The Grand Canyon Trust has put in over 400 monitoring plots both inside and outside of the fire footprint to look at cheatgrass invasion levels and to guide treatment. In addition, the Department and Forest range staff have been monitoring weeds along the fire edge.

The Department is receiving project proposals for possible uranium mining on the Tusayan Ranger District of the south Kaibab. Exploration, if it proceeds, will take 4-6 weeks. The Department plans to visit exploration sites to look at the footprint and assess impacts on wildlife.

Prescott National Forest

The Department commented on the Dr. Sycamore/Willow/V-Bar Grazing Project that proposes to maintain current livestock grazing management on three allotments within the Verde Ranger District. All three allotments occur within high quality pronghorn habitat in northern GMU 21. Concerns in the past have included responsive livestock management under drought conditions, declining pronghorn population trends (although 2006 had improving fawn recruitment), exclusion of fire to meet livestock management objectives, suppression of fire, increasing trees and shrubs, and whether PNF monitoring data is adequate to support the Forest's determination that current management is meeting objectives. Department goals are: advocate for increased use of prescribed fire and increased rest during drought; best management practices such as residual cover objectives that are consistent with Department species management guidelines;

implementation of tree/shrub thinning projects; and effective collaboration through the proposed adaptive management framework.

Tonto National Forest

The Department provided scoping comments to the Tonto Basin Ranger District for the Environmental Assessment and development of an allotment management plan for the Greenback Allotment. The proposed action currently includes authorization of 600 head of goats, in addition to cattle. In December 2006 a bighorn sheep was observed approximately one mile from ranch headquarters even though Rocky Mountain bighorn sheep are generally found about six miles southeast of the allotment in the Parker Creek Canyon area and range further south and east on Black Mesa and along the Salt River drainage. At an April interagency follow-up meeting, the Department provided relevant research and information on current range and distribution, future management plans, disease transmission, and a case study of the Silver Bell epizootic. The Department will work closely with the Forest to develop an alternative that eliminates the use of goats for this project. The permittee has expressed his intent to use goats on his private inholding whether the Forest action is permitted or not.

The annual Tonto National Forest/AGFD Coordination Meeting was held April 20. In addition to upcoming plans for 2007, the Department highlighted 2006 accomplishments: Gentry Creek Chiricahua leopard frog recovery efforts and habitat projects, Apache Lake Fish Habitat Project, native fish introductions and habitat improvements, boating facility projects, Tonto Basin wildlife water development projects, and Horseshoe Ranch fence improvements for antelope.

During the coordination meeting, the Forest assured the Department it is again moving forward on completing the NEPA analysis of the Heber-Reno Sheep Driveway. Since 1992 the Department has requested NEPA analysis several times to address the possibility of disease transmission to adjacent bighorn populations, and limitations that the driveway places on future transplant possibilities such as the Goldfield Mountains. NEPA evaluation was a condition of the lawsuit settlement between the Fund for Animals and the Forest Service regarding Department research in Unit 22 that involved lion management. Although NEPA was formally initiated shortly afterward in September 2001, progress has been stalled. The Department will continue to work with the Forest and help this process along.

The Canyon Creek Riparian Restoration Project 2006 monitoring report was completed and submitted to the Arizona Water Protection Fund (AWPF). One more year of monitoring is required to meet the contract deliverables for the AWPF project grant after which time the Department will reevaluate monitoring frequency and collaborate with the Forest on long-term assessment of riparian trends resulting from implementation of the elk-livestock exclosure. Currently the Department is processing a contract with Natural Channel Design, Inc. to conduct a watershed analysis of Canyon Creek in support of the riparian restoration goals funded by Wildlife Conservation Fund (WCF) monies. Emphasis will be placed on determining existing stream condition, identifying opportunities to improve functions between the stream channel and floodplain,

addressing causes of excessive bank erosion, and developing fish habitat enhancements. This assessment will provide baseline measures to support Forest NEPA requirements and guide future stream restoration and fish habitat enhancement projects. Additionally, the Department has contracted for tree cutting to remove fire-killed trees that pose a risk to the elk-livestock enclosure.

The Department supports the purpose and need for the Globe Ranger District Gap Prescribed Burn proposed for chaparral and semidesert grassland habitat. We provided suggestions for additional restoration tools as this semidesert grassland is currently in an extremely degraded condition due to numerous long-term management issues. The Department recently funded fencing and picnic ramadas as recreation improvements for the Pipeline OHV area which is within the burn area.

The Tonto Basin Ranger District is slated to publish their travel management map in September 2007. The Department intensively reviewed proposed road designations and identified at least 30 roads that currently exist on the ground but are not identified on the District's draft map as routes to be maintained for public access. It is the Department's assessment that significant revisions to draft road designations need to occur prior to the map's final publication to avoid impacting legal public access to the Forest. A letter was sent to the District recommending roads that should be kept open and encouraging the District to identify these roads on the new map

BUREAU OF LAND MANAGEMENT (BLM)

Arizona Strip Field Office

The proposed final Resource Management Plans/Environmental Impact Statements (RMP/EIS) were released on March 2, 2007 for the Arizona Strip Field Office (FO) planning area. The FO has received several protest letters on the proposed final plan and will be working to resolve issues over the next several months. The proposed final plan includes route designations for the Grand Canyon-Parashant and Vermillion Cliffs National Monuments. The Department continues to coordinate closely with the Field Office in the development of subsequent Travel Management Plans and associated route networks for the remaining planning area.

Flagstaff Field Office

A BLM field trip to address wildfires in blackbrush habitat and subsequent restoration efforts discussed the following key points:

- There is a real risk of burning all remaining blackbrush habitat within this generation. Fires in Arizona have already consumed 161,000 total acres.
- According to monitoring by USGS, blackbrush exhibits very slow natural recovery that may be further compromised by repeat wildfires. Seeds sprout only once in 20 or 30 years when conditions are right.
- Full recovery to former condition is estimated to take 2,000 years based on good monitoring data. Within 40 years post-burn, colonization by different plant species is expected to reach 50% of the original vegetative density.
- Tortoises, bighorn, and mule deer are all impacted by habitat loss due to burns.

Hassayampa Field Office

The Hassayampa Field Office is developing a comprehensive Travel Management Plan for roads and trails on public lands in Central Arizona and is seeking public input to help determine where to best provide connectivity for increased recreational value while minimizing impacts to the land and other resources. Input regarding designations for a travel route system in the Bumble Bee, Table Mesa, Lake Pleasant, and San Domingo Wash areas will be accepted through June 30, 2007.

Havasu Field Office

The proposed final Resource Management Plan/Environmental Impact Statement (RMP/EIS) was released on September 22, 2006 for the Havasu Field Office. The Department continues to coordinate closely with the Field Office in the development of subsequent Travel Management Plans and associated route designations.

Kingman Field Office

The Department met twice with BLM and the permittee to work toward resolution of issues related to the Big Ranch "A" allotment. The Mohave County Livestock Association has become involved and expressed concern on behalf of the permittee. Still at odds is the grazing prescription in the west pasture of this allotment. Consistent with the ephemeral nature of sporadic vegetation growth in this area, the Department supports livestock grazing during winter months with deferment between April and October. The permittee disputes this view and insists that ample forage is available and that the allotment has been unaffected by drought.

Forage utilization studies were cooperatively completed by three teams, two of which recommended summer rest as described above. The leader of the third team noted heavy utilization of specific plant species, but in general believed the allotment was in good condition and that grazing levels and land health were appropriate for the site. Other members of the team, including Department personnel, disagreed and requested this team leader be removed from further evaluations on the allotment. BLM management concurred.

After touring the allotment, the oversight committee was particularly concerned about range conditions following the 2004 wildfire and concluded that a new land health evaluation was warranted concurrent with the protest resolution. BLM agreed to provide timelines and process milestones for the additional evaluation, but noted the work would not be completed by the previously agreed to June 22 deadline.

The Department presented proposals totaling \$400,000 to the ADOT research council to quantify impacts to wildlife expected from proposed highway construction between Bullhead City south to Interstate 40. The 44-mile project would traverse pristine Mohave Desert habitat in an area identified as one of six key habitat areas for desert tortoise. Most of the project would occur on public lands. Proposal approval is expected by late May.

Phoenix Field Office

The Game Management Unit 21 (GMU 21) Pronghorn Habitat Improvement Project is a cooperative effort with BLM on the Agua Fria National Monument to thin densities of juniper trees within desert grassland habitat. BLM has thinned two adjacent areas (>300 acres) and the Department contracted thinning on another 588 acres in 2006. The 2007 contract for 180 acres was completed in March. The Department will pursue additional funding to complete the total treatment target of 2,300 acres. The BLM Fuels team is following up hand cutting with hand ignitions of all dead and downed trees. This subsequent treatment has been proven to significantly decrease the amount of re-sprout on cut tree stumps.

In conjunction with this project, the Department is currently developing a comprehensive plan for GMU 21 that prioritizes efforts for grassland restoration and maintenance across BLM, Prescott National Forest and State lands. Overall objectives are to:

- Reestablish and maintain habitat connectivity between the northern and southern medium and high quality pronghorn habitats.
- Improve grassland habitat quality within core pronghorn habitat.
- Thin juniper trees in phases within prioritized areas to optimize benefits to pronghorn and grassland species given the constraints of limited funding and manpower.

The Department hosted a FS/BLM Land Management public meeting on April 16 that was standing room only with about 70 people in attendance. Many comments reflected the public's frustration regarding multiple planning efforts but overall, people seemed very appreciative of the Department's efforts to explain the planning process and provide contact information.

Tucson Field Office (TFO)

Unable to reach further consensus on the future of a network of "extreme rock-crawling" OHV routes, the Canyons of the Gila planning team cancelled all future workshops to develop a preferred alternative for a road network on BLM lands in Unit 37B north of the Florence Kelvin Highway. Results from workshops were facilitated by the U.S. Institute for Environmental Conflict Resolution and information on future planning is available at www.middlelegilatrael.ecr.gov. The State Land Department (ASLD) and Tonto National Forest have both ceased participation in this road planning effort. BLM will now attempt to develop the preferred alternative for the route network and hopes to be in the implementation phase by the fall. The Department intends to approach ASLD and Tonto independently after the BLM process is complete. All stakeholders anticipate appeals and litigation from both environmental and OHV interests.

There is a re-initiation of the U.S. Fish and Wildlife Service Biological Opinion on grazing district-wide (Safford and Tucson Field Offices). The Department has only been peripherally involved in this to date.

Safford Field Office (SFO)

The draft Aravaipa Ecosystem Management Plan is nearing completion and will soon be available for public review. It encompasses all aspects of public land management on BLM and Nature Conservancy lands throughout Aravaipa Canyon.

Yuma Field Office

The public comment period for the Yuma draft Resource Management Plan (RMP) and draft Environmental Impact Statement (EIS) ended on March 14, 2007. The Department provided a formal comment letter regarding the draft RMP and will continue to work closely 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 planning efforts for five national monuments and 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. A draft MOU has been finalized and sent to the Solicitor's Office of both agencies for review.

Grand Canyon-Parashant National Monument

The proposed final RMP/EIS was released on March 2, 2007 for the Arizona Strip planning area including the Grand Canyon-Parashant NM. The proposed final plan includes a series of unique route networks and designations.

Vermillion Cliffs National Monument

The proposed final RMP/EIS was released on March 2, 2007 for the Arizona Strip planning area including the Vermillion Cliffs NM. The proposed final plan includes a series of unique route networks and designations.

Agua Fria National Monument

The public review period ended on April 5, 2006, for the draft RMP/EIS. The proposed final plan is expected to be released in the fall 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 and also develop a preliminary preferred alternative. The Department continues to participate

in cooperative meetings and is proactively developing comments throughout the planning process.

Ironwood Forest National Monument

BLM released the draft Resource Management Plan and Environmental Impact Statement (RMP/EIS) on March 2, 2007 and will be accepting comments until May 30, 2007. The draft RMP/EIS generated a large public response, particularly regarding closing public lands to target shooting within the IFNM. The Department is reviewing the draft RMP/EIS and developing a formal comment letter. The Department previously submitted comments on draft alternatives in support of target shooting as a legitimate recreational pursuit within monument lands and has verbally restated our position to IFNM planners. A resolution per the April Commission meeting was forwarded to the BLM State Director on May 3, 2007.

U.S. FISH AND WILDLIFE SERVICE

Cabeza Prieta National Wildlife Refuge

The final Comprehensive Conservation Plan/Environmental Impact Statement for the Refuge has been released to the public. The Department is currently reviewing the final plan.

Kofa National Wildlife Refuge

The Department continues to work with the U.S. Fish and Wildlife Service (USFWS) to plan and fund actions to aid Refuge bighorn sheep recovery. During an April meeting in Albuquerque, USFWS Region 2 leadership confirmed their support and pledged funds to support white paper recommendations. Three new satellite/GPS collars have been ordered and monitoring activities for the radio collared mountain lion are on-going. Trapping will recommence as soon as the new collars are received in late May or June. Plans are in place and materials have been ordered to redevelop Yaqui Tank in the Kofa Mountains and McPherson Tank in the Castle Dome Mountains by summer. Existing waterholes will also be closely monitored and maintained over the summer season.

DEPARTMENT OF DEFENSE

Barry M. Goldwater Range

The final Integrated Natural Resources Management Plan/Environmental Impact Statement INRMP/EIS for the Goldwater Range has been released to the public. No formal comments were received during the comment period and a Record of Decision has been signed. The Department is currently awaiting a copy of the stand-alone INRMP, which includes a proposed project list for the plan's first five years.

Yuma Proving Ground

The U.S. Army Yuma Proving Ground (YPG) is proposing to expand military training activities into Game Management Unit 41 through a withdrawal of BLM land. The timeline for completion of the application process is the end of the 2008 Congressional

session. The Department continues to be an active participant and will provide the Commission with more information on this proposal as it becomes available.

ARIZONA STATE LAND DEPARTMENT

The Department has received a request from an Arizona State Land Department (ASLD) consultant for information relating to a comprehensive land use plan for Arroyo Grande state land in the Oro Valley area. The Department has committed to providing the requested information regarding this critical corridor connection between the Tortolita and Catalina Mountains.

The Department has recently become aware of major freeway corridor planning in Pinal County between Apache Junction and Eloy. The Williams Gateway Freeway is one of four major new freeways planned for the 275-square mile block of State Trust Land occupying Superstition Vistas. This development is likely to cause a considerable loss to recreational/wildlife opportunities for eastern Phoenix metropolitan area constituents.

The Desert Well Workgroup is exploring options regarding limiting OHV access to 3-5 State Land Department areas in the Desert Wells Multiuse Area due to dust problems, vandalism, lack of law enforcement presence, and overall increase in use. Road closures will require Commission approval.

GENERAL UPDATES

City of Flagstaff

Restoration of the Rio de Flag continues along several stream reaches through the City of Flagstaff. The City's new Arizona Water Protection Fund (AWPF) grant to restore the Rio de Flag through Picture Canyon wholly depends on a secure commitment of in-stream, perennial flow of 100 gallons per minute out of the Wildcat Hill Wastewater Treatment Facility. Without trade or purchase, the City cannot guarantee water for restoration purposes. The Department has been actively negotiating with the City to secure the in-stream flow along with an additional 100 gallons per minute at another site along the Rio Wetlands. Restoration in Picture Canyon will greatly benefit wildlife habitat through noxious weed removal, native plant restoration, and construction of ephemeral and perennial wetlands. The AWPF also supports trail and interpretive development for Watchable Wildlife purposes.

Coconino County

The Department recently led three field trips to the Rio Wetlands, Picture Canyon, and Kachina Wetlands in Coconino County to promote development of a network of Watchable Wildlife sites in the Flagstaff region. Public participants enthusiastically supported the Department's plan. In addition, the Northern Arizona Audubon Society would like to combine their proposal to nominate four sections of the Rio de Flag as an Important Bird Area (IBA) with our Watchable Wildlife development along the Rio.

Native Seed Sources

The Department has been involved in discussions with a newly forming group called the Northern Arizona Native Seed Association (NANSA). Due to the need for landscape-scale reseeding efforts for restoration and fire recovery, there has been increased interest in creating a group to look at the feasibility of growing and collecting native plants for seed. Currently, local seed is not available on the market in the quantities needed. In addition, local ecotypes for many species important to wildlife are not available at all.

An organization called the Uncompahgre Plateau Project has been testing and growing native plants on the southern Utah portion of the Colorado Plateau. This group is exploring the possibility of increasing their efforts to encompass the entire Colorado Plateau, which would include northern Arizona. Southern Utah growing and seeding efforts have been focused on plants associated with the pinyon/juniper/sagebrush ecosystems. Recognizing that our needs may be similar in some areas and different in others, the Department believes that the possibility to link up with an organization possessing both the infrastructure and knowledge in this field may be beneficial.

Maricopa County

The Department attended a Maricopa County Department of Transportation bridge planning meeting on March 8 to discuss three bridges at Dobson, McKellips, and Gilbert Roads.

Pinal County

The U.S. Census Bureau recently ranked Pinal County as the 6th fastest growing county in the nation. The Department holds a vice chair position on the Pinal Partnership's Open Space and Trails Committee and is assisting in the development of a "traveling road show" illuminating areas in the county that require protection in the face of rapid growth. This effort is based on work which led to the Sonoran Desert Conservation Plan in Pima County.

Town of Buckeye

The Buckeye agreement regarding hunting on annexed lands is still in process. A draft agreement is being considered by City staff.

Town of Marana HCP

The Department is participating as a member of the Stakeholder Working Group and the Technical Biological Team for Marana's Habitat Conservation Plan. Inclusion in the conservation plan will be voluntary for private landowners and compulsory for capitol improvement projects or as a result of Town "discretionary actions" (such as rezoning).

The Town recently authorized funding for studies of the Tucson shovel-nosed snake and the lesser long-nosed bat, which are both anticipated to be species covered under the plan. The Technical Biological Team is debating conservation measures for other species, including the burrowing owl, Townsend's big-eared bat, and the cactus ferruginous pygmy owl.

BLM Undocumented Immigrant Trash Clean Up

The Department has applied to BLM to extend our grant for Undocumented Immigrant (UDI) trash clean-up funding. Last year, \$9,000 was received for equipment and materials associated with our Adopt-A-Ranch clean-up projects in southeast Arizona. The new grant request is for \$15,000.