

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, September 7, 2007 – 7:00 a.m.
Arizona Game and Fish Regional Office
2878 E. White Mountain Blvd.
Pinetop, Arizona 85935

PRESENT: (Commission)

(Director's Staff)

Chairman Michael M. Golightly
Commissioner William H. McLean
Commissioner Robert D. 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 7:00 a.m. This meeting followed an agenda revision #2 dated September 5, 2007.

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Executive Session

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

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

Vote: Unanimous

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The Public Session began at 8:21 a.m. The Commission introduced themselves and Chairman Golightly introduced the Director and Director's staff.

There were no Awards or Commissioning of Officers at this meeting.

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1. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles provided the Commission with a Legislative Update using a Power Point presentation, which included Federal legislation that may affect the Department. The update included the newly introduced Federal legislation, HR 3255 - To prohibit a State from charging an individual more than \$200 for a permit or license to hunt big game on Federal public lands within that State; and HR 1691 - To end the use of conventional steel-jawed leghold traps on animals in the United States.

Motion: Hernbrode moved and Woodhouse seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO DRAFT AND SEND A LETTER IN OPPOSITION TO HR3255.

Vote: Unanimous

Mr. Guiles will provide the Commission with a further analysis of HR 1691 at the October Commission meeting.

The following legislative tours have occurred or are being coordinated:

- Elk Trapping – Governor’s staff, Legislative Staff (July 10, 2007)
- Arizona Strip Tour – 8 Legislative Staff (September 12-14, 2007)
- Rep. Warde Nichols – Hunt Patrol (TBD)
- Rep. Lucy Mason – Border Impact Tour (TBD)

The Commission was invited to participate in the tours. Mr. Guiles will inform the Commission as soon as possible once the tours and dates are set.

Commissioner McLean advised that Congressman Flake’s office was interested in participating in the Border Impact Tour. Mr. Guiles will contact his office.

Commissioner Hernbrode requested that the tour include the area east of Douglas to the New Mexico border.

Mr. Guiles continued with the Department’s proposed State legislation for the 48th Legislature, 2nd Regular Session. At the August Commission meeting, the Commission asked for a more in-depth analysis and cost benefits on the proposals. The following information and recommendations were provided:

Minimum Age for Hunter Education Certification: Move to Title 17 and give the Commission the authority to establish the age through the rulemaking process. There is a minor cost associated with possible increases in attendance to the Hunter Education classes.

Free Hunter Day Coupon on License: A resident hunter’s license would include a “coupon” that would allow that hunter’s designee (resident) a chance to hunt (small game) for free for 2 consecutive days. This could be established in rulemaking and the cost would be that of printing the new “coupons”.

Mr. Guiles advised that the age requirement and the hunter coupon day could be together in one bill. A Legislator will have to be found to sponsor the bill for the Department.

The Commission was in consensus to move forward with these two and to combine them into one bill.

Department Merchandise: Allow the Department to sell items for profit and allow individuals to obtain gift certificates for use at Department regional offices/shooting ranges for licenses, etc.

The Commission was in consensus to move forward and consider draft language for the Department to sell merchandise.

The Department can already sell gift certificates and it would only require a rule change to be able to use the gift certificates to purchase licenses.

The Commission was in consensus to add the changes to gift certificates in the regular rulemaking process, which opens for review in the beginning of 2008.

Watercraft Changes: Various changes to Title 5 to mirror current DUI laws (Title 28) and allow for longer watercraft registrations (up to 3 years).

The Commission was in consensus to move forward with legislation for watercraft changes.

Legal Clarifications: Include unlawful "transportation" as a revocable offense (includes revocations of guide licenses, etc.).

The Commission directed the Department to work with Law Enforcement and bring back draft language on this item for Commission consideration.

Landowner Liability: Indemnify landowners who allow hunters on their private land.

The Commission was in consensus to remove this item from further consideration for the upcoming legislative session.

Lead on Shooting Ranges: Indemnify Commission owned Shooting ranges relating to lead/environmental issues.

The Commission was in consensus to remove this item from further consideration.

Travel Expenses for Volunteers: Pay travel expenses for volunteers on Commission appointed committees. Cost would be approximately \$10,000 per year.

Chairman Golightly requested a vote on this item.

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO MOVE FORWARD WITH LEGISLATION THAT WOULD PAY TRAVEL EXPENSES FOR VOLUNTEERS ON COMMISSION APPOINTED COMMITTEES.

The Commission discussed the pros and cons of paying travel expenses for volunteers on Commission appointed committees. Concerns related to increasing travel expenses for committee volunteers and the potential impact that paying some volunteers and not others could have on those volunteers that are not compensated for their activity expenses.

Vote: Aye - McLean, Hernbrode
Nay - Golightly, Martin, Woodhouse
Failed 3 to 2

Strike "Married" from Immediate Family Definition: Strike "married" from immediate family definition in an effort to increase recruitment and retention.

Chairman Golightly requested a vote on this item.

Motion: McLean moved and Martin seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO MOVE FORWARD WITH LEGISLATION TO STRIKE "MARRIED" FROM IMMEDIATE FAMILY DEFINITION.

Vote: Aye - McLean, Hernbrode, Martin, Woodhouse
Nay - Golightly
Passed 4 to 1

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2. Statewide Shooting Range Briefing

Presenter: Ty Gray, Assistant Director, Information and Education Division

The Commission was provided with a Statewide Shooting Range 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 August 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.

Mr. Gray provided a Power Point presentation to the Commission with pictures and maps of several shooting range developments; recapping the Shooting Range Update and providing some additional information.

On the Ben Avery Shooting Facility Master Plan, the Department has reviewed the final draft of conceptual design and provided that to the Commission at this meeting. An Open House meeting is scheduled for October 6, 2007 to provide user group and focus group participants the opportunity to review it. The Commission will be asked for final approval at the December Commission Meeting.

Commissioner Martin will attend the Open House and officially represent the Commission.

Regarding the Northern Arizona Shooting Range, Mr. Gray provided a recap of the results from a sound study that was conducted several months ago for the benefit of Commissioner Woodhouse who was not a Commission member at that time. A map was provided showing six test sites at various locations around the range and a chart of decibel ratings with comparisons to typical sound levels. The tests showed that the decibel rating at Munds Park was barely audible.

Chairman Golightly requested that if another sound study was conducted that the Department use different test sites.

Mr. Gray stated that another sound study is planned and they will be testing at the nearest residence and deeded properties.

Public Comment

The following two members of the public addressed the Commission and thanked them and the Department for their support of the White Mountain Trap and Skeet Club:

Thomas Johnson, Lead Instructor for Scholastic Clay Target Program, White Mountain Trap and Skeet Club

Michael (Doc) Horine, White Mountain Trap and Skeet Club

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3. Information and Education Activities Briefing

Presenter: Ty Gray, Assistant Director, Information and Education Division

The Commission was provided with a Program Report dated September 2007 prior to this meeting (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 since the August 2007 Commission meeting 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.

There were no questions or comments from the Commission.

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4. 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 this meeting and is included as part of these minutes. The update addressed decisions or activities since the August 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 provided the following additional updates:

- On August 31, 2007, the Commission received a draft letter from the Department containing written comments regarding the Coconino Forest Travel Management Plan. The primary issues addressed in the letter are big game retrieval, dispersed camping, and individual road designations. Comments provided by the Commission will be incorporated into the letter and the final version will be signed by the Director and delivered to the Coconino National Forest on September 10, 2007.

Commissioner McLean requested that the Department inform the public of the Travel Management Plan so that they know what the rules are and when they start. Many don't know

that they will be able to retrieve big game. Commissioner McLean further commended the Department on their work to get big game retrieval.

- Regarding proposed fencing along the international border, according to BLM officials, no pedestrian fencing has been requested or approved through a few sections of BLM lands east of Douglas (the area brought to the Commission's attention by the Department at the August meeting). The Border Patrol has offered to attend a Malipai Borderlands group meeting to address the local concerns over permanent vehicular barriers and associated proposed road projects. The Department has been invited and will attend that meeting also.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO WRITE A LETTER EXPRESSING CONCERNS ABOUT THE FENCING PROPOSALS AND THE POTENTIAL IMPACT ON WILDLIFE CORRIDORS AND WILDLIFE ISSUES.

The Commission discussed the political aspects of writing a letter and decided that the letter would be sent to the Border Patrol with the Governor, Speaker of the House, and President of the Senate copied on the letter.

Vote: Unanimous

- The Payson Ranger District is scoping for a proposed uranium exploration on the slopes of Mogollon Rim above Christopher Creek. This is an exploratory proposal at this time and not a proposed plan for the development of the site. The deadline for comments on the exploratory proposal is September 10, 2007 and the Regional Office is drafting comments. The Commission will receive a copy of the comments.
- The Executive Order from the President regarding preserving hunting on Federal lands was brought to the attention of the Resource Advisory Committee. The Director invited the Regional Forester to attend the October 2007 Commission meeting and will also invite the State Director of BLM. At this time they have no direction from their Washington Office on what they are going to do with that Order. The Regional Forester and the BLM State Director will also be attending the Association of Fish and Wildlife Agencies annual conference next week where the Order will be discussed.

Public Comment

Brad Powell, Arizona Trout Unlimited, addressed the Commission on behalf of the Arizona Wildlife Federation (AWF), the Arizona Elk Society (AES), and Arizona Trout Unlimited (AZTU). The Commission was provided with a letter from AWF, AES and AZTU that strongly supported the development, implementation and enforcement of comprehensive Travel Management plans in Arizona as well as several recommendations for those plans.

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5. Request for Commission Approval for the Department to Accept the Donation of Lands Adjacent to Arlington Wildlife Area in Maricopa County, Arizona.

Presenter: Josh Avey, Habitat Branch Chief

The Department was approached by Lennar Communities Development, Inc. (Lennar) in 2005 regarding the donation of a Lennar-owned 25-acre parcel to the Commission as partial mitigation by the U.S. Army Corps of Engineers (USACE) for Lennar's 404 permit application under the Clean Water Act. The subject property is contiguous with the Arlington Wildlife Area located approximately 30 miles southwest of the Phoenix City limits, in Maricopa County. The majority of the 25-acre parcel is located in the floodplain of the Gila River and appears to have limited to high wildlife resource value. The donation will convey additional deeded land to the Arlington Wildlife Area south of State Trust Lands the Department currently manages under a Special Land Use Permit. Oversight of the donated lands will be consistent with current management practices at the Arlington Wildlife Area and in accordance with USACE guidelines.

Motion: Martin moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE THE DONATION OF LANDS ADJACENT TO ARLINGTON WILDLIFE AREA IN MARICOPA COUNTY AND EXECUTE A DONATION AGREEMENT AND AUTHORIZE THE DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ACQUIRE THIS PARCEL AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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6A. Request for the Commission to Approve an Intergovernmental Agreement with Pima County Flood Control District to Develop an Ecological Monitoring Plan

Presenter: Josh Avey, Habitat Branch Chief

The Arizona Game and Fish Department and Pima County Flood Control District applied for and received approval of a grant from the U.S. Fish and Wildlife Service Section 6 Cooperative Endangered Species Conservation Fund for habitat conservation planning purposes. This Agreement is required to formalize a partnership to develop an ecological monitoring plan to finalize the habitat conservation plan for Pima County. The planning area includes over 670,000 acres.

Pima County is committing to implement certain actions that will minimize and mitigate the impacts of any take of at least 32 wildlife species that could occur as a result of planned urban development, including land-use permits, capital improvement projects, and associated maintenance and operations work in the County over the next 20 to 50 years. The ecological monitoring plan will provide a framework for cooperation among participating organizations, agencies, and landowners to guide conservation measures for listed and sensitive species in the planning area. In accordance with the agreement, Pima County will complete an ecological monitoring plan, and provide the Department with invoices for expenses incurred during the development of these documents. The Department will provide advice and technical assistance during the planning process, and will reimburse Pima County Flood Control District for eligible expenses identified in the agreement.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE INTERGOVERNMENTAL AGREEMENT WITH PIMA COUNTY FLOOD CONTROL DISTRICT TO DEVELOP AN ECOLOGICAL MONITORING PLAN, AND EXECUTE THE AGREEMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL

Vote: Unanimous

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Meeting recessed for a break at 9:37 a.m.

Meeting reconvened at 10:04 p.m.

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6. Request for Commission Approval for Agreements with Willow Springs Properties LLC to Mitigate Impacts of Willow Springs Ranch South Village in Unit 37B.

Presenter: Josh Avey, Habitat Branch Chief

On April 20, 2006, the Pinal County Planning and Zoning Commission (County) granted Tentative Plat approval to Willow Springs Properties LLC (Willow Springs) for Willow Springs South Village Parcel 2, Neighborhood 1, Villages 1-4. Based on the Department’s comments, the County directed Willow Springs to come to agreement and resolution with the Department to implement wildlife-friendly planning strategies and project design, allow continued motorized public access and non-motorized public access through the development to access adjacent State Land, develop a plan for dealing with javelina herds in the development, and mitigate potential loss of water sources to resident desert mule deer. The County has made such agreement and resolution a stipulation of final plat approval. Willow Springs presented the Department with a “Wildlife Management Plan” (also provided to the Commission) to address these issues and has offered to contribute \$84,000 to the Department for the purpose of constructing two new rainwater catchments to provide water for desert mule deer on Black Mountain in unit 37B.

Public Comment

Patrick Murphy and Ben Kramer with Westland Resources representing Willard Springs Properties were present and addressed the Commission to answer questions and participate in discussion with the Commission. A map of the area was provided to the Commission.

Commissioner McLean applauded the efforts of all parties in this agreement; however, he commented that it was only the beginning and improvements to this type of agreement may be in the future.

Commissioner Hernbrode requested that the Department monitor this situation to see what works and what doesn’t work so that this model can be built upon for future response to these kinds of rural developments.

Motion: Hernbrode moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE A COOPERATIVE AGREEMENT FOR THE WILDLIFE MANAGEMENT PLAN AND AN AGREEMENT TO ACCEPT \$84,000 FOR THE CONSTRUCTION OF TWO RAINWATER CATCHMENTS; AND THAT COMMISSIONER MCLEAN BE GRANTED

THE CONSENT OF THE COMMISSION TO APPEAR BEFORE THE PINAL COUNTY BOARD OF SUPERVISORS AND EXPRESS THE SENTIMENT OF THE COMMISSION TO THEM WHEN THIS MATTER COMES BEFORE THEM.

Vote: Unanimous

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7. Southeast Arizona Land Exchange and Conservation Act of 2007 – Federal Land Exchange for Resolution Copper Mining, LLC.

Presenter: Anthony Guiles, Legislative Liaison

Using a Power Point presentation, Mr. Guiles briefed the Commission on the Southeast Arizona Land Exchange and Conservation Act of 2007, which has been reintroduced by Senator John Kyl and Representative Ed Pastor (S 1862 & HR 3301) for the purpose of providing for the exchange and conveyance of certain National Forest land and other land in southeast Arizona between the United States and Resolution Copper. Resolution Copper would provide the Forest Service with 1,350 acres of property and the Bureau of Land Management with 3,233 acres of property. In addition, Resolution Copper would provide \$7,500,000 to the Arizona Land Fund. In return, the Forest Service would convey 3,025 acres to Resolution Copper. The legislation also provides for the transfer of property to the Arizona State Parks Board for the establishment of a new state park to be used for rock climbing.

Additional information provided to the Commission included the following:

Facts and Figures:

- Apache Leap is the largest copper resource ever found in North America and possibly in the world
- When the mine is ultimately developed, BHP Billiton and Rio Tinto will invest a total of more than \$2.5 billion
- It's a 40 year mining operation
- Mine Tailings planned to be deposited in one or more former open pit mines that will be reclaimed

Economic Impact:

- It will produce approximately 600,000 tons of refined copper each year, 30 percent of U.S. annual demand for refined copper
- If developed, the Resolution Copper mine will result in at least 1,000 construction jobs and more than 400 full-time positions. Industry studies also show that for every full-time person hired at the mine, the local economy should grow by three to four additional jobs.
- A full Economic Impact Statement will be available in 2009

Timeline:

- 2002-2006 – Identify ore body
- 2007-2011 – fact finding field work
- 2012 – finalize cost estimates, financial risks
- 2013-2016 – detailed engineering and construction

- 2017- mining underway (40 year project)

Bill provisions to provide for the exchange and conveyance of certain National Forest land and other land in southeast Arizona, and for other purposes:

- Transfers the Apache Leap Conservation Easement Area 695 acres (transferred from Resolution Copper (RC) to FS through an easement)
- Creates an *Arizona Land Fund* from monies provided by RC (\$7.5 million) and allows monies to be expended for conservation acquisitions
- Resolution Copper will pay for hiring contractors for carrying out the conveyances, including the appraisal costs, FS staff time, any surveys, even those conducted by BLM
- Resolution Copper will pay up to \$500,000 for an access road to the State Park. BLM will provide a right of way, and may also be responsible for costs associated with the road.
- Resolution Copper will provide for the conservation of the Apache Leap escarpment through a permanent conservation easement to be overseen by a qualified government, tribe, or land trust. In addition, the easement will come along with an endowment of \$250,000.
- Resolution Copper will also pay for a replacement campground, which will be lost as part of the transfer of the Oak Flat federal parcel.

Federal Lands for Conveyance:

- BLM will provide a right of way, and may also be responsible for costs associated with the road constructed by RC
- The Town of Superior will pay the USFS market value for any lands acquired

The Governor had the following concerns and comments:

- It would be a great economic impact to the state
- “The Mining Industry must cooperate and lead the way in the protection of clean air, clean and sustainable water and open space”
- The inclusion of riverine habitat near San Manuel and a cap on use of water resources are key to proposal
- It would help create Arizona’s first large scale solar energy production facility
- The Land Exchange must be fair
- The state should not incur any costs from the new boulder climbing state park, including future maintenance, etc.
- An \$8 million capital development fund was requested
- A \$10 million endowment fund for operating costs was requested
- A \$5 million endowment fund for future statewide planning was requested
- And the San Carlos Apache tribe needs to be worked with to resolve their issues.

Commissioner Martin agreed with the comments from the Governor’s Office, but pointed out that the comments were missing wildlife concerns and the impact to wildlife that does not directly relate to loss of acreage but to other impacts of a mining operation.

Public Comment

Sandy Bahr, Sierra Club – Grand Canyon Chapter, addressed the Commission in opposition to the Southeastern Arizona Land Exchange. One of the reasons was that with Congressional land swaps they don't go through the NEPA process up front or an EIS to look at the impacts.

Commissioner McLean commented that the town of Superior is in favor of the project, but have not endorsed it due to issues and concerns that include the economic impacts to Superior after the mining project is completed. They are trying to work with Resolution Copper to resolve those issues. At this time, Commissioner McLean did not support or oppose the land exchange.

Commissioner Martin suggested that the Commission not take action to support or oppose, but to direct the Department to continue to participate and advocate for wildlife and take some of the Commission's feedback to the meetings.

Chairman Golightly requested that the Department send the Commission any significant comments or letters they receive regarding this issue on an ongoing basis.

Commissioner Woodhouse commented that there should be no cost to the State including State Parks and that Resolution Copper should pay royalties.

The Commission was in consensus to watch for when meetings are scheduled and then will decide if any Commissioners will attend those meetings.

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8. Tumacacori Highlands Wilderness Act of 2007

Presenter: Anthony Guiles, Legislative Liaison

On August 1, 2007, House Representative Raúl M. Grijalva, introduced legislation to designate two adjacent wilderness areas on public lands that are part of the Coronado National Forest. The legislation would provide for two segments of wilderness including expanding the existing Pajarita Wilderness and lands surrounding Atascosa Peak. While the legislation generally addresses the state's authorities to regulate hunting and wildlife management, the Department believes that additional language could be included to further the intent of the Policies and Guidelines (Policies) for Wildlife Management in Wilderness, an agreement signed by the Forest Service, Bureau of Land Management, and the Association of Fish and Wildlife Agencies. Additional clarification from the Policies would ensure protection of the Department's mandate to proactively manage wildlife.

Mr. Guiles briefed the Commission using a Power Point presentation that included maps of where the Wilderness area would be created. Additional information was provided including some of the bill provisions and the pros and cons as follows:

Bill Provisions:

- Expands the Pajarita Wilderness (1984) by designating an additional 13,300 acres
- Designates approximately 70,000 acres as the Tumacacori Highlands wilderness
- Administered under the Wilderness Act (16 U.S.C. 1131 et seq.)
- Allows for continued grazing
- Does not preclude hunting

- Protects Tribal Rights
- Protects military activities (flight training routes, etc)
- Allows Border enforcement “so long as such management actions are conducted in accordance with the Wilderness Act”
- Allows for the maintenance of existing communications facilities

Pros

- Wilderness designation will provide a higher level of protection for the land
- Wilderness designation will provide an increased awareness of prohibitions for illegal off-road travel
- Wilderness designation will prohibit new designated roads in the area
- Wilderness designation will provide an area of greater solitude for the future

Cons

- Wilderness designation will complicate access issues
- Wilderness designation could complicate future needed wildlife habitat improvement projects, if needed. The new “Policies and Guidelines for Fish and Wildlife Management in National Forest and Bureau of Land Management Wilderness” will alleviate some of these concerns
- Ability to effectively manage wildlife within the confines of the Wilderness Act (controlled burns, etc)
- Increased traffic of undocumented aliens due to lack of effective enforcement and fencing under construction (funneling affect)
- Additional lands are proposed for the Wilderness since the Department reviewed this proposal, and staff has not evaluated this area for the adequacy of roads

Public Comment

The following members of the public addressed the Commission in support of the Tumacacori Highlands Wilderness Act of 2007.

Mark Quigley, Sky Island Alliance
Sandy Bahr, Sierra Club – Grand Canyon Chapter
Jason Williams, AZ Wilderness Coalition

Larry Audsley, representing himself addressed the Commission. Mr. Audsley recently sent the Commission an email on behalf of the Southern Arizona Sportsmen Alliance in opposition of the Tumacacori Highlands Wilderness Act.

The Commission discussed the proposed bill and the fact that they have not yet seen a map that shows the exact boundaries of the proposed Wilderness area. At this time they did not have enough information to take a position to support or oppose the legislation. Also, the language in the bill was vague in definition and could be much stronger in allowing the Department to do what it needs to do in order to manage wildlife in those areas.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO NEITHER SUPPORT OR OPPOSE THE TUMACACORI HIGHLANDS WILDERNESS ACT OF 2007 AS PRESENTED ON AUGUST 1, 2007, BUT THAT THE DEPARTMENT AND

COMMISSION BE DIRECTED TO WORK WITH REPRESENTATIVE GRIJALVA AND THE REST OF THE ARIZONA DELEGATION TO CORRECT THE FOLLOWING CONCERNS: 1) THE ISSUE OF PUBLIC ACCESS TO THE BOUNDARIES OF THE WILDERNESS; 2) THE BOUNDARIES OF THE WILDERNESS AS THEY EXIST NOW AND THE WORK THAT WAS DONE COOPERATIVELY AND COLABORATIVELY WITH THE SPORTSMEN’S GROUPS; 3) THE LANGUAGE CONCERNING WILDLIFE MANAGEMENT IN WILDERNESS (IT IS INADEQUATE AND WE NEED TO WORK VERY CLOSLEY WITH VERIFYING AND COMING TO RESOLUTION ON THAT); AND 4) THAT THE LANGUAGE AGREED UPON FOR THE TUMACACORI WILDERNESS BE CARRIED TO THE OTHER PREVIOUS ARIZONA WILDERNESS ACTS AS A WORKING POLICY AT SOME LEVEL.

Vote: Unanimous

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9. 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 update included pictures of construction progress and other current issues related to the project. The following items are pending completion: ADOT Intersection/Signalization easement from State Lands Department; server room power; Qwest infrastructure to the site; Photovoltaic Electric Power System; LEED Evaluation; APS Incentive Application; moving logistics. The completion date may be postponed due to issues with the intersection and to the final electrical upgrades in the administrative building server room. The City of Phoenix (Police Department) has received approval from the City Council to purchase the Department’s Deer Valley North property. A draft purchase agreement should be received from the City in the near future for review by the Assistant Attorney General’s Office.

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10. Call to the Public

Bill Berlat (former Game and fish Commissioner) addressed the Commission in support of their action taken regarding the Tumacacori Highlands Wilderness Act of 2007.

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Meeting recessed for lunch at 12:00 p.m.
Meeting reconvened at 1:11 p.m.

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12. Supplemental Spending Plan For The Wildlife Conservation Fund

Presenter: Steve Ferrell, Deputy Director

Deputy Director Ferrell briefed the Commission on the Wildlife Conservation Fund (WCF). The briefing included a presentation of a proposed supplemental spending plan for Fiscal Years 2008 and 2009 as follows:

Project	FY2008	FY2009	FY2008/FY2009
EIS for Northern Arizona Shooting Range	\$500,000	\$0	
Fund Native Trout Program (includes 1 FTE)	\$113,000	\$113,000	
Quagga Mussel Outreach	\$177,000	\$0	
Relocate Adobe Mountain Rehabilitation Facility to BASF	\$550,000	\$0	
Zuni Settlement Agreement	\$490,000	\$0	
Sub-Total of Projects			\$1,943,000
Water Catchment Reconstruction	\$100,000	\$100,000	
Landscape Scale Habitat Treatments	\$150,000	\$150,000	
Native Seed Stock for Revegetation	\$100,000	\$100,000	
Unit 9 Waterline	\$150,000	\$0	
Database Maintenance	\$100,000	\$0	
Sub-Total of Projects			\$950,000
Grand Total of All Projects			\$2,893,000

The Department anticipates an uncommitted balance of just under 2 million dollars by the end of Fiscal Year 2009. This is due to revenues exceeding projections by about 1 million and to Wildlife Conservation Fund expenses being moved to the Game and Fish Fund at the end of the last two Fiscal Years. The Commission has already given the Department the authority to spend these funds but because of the high dollar amounts, the Department wanted to bring this back to the Commission for direction. The first five projects on the list would commit the 2 million. The Department also requested that the Commission consider the second five projects on the list in order to give the Department some flexibility to use the funds should any of the top five projects get postponed for some unexpected reason.

The Commission discussed Adobe Mountain and that it would actually take \$900,000 to build a facility comparable to the new headquarters building that would include the animal enclosures necessary to run the facility. The Deputy Director agreed that was doable by dropping off or postponing some items in the second list of five projects.

Commissioner Hernbrode suggested moving the Landscape Scale Habitat Treatment funds to Database Management.

Commissioner Martin stated that in the future she would like to see these funds used a little more broadly to include threatened and endangered species and other nongame priorities that are not linked to consumptive use.

Motion: McLean moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE BUILDING THE ADOBE MOUNTAIN REHABILITATION FACILITY COMPARABLE TO THE NEW HEADQUARTERS EVEN IF IT HAS TO WAIT, BUT THAT IF THE EIS ON THE NORTHERN ARIZONA SHOOTING RANGE OR THE ZUNI SETTLEMENT AGREEMENT FALLS THROUGH THEN MOVE THOSE FUNDS OVER TO ADOBE MOUNTAIN.

Vote: Unanimous

Motion: Hernbrode moved and McLean seconded THAT THE COMMISSION VOTE TO DELETE LANDSCAPE SCALE HABITAT TREATMENT FROM THE LIST AND TO MOVE THOSE FUNDS TO DATABASE MANAGEMENT.

Vote: Unanimous

Motion: McLean moved and Hernbrode seconded THAT THE DEPARTMENT COME BACK TO THE COMMISSION IF AND WHEN THE DEPARTMENT BEGINS TO LOOK AT SPENDING FUNDS FOR THE SECOND LIST OF PROJECTS (NOW 4 ITEMS INSTEAD OF 5).

Vote: Unanimous

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Meeting recessed for a break at 1:56 p.m.

Meeting reconvened at 2:15 p.m.

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14. 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 3:46 p.m.

Meeting reconvened at 4:04 p.m.

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10A. Supplemental Funding Initiative Language

Presenter: Anthony Guiles, Legislative Liaison

The Commission discussed the development of draft language regarding a potential supplemental funding initiative that included provisions for a new funding source from a sales tax. Bob Grossfeld with the Media Guys, Inc. was present telephonically and participated in the discussion. Discussion centered around suggested language offered by the Media Guys in the Initiative Measure, the cost of getting this Measure through the process and on the ballot, and where that money would come from. The Commission further discussed the potential success or lack of success in running an Initiative Measure at this time.

Commissioner Martin reported that the coalition of conservation groups determined that this effort would be best postponed until 2010 with the interim couple of years spent on an educational campaign, fund raising campaign, and garnering broad support.

Commissioner McLean confirmed with Mr. Grossfeld that the cost to run the Initiative Measure would be close to a million dollars.

Commissioner Hernbrode noted that some major sportsman groups insist that the Measure be done through a referendum rather than as a ballot initiative.

Commissioner McLean discussed with Mr. Odenkirk that some of the language added to the Initiative Measure by the Media Guys indicated that the Commission or Department had authority over Arizona's rivers, lakes, streams and forests, including protection of forests from forest fires, which was incorrect. While the Commission or Department has some authority to coordinate with the State Land Department and the State Forester to engage in activities dealing with forest fires, typically the Department follows the lead of the State Land Department.

Commissioner McLean asked if removing that language would weaken the likelihood of getting the initiative passed by voters.

Mr. Grossfeld stated that it would not weaken the initiative and further suggested that if the Commission chose to wait until 2010 to run the initiative that they should still start the process now.

Motion: Golightly moved THAT THE COMMISSION VOTE TO ADOPT LANGUAGE SUBJECT TO REVISIONS DEALING WITH AN INITIATIVE MEASURE INCLUDING AN OFFICIAL TITLE TO PRESENT TO THE PEOPLE FOR A VOTE ON THE NOVEMBER 2008 BALLOT AND THIS MOTION WOULD INCLUDE A 1/20TH OF ONE PERCENT SALES TAX INCREASE.

Commissioner McLean stated that he believed there was insufficient support at this time to make it reasonably realistic to move forward.

Commissioner Martin added that it would be difficult to raise the funds in such a short period of time to run the initiative in 2008 and then if it didn't work out, it would be even more difficult to pursue an initiative in 2010.

Chairman Golightly stated that he believed that sportsmen would ultimately support the initiative in 2008 and that the sportsmen who oppose the initiative (wanting to do a referendum instead) were only a few who claim to speak for many. Also, an initiative in 2010 would not necessarily be a better time. It is not known what else might be on the ballot in 2010 or who the legislative members will be.

Motion failed for lack of second.

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15. Petition from the Publishers of *Huntin' Fool* Magazine to Amend R12-4-114, Dealing with Issuance of Nonpermit-tags and Hunt Permit-tags, to Limit the Number of Hunt Permit-Tags Available to Nonresidents in the Bonus Point Pass to 50% of the Nonresident Tags for Drawings for Bighorn Sheep, Buffalo, Antelope, Antlered Deer, Bull Elk, Javelina, and Turkey.

Presenter: Dustin McKissen, Operations Manager, Special Services Division, and Acting Rules and Risk Manager

The Department received a petition from the owners and publishers of *Huntin' Fool* Magazine, Garth and Jason Carter, and their consultant, Adam Bronson. The petition requested amendments to R12-4-114(D) and (E) to require the Department to not make available more than 50%, rounded down, of the non-resident tag quota in the bonus point pass drawing for bighorn sheep, buffalo, antelope, antlered deer, bull elk, javelina, or turkey.

After reviewing the petition, the Department is of the opinion that limiting the proportion of nonresident tags that may be issued in the bonus point pass to half the available tags would increase the proportion of permits available to residents in the bonus point pass. For example, if 100 tags were available in a given hunt, 20 are available in the bonus point pass. Currently, ten of these bonus point tags could be made available to nonresidents who have bonus points. With the suggested amendments, only 5 would be available to nonresidents with bonus points. Essentially, this would further reward Arizona residents with bonus points by increasing the potential that 75% of the tags awarded in the bonus point pass would be available to resident hunters.

Nonresidents would also benefit. For many highly sought-after hunts (deer hunts during the rut in Game Management Units 12A, 12B, 13A, and 13B, early bull elk hunts, bighorn sheep) the 10% cap on nonresident participation is reached during the bonus point pass drawing. The petitioned change would allow for up to half of nonresidents who are drawn to be drawn during the regular draw process. In the previous example, using the same 100 permits, 80 permits would remain after the bonus point pass. Of these 80, five permits could remain for which a nonresident could conceivably be drawn. In this manner, nonresidents would still have a chance, albeit limited, to draw one of the high demand tags. The petitioned amendment would not change the number of nonresidents that could participate in the hunt (maximum 10 out of a hundred under the existing 10% nonresident cap). Although, there may be a limited impact on resident hunters under the petitioned amendment, as in the example, five of the remaining 80 tags could be issued to nonresidents. Regardless, nonresidents may be more likely to apply and continue to apply because they have a better chance of being drawn.

Department personnel conferred to determine whether any programming changes necessary to implement this change would present a substantial impediment. Information Systems indicated that depending on how the programming is approached it may require substantial alterations.

If the Commission votes to approve the petition, the Department will initiate the rulemaking process to amend R12-4-114 according to the intent of the petitioners. If the Department initiates the rulemaking process outside of the regular rulemaking cycle, the Department would schedule the rule to become effective January 1, 2009, so as to not interrupt any scheduled draw. If the Department includes the petition in the regular rulemaking record, the rule change would not be effective until late 2010.

If the Commission votes to deny the petition, it has the option of either moving to include it in the regular rulemaking record so that it may be considered and potentially added at a later date or to exclude it from the record and no further action will be taken.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO DENY THE PETITION SUBMITTED BY THE PUBLISHERS OF *HUNTIN' FOOL* MAGAZINE AND DIRECT THE DEPARTMENT TO INCLUDE THE CONCEPT DESCRIBED IN THE PETITION DURING THE REGULAR RULEMAKING CYCLE FOR

ARTICLE 1 TO BE CONSIDERED AND POSSIBLY ADDED AT THAT LATER DATE IN 2010.

Vote: Unanimous

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15A. Request to Close the Rulemaking Record and Approve a Notice of Final 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, Operations Manager, Special Services Division, and Acting Rules and Risk Manager

The final amendments to Article 5 originated in a preceding five-year rule review, required by A.R.S. § 41-1056. The review report identified key areas where the Commission's rules were lacking in some respect, and prescribed methods to address those deficiencies. The Department submitted a Notice of Docket Opening and a Notice of Proposed Rulemaking to the Secretary of State's Office to initiate the rulemaking process and to formally propose rule amendments. These notices were approved by the Commission at its May 2007 meeting. The Department is now requesting approval of a Notice of Final Rulemaking so they may be submitted to the Governor's Regulatory Review Council (GRRC).

The Department will 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-Braux 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.

The Notice of Final Rulemaking, the accompanying Economic Impact Statement, and all written comments were provided to the Commission prior to this meeting for consideration. If the Commission approves, these documents will be submitted to GRRC for placement on their November 2007 agenda. The Department anticipates the rules will become effective January 4, 2007. In the Notice of Proposed Rulemaking, the Department designated this Commission meeting as a public hearing to receive comment.

Commissioner Martin asked about the changes to R12-4-517 stating that there were comments from the public and the Forest Service not in support of the changes.

Mr. McKissen stated that Department personnel provided input on the changes and that they didn't see any significant negative impacts. Also, there is a need for the funding that allowing

gas powered motors on those lakes would provide. Those funds would provide for general improvements and for safety improvements on some of the dams.

Commissioner McLean clarified with Mr. McKissen that the restrictions on Lower Lake Mary and Marshall lake was for a single electric motor or single gas engine up to 10hp.

Commissioner Hernbrode asked about the comments and requested changes received from Mohave County.

Mr. McKissen clarified that incorporating the changes submitted by Mohave County would require the Department to file a Notice of Substantive Rulemaking because it would be a significant change from the Proposed Rulemaking, which would set back the effective date of this package 6-8 months. Mohave County has indicated that they were willing to postpone their changes and have them incorporated into the next 5-Year Rule Review, which will open in 2010.

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO CLOSE THE RULEMAKING RECORD AND APPROVE A NOTICE OF FINAL 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 GOVERNOR'S REGULATORY REVIEW COUNCIL FOR APPROVAL.

Vote: Unanimous

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15B. Request to Close the Rulemaking Record and Approve a Notice of Final Rulemaking to Amend Article 7 Rules, Dealing with Heritage Grants, as Stated in the 2005 Five-Year Review Approved by GRRC.

Presenter: Dustin McKissen, Operations Manager, Special Services Division, and Acting Rules and Risk Manager

The final amendments to Article 7 originated in a preceding five-year rule review, required by A.R.S. § 41-1056. The review report identified key areas where the Commission's rules were lacking in some respect, and prescribed methods to address those deficiencies. The Department submitted a Notice of Docket Opening and a Notice of Proposed Rulemaking to the Secretary of State's Office to initiate the rulemaking process and to formally propose rule amendments. These notices were approved by the Commission at its April 2007 meeting. The Department is now requesting approval of a Notice of Final Rulemaking so they may be submitted to the Governor's Regulatory Review Council (GRRC).

The Department will make the following substantive amendments:

R12-4-701. Heritage Grant Definitions

- Amend the definition for "eligible applicant" to include non-governmental nonprofit organizations. This will allow these groups to apply for Heritage Grants.

R12-4-702. General Provisions

- Allow a permanent employee's time spent on a project to be used as in-kind match, but only for the project that the employee worked on. Subsection (J).

R12-4-704. Urban Wildlife and Urban Wildlife Habitat Grants

- The communities of Green Valley, Flowing Wells, and Sun City West are now incorporated and do not need to be specified as eligible communities. These areas are still eligible for Heritage Grants, but specific references to them will be deleted. Subsection (B)(2).

R12-4-705. Public Access Grants

- Amend the rule to clarify that public access grants are intended for improving access to recreational opportunities that are related to wildlife, not general outdoor opportunities like hiking or bike trails, which can be funded through other sources. Subsection (C).

R12-4-706. Environmental Education Grants

- Delete the \$10,000 limit on Environmental Education grants so as not to limit valid projects that would contribute to achieving the grant's objectives.

R12-4-707. Schoolyard Habitat Grants

- Amend the rule to require that a schoolyard habitat grant develop awareness, appreciation, and understanding of the state's wildlife and environment; use Arizona wildlife as its focus; and have an impact on Arizona schools and students. Subsection (B)(1)(3) and (6).

R12-4-711. Grant-in-Aid Participant Agreements

- Replace "violation of state law" with "material breach of contract" as grounds for recovering grant funds. Violations of state law include violations that are not relevant or reflect on the participant's qualifications or abilities to complete a project. Subsection (2).

R12-4-712. Reporting and Record Requirements

- Amend the rule to ensure that post-completion reporting requirements are satisfied. Subsection (C).
- Amend the rule to give the Department flexibility in performing audits on grant participants if requirements are not met. Subsection (D).

The Notice of Final Rulemaking, the accompanying Economic Impact Statement, and all written comments were provided to the Commission prior to this meeting for consideration. If the Commission approves, these documents will be submitted to GRRC for placement on their November 2007 agenda. The Department anticipates the rules will become effective January 4, 2007. In the Notice of Proposed Rulemaking, the Department designated this Commission meeting as a public hearing to receive comment.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO CLOSE THE RULEMAKING RECORD AND APPROVE A NOTICE OF FINAL RULEMAKING TO AMEND ARTICLE 7 RULES, DEALING WITH HERITAGE GRANTS, PRINCIPALLY AS STATED IN THE 2005 FIVE-YEAR RULES REVIEW REPORT APPROVED BY GRRC. THE NOTICE WILL BE SUBMITTED TO THE GOVERNOR'S REGULATORY REVIEW COUNCIL FOR APPROVAL.

Vote: Unanimous

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16. Call to the Public

There were no requests from the public to speak.

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17. Hiring a New Director for the Arizona Game and Fish Department

Presenter: Shelley D. Cutts, Assistant Attorney General

The Commission directed the Department to agenda this topic to allow for discussion and progress at all Commission meetings until the transition to a new Director is complete. This item was discussed in Executive Session at this meeting and not addressed in the Public Session.

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19. Commissioner's Role While Attending External Meetings

Presenter: Martin Fabritz, Executive Staff Assistant

The Commission discussed the roles of individual Commissioners when they attend external meetings and speak regarding topics affecting the Commission and Department. Discussion included when it was or was not appropriate for a Commissioner to express his/her own views or when the views expressed needed to be that of the Commission as a whole. Also discussed was the Commissioner's Guidebook and the direction it contained for Commissioners.

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20. Executive Session

The Commission were in consensus that there was no need to go into Executive Session.

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21. Litigation Report

There were no questions or comments on this item.

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22. Director's and Chairman's Reports

Chairman Golightly reported that he participated in a youth dove hunt in Yuma; worked on shooting range issues; had several discussions with Department staff; and spent several days in Phoenix attending meetings at the legislature in reference to referring the ballot initiative.

Director Shroufe presented the Commission with a copy of the Arizona Wildlife Viewing Guide. The production of the guide was a team effort of many agencies, but was fully funded by the Arizona Game and Fish Department through the Heritage Fund. It identifies over 128 of the best places to view Arizona's diverse wildlife species. Director Shroufe thanked Sherry Adams, the Department's Field Operations Coordinator, and staff from Watchable Wildlife Inc. for their work in compiling and editing the book. The book will also be published on the website of Watchable Wildlife Inc.

Director Shroufe introduced Jay Cook as the new Education Branch Chief.

Director Shroufe also reported that he spent three days at a Wolf Summit in Alpine; worked on Commission agenda items for this meeting; chaired the Invasive Species Council twice; and worked on the Western Governor's Association Wildlife Corridor studies. The Department is co-chairing a couple of those committees and is trying to put together wildlife corridor issues that have to do with energy development in the west so that the Governors can use that information in future dealings with federal agencies and Congress.

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23. Commissioners' Reports

Commissioner Woodhouse attended the Tucson Legislative Open House; met with Department staff and participated with the youth dove hunt in Yuma; and attended a meeting with the Yuma Valley Rod and Gun Club.

Commissioner Martin met with the Governor's Natural Resources Advisor; participated in the telephonic meeting regarding the funding initiative; met with members of the Arizona Anglers Foundation; participated in a funding initiative coalition meeting; attended the Wildlife for Tomorrow Foundation Banquet; and met with the Game and Fish liaison of the Arizona Bowhunter Association.

Commissioner McLean had a lot of discussions with the public and others on the Travel Management Plans in the Coconino and signage on some of the roads; attended an HPC meeting at Mormon Lake; discussed the Tumacacori and Pajarita Wilderness proposals; discussed the Resolution Copper issue; spent a lot of time discussing this meeting's agenda items with staff; and attended a youth dove hunt in Casa Grande.

Commissioner Hernbrode attended the Tucson Legislative Open House; chaired an HPAC meeting in Prescott; attended the funding coalition meeting; spent many hours reviewing and discussing with several people about the Tumacacori Highlands Wilderness bill; and attended a small meeting on border issues.

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24. Approval of Minutes and Signing of Minutes

Motion: McLean moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FOR JULY 19, 2007 AND AUGUST 8-11, 2007.

Vote: Unanimous

Following approval, the Commission signed the minutes for July 19, 2007 and August 8-11, 2007.

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25. Future Agenda Items

Mr. Ferrell captured several action items, but no future agenda items.

Commissioner McLean requested an item to be placed on the October agenda. It would be for Commission discussion and possible action and direction relating to a response to the Arizona Sportsmen for Wildlife Conservation and editorial comments in the Arizona Sportsman's Connection Newsletter and that the discussion relate to responding to those items in the editorial that are either grossly in error or substantially slanted and taken out of context.

Commissioner Hernbrode requested that future license revocation and assessment materials be placed in a separate notebook from the rest of the Commission meeting materials.

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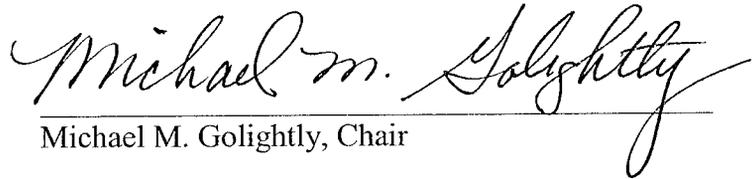
Motion: Woodhouse moved and McLean seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

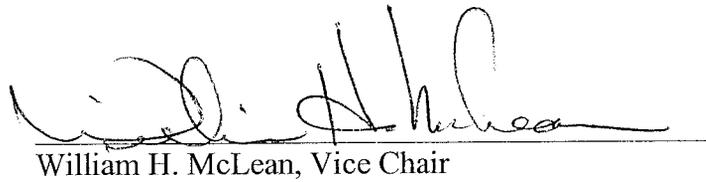
Vote: Unanimous

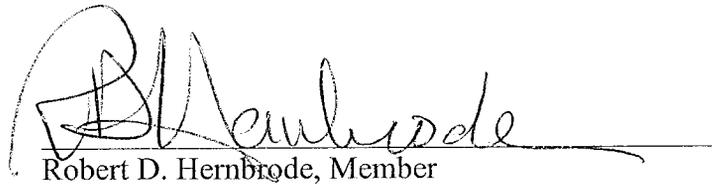
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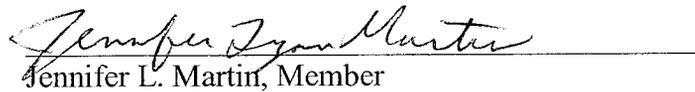
Meeting adjourned at 5:50 p.m.

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Michael M. Golightly, Chair


William H. McLean, Vice Chair


Robert D. Hernbrode, 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
September 7, 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. *Wilderness Watch, Inc. et al. v. United States Fish and Wildlife Service et al., CV01185-MHM.* Plaintiffs filed suit on June 15, 2007, challenging the decision of the U.S. Fish and Wildlife Service ("FWS") to redevelop two water structures on the Kofa National Wildlife Refuge. The water structures provide supplemental water to wildlife populations that have suffered due to persistent drought. Plaintiffs allege that these water developments violate the National Environmental Policy Act because the FWS did not first determine the environmental impact of these projects. Plaintiffs also allege that such permanent structures are prohibited by the Wilderness Act. Plaintiffs seek declaratory and injunctive relief. They are asking the court to find that the FWS violated the law and to order the FWS to remove the structures.

The Commission has voted to file an application with the court to intervene on behalf of the FWS. Any court order finding that the FWS violated federal law will impair the Commission's ability to restore the wildlife populations in the refuge and in other wilderness areas in Arizona. The Attorney General's Office anticipates that a motion to intervene will be filed by August 15th.

On August 7, 2007, the State filed its Motion to Intervene and is awaiting a ruling on the motion. Plaintiffs, in response to the State's motion, did not object to the State's permissive intervention, so long as the court imposes restrictions on the State's participation, such as page limits, requiring the State to file joint briefs with the other intervenors, and prohibiting the State from duplicating arguments made by the federal defendants. On August 29, 2007, the State filed a reply in support of its Motion to Intervene and opposed any restrictions on the State's intervention.

On August 20, 2007, the State also filed a response to plaintiffs' Motion for Temporary Restraining Order. The court has not yet set a hearing date for the motion.

On August 30, 2007, the federal defendants filed an answer to plaintiffs First Amended Complaint.

(9/4/07) (JFO/SDC)

Lands Update
For the Arizona Game and Fish Commission
August 31, 2007
Pinetop, Arizona

FEDERAL LAND MANAGEMENT PLANNING

Forest Service

On August 16, 2007, the Forest Service's Washington Office sent an announcement regarding the 2007 Proposed Planning Rule Draft Environmental Impact Statement. The Forest Service recently completed a draft environmental impact statement for a proposed rule. The planning rule guides development, revision, and amendment of land management plans for units of the National Forest System. The proposed planning rule is essentially identical to the 2005 rule as amended. The proposed rule only differs from the 2005 final rule in the effective date and the end of the transition period. Comment periods for the proposed rule and on the draft environmental impact statement are combined and will run for 60 days following publication of the proposed rule in the Federal Register.

Coronado National Forest

The Department attended the Coronado Forest's Travel Management Plan public meeting in Sierra Vista. Additionally, Department personnel are meeting with the Ranger Districts to provide input on roads and campsites that our customers use.

SB 1441 HABITAT RESTORATION AND ENHANCEMENT FUND

Anderson Mesa Grassland Restoration

The grassland restoration goal for 2007 is to treat pinyon-juniper on approximately 7,000 acres using a mix of SB 1441 and Natural Resource Conservation Society (NRCS) funds. Currently, approximately 2400 acres have been treated. One contractor is working full time on this project and a second contractor will begin in September.

The wetland fencing goal for 2007 is to fence 6-7 wetlands using a mix of SB 1441 and National Forest Foundation funds. One lake has been fenced, 2 others are now being fenced, and bids to fence 3 others are being solicited. A grant application to the Intermountain West Joint Venture has been submitted to continue fencing additional wetlands.

NRCS funds paid for pinyon-juniper trees to be cut on 1000 acres. SB 1441 funds were used to burn these trees and to seed approximately 530 of those burned acres.

Region I Deer Habitat Restoration

Chitty Creek: The Clifton Ranger District is currently in the process of completing an emergency consultation with the U. S. Fish and Wildlife Service as a result of the Chitty

Fire. The District plans to finish the prescribed burning in the Chitty Creek project area sometime this fall after the emergency consultation is complete.

Pigeon Creek: The final report is in the process of being completed.

Sheep Wash: Thinning of Four Bar Pasture was scheduled to begin on Monday, August 27, and completed by mid September.

U.S. FOREST SERVICE

Apache-Sitgreaves National Forests

The Department provided comment on the Environmental Assessment (EA) for the Carlisle Complex Allotment Management Plan on the Lakeside Ranger District. The Department expressed support for Alternative G4, the modified yearlong grazing alternative. This alternative would provide for the implementation of a more conservative grazing strategy compared to the proposed grazing alternative. Support for Alternative G4 was based on the degraded conditions on the allotment (range, watershed, riparian, and soil), deficiencies in composition of important cool season grasses, and concern over impacts to browse species and riparian woody species as a result of the resumption of livestock grazing within the Rodeo-Chediski Fire impacted pastures of the allotment.

The Department also expressed strong support for the District's proposed vegetation treatment alternative included in the EA, which called for the treatment of up to 10,000 acres over the next decade. The Department recommended that the Lakeside District to consider expanding the proposed juniper treatments to better meet Game Management Unit 3C District Habitat Management Plan objectives.

The Department coordinated with two American Conservation Experience (ACE) crews to remove an additional 6.5 miles of obsolete livestock fence in the Burro Creek Allotment/Big Lake area of the Springerville Ranger District. These fence segments were identified for removal in the Memorandum of Understanding among the Apache-Sitgreaves National Forests, Arizona Elk Society, and Livestock Permittees signed in May 2005.

The Department attempted a chemical treatment on the South Fork of Little Colorado River, Apache County, on August 14-15. The goal of the project was to remove brown and hybrid trout prior to reintroducing Apache trout into this historic habitat. Two headwater tributaries were treated on August 14, however, a violent monsoon storm dropped heavy precipitation in the watershed on the evening of August 14 and the remainder of the treatment was postponed. Crews will now focus on the scheduled 2nd and 3rd treatments on September 24-28 and October 1-5.

The Department conducted fish and aquatic habitat surveys in Mineral Creek, Apache County, on August 8-9. Survey crews documented the continued presence of threatened Apache trout in this recovery stream since their reintroduction in 1967 and 1968.

Coronado National Forest

On August 2, the Forest published a Notice of Intent to prepare an environmental impact statement to thin dense forests, remove standing dead trees and down woody debris, and use prescribed fire on approximately 3705 acres in the Pinaleno Mountains. These treatments would be carried out over a 10-year period for the purposes of restoring a fire-adapted ecosystem and aiding in the recovery of the Mount Graham red squirrel population and habitat. The Department has worked closely with the Forest to include provisions to protect the Mount Graham red squirrel and other listed and sensitive species during implementation of this project.

The Department continues to work with the Forest towards further Gould's turkey restoration efforts in the Santa Rita and Catalina Mountains this winter.

The Department is working with the Forest to develop a Habitat Partnership Committee (HPC) grant proposal for a new well in the Dragoon Mountains, located in lower Middlemarch Canyon. This well will supply water to three sites, one of which will be a fenced wildlife enclosure. The waters will primarily benefit white-tailed deer and other non-game species in the area.

The Department is coordinating with the Sierra Vista Ranger District to propose a water development along the southern edge of the Canelo Hills. The Department already inspected locations for the development, and another trip is planned with the Forest Biologist. This project, if funded, will provide yearlong water for white-tailed deer and other species.

Kaibab National Forest

Westside Habitat Improvement

Pinyon and juniper historic push treatments have resumed on the Westside this month. Delays due to Forest closures halted implementation for several weeks; however, the contractor continues to do an excellent job on the final stage of this type of treatment.

Jim Truax from Truax drills came out for a site visit in late July. Originally Jim was creating an interseeding drill that we would be using for the Westside project. While development of this important tool will continue, it was decided that conditions within the area were such that a specialized rangeland drill (one that has been tested multiple times) would suffice for the seeding.

The next treatment to be implemented is the seeding of browse species into mule deer winter range. Currently the Department is determining where to seed within the project area. During the spring and summers of 2006/2007 the Department had 3,750 lbs of native shrub seed wildland collected. This seed will be seeded this fall using a rangeland drill. The contract for bidding this contract is expected to go out this month with seeding to start as early as October 1st.

Tonto National Forest

The Department commented on the *Environmental Assessment for Integrated Treatment of Noxious or Invasive Plants on the Tonto National Forest*. The Forest proposes to conduct control treatments using manual, mechanical, burning/flaming, cultural, biological and herbicide control and eradication methods. The Department supports the Proposed Action however, we have two primary concerns: 1) the use of biological treatment methods and 2) eradication of *Tamarix* within occupied Southwestern willow flycatcher habitat near the confluences of the Verde River and Horseshoe Lake, and Roosevelt lake and its tributaries. The Department believes there is an inherent risk in using biological control agents on non-target species and the ability to control unintended effects once they are released into the environment. We also recommend to avoid *Tamarix* controls within occupied flycatcher habitat, and use of cut-stump herbicide methods as a controlled restoration approach outside of flycatcher habitat.

The Cave Creek Ranger District issued the Decision Memo to implement the proposed action to continue current management (non-use) on the Sears-Chalk Allotment for a period of 5 years. Most of the allotment is located within the Mazatal Wilderness and is characterized by steep and rugged terrain, with limited water resources and remote access. This action will provide the Forest resource specialists with time to monitor resource condition and trend resulting from 3 wildfires and extended drought. The Department supports the Forest implementation of this proactive management.

The Department reviewed the Forest Service scoping document to close 3 abandoned mines, Prudential, Picketpost and Top of the World, within the Globe Ranger District. Several species of bats have been documented through Department survey within the project vicinities. The Department will be conducting inspections to determine if any of these sites are used by bats or suitable for use. Forest specialists believe one site may be suitable for closure with a bat friendly gate.

The Department is currently drafting comment for the Greenback Allotment EA. The proposed action is to authorize term grazing permit for up to 285 adult cattle yearlong, 157 yearling carry-over for 5 months and 600 head of goats yearlong. Three alternatives were developed: 1) no action (no livestock) 2) current management (285 adult cattle yearlong and 157 yearling carry-over for 5 months) and 3) Cattle Grazing with no goats. The Department's primary concern with the proposed action is the stocking of domestic goats within proximity to Rocky Mountain bighorn sheep within the Sierra Ancha Mountains. The Department believes that the proximity of the allotment area creates a high potential for contact and potential disease transmission between domestic goats and bighorn sheep.

The Payson Ranger District is scoping for a proposed uranium exploration drilling project on the slopes of the Mogollon Rim at Promontory Butte, above Christopher Creek. The Department is reviewing the document and formulating comments which are due by September 10th.

BUREAU OF LAND MANAGEMENT (BLM)

Arizona Strip Field Office

The proposed final Resource Management Plan/Environmental Impact Statement (RMP/EIS) was released on March 2, 2007 and includes route designations for the Grand Canyon-Parashant and Vermillion Cliffs National Monuments within the Arizona Strip Field Office (FO) planning area. The Department continues to coordinate closely with the FO in development of subsequent implementation-level plans, including Travel Management Plans and associated route networks.

Havasu Field Office

The Lake Havasu Field Office Record of Decision and Approved Resource Management Plan were released on July 9, 2007. The Department continues to coordinate closely with the Field Office in the development of subsequent implementation-level plans, including Travel Management Plans and associated route designations.

The Department attended training sessions related to BLM's Travel Management Planning process for the Lake Havasu Field Office. Route designation will begin in September, and will be conducted in phases. Phase one will include the general area of Mohave Valley and Bullhead City between the Black Mountains and the Colorado River. The Department has expressed concerns related to desert tortoise habitat in the area, and will work to ensure adequate planning occurs to protect this important habitat.

Hassayampa Field Office

The Hassayampa Field Office is developing a comprehensive Travel Management Plan for Central Arizona public lands, and is seeking public input to help determine where to provide connectivity for increased recreational value while minimizing impacts to the land and other resources. The Department provided comments regarding road and trail designations in the Bumble Bee, Table Mesa, Lake Pleasant, and San Domingo Wash areas and will continue to participate throughout the route designation process.

Tucson Field Office

The Department has been coordinating with the Tucson Field Office to develop a final preferred alternative for the Middle Gila Canyons Transportation Plan for BLM lands in 37B north of the Florence - Kelvin Highway. The Department has concerns about extreme rock-crawling routes utilizing steep and narrow canyons in the area, the effect of road density on wildlife, and other OHV impacts. The Department is working with the Field Office staff to address these concerns. The Department is also identifying routes on "islands" of State Trust Land within BLM land which may require Commission approval for closure, or which are necessary for public access or Department use. Arizona State Land Department (ASLD) lands outside of BLM lands are still lacking designation although three alternatives have been proposed for them in previous work sessions.

Yuma Field Office

The public comment period for the Yuma draft Resource Management Plan/ Environmental Impact Statement (RMP/EIS) ended on March 14, 2007. The Department provided a formal comment letter regarding the draft RMP and remains engaged at both the Field Office and State Office levels to ensure consistency in regards to wildlife and wildlife management. The Department continues to meet with the BLM Yuma FO to review and discuss comments on the draft's preferred alternatives for biological resources, recreation, transportation, and public access.

Safford Field Office

The Department is planning to capture Rocky Mountain bighorn sheep in the Eagle Creek area in November for release near West Clear Creek in Region II. In November, we are planning to release 10 more bighorn sheep into the Mineral Mountain area from Region IV.

BLM NATIONAL MONUMENTS

Grand Canyon-Parashant National Monument / Vermillion Cliffs National Monument

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

Agua Fria National Monument

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

Sonoran Desert National Monument

The BLM Phoenix Field Office is working to develop a preliminary preferred alternative, and the Department continues to participate in cooperative meetings and proactively develops comments throughout the planning process.

Ironwood Forest National Monument (IFNM)

BLM released the draft Resource Management Plan and Environmental Impact Statement (RMP/EIS) on March 2, 2007. The Department remains engaged at both the Field Office and State Office levels to ensure consistency in regards to wildlife, wildlife management, and recreational opportunity.

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, fund, and implement actions to aid recovery of the bighorn sheep population on Kofa. The Department finalized a predation management plan for the Kofa Mountains complex in May and along with the USFWS, completed a report in June entitled "*Investigative Report and Recommendations for the Kofa Bighorn Sheep Herd.*"

The USFWS is currently allowing water hauling and maintenance of existing waters with appropriate documentation of those activities. They are planning on completing an EA for future management of waters on the Kofa. Both Yaqui Tank and McPherson Tank have been redeveloped and filled with water through a combination of water hauling and recent rain (up to 4 inches of rain has fallen on parts of Kofa). Sheep use was documented at Yaqui Tank within a week of project completion. The Department conducted three flights in July to check wildlife waters and Kofa personnel continue to inspect wildlife waters as they can. Department and Kofa personnel have hauled water to Hidden Valley Tank, High Tank 6, Charlie Died Tank, Old Moonshine Tank, and Black Tank. The effort required at Hidden Valley Tank included laying 4000 feet of hose to pump 11,200 gallons of water from the wilderness boundary to the tank.

No lions are currently outfitted with GPS collars and efforts to collar additional lions have been temporarily suspended until temperatures moderate. The USFWS is exploring options to complete an EA for the management of lions on the Kofa.

The Department met with representatives from Kofa and Dr. Bender from New Mexico State University to discuss a proposed research project being funded by USFWS to look at the effect of nutrition on sheep population dynamics. This proposed project would include using approximately 40 collared bighorn sheep on Kofa. The collaring of these sheep will also provide information on sheep mortality. The Department is planning on conducting bighorn sheep surveys in October and Dr. Bender will be collaring sheep in November.

DEPARTMENT OF DEFENSE

Barry M. Goldwater Range

Release of the final Integrated Natural Resources Management Plan/Environmental Impact Statement (INRMP/EIS) for the Range did not result in any formal comments and the Department of Defense (DOD) has signed a Record of Decision. The Department, DOD, and USFWS have signed the INRMP and implementation has begun. The

Department continues to work with DOD to ensure public access, consistent with the INRMP.

Yuma Proving Ground

The U.S. Army Yuma Proving Ground (YPG) is considering expanding up to 500,000 acres into Game Management Unit 41 through a withdrawal of BLM land. YPG is currently evaluating the possible expansion internally and has not developed or presented a formal proposal or application to further define the purpose, need, location, and details of the proposed expansion. The Department will be actively involved in this process and will provide the Commission with more information as it becomes available.

GENERAL UPDATES

Altar Valley Conservation Alliance

The Department continues to meet with the Altar Valley Conservation Alliance to develop a plan and examine funding sources for implementing habitat restoration activities within the Altar Valley. The Alliance is partnering with the University of Arizona to investigate grant opportunities.

Areas of Conservation Priority Planning

The Department established several subcommittees to work on issues regarding further development of the Commission approved Areas of Conservation Priority map. This tool will help prioritize conservation efforts on a statewide level and has the potential to be utilized by a large constituency in the realm of urban and infrastructure planning efforts. An agreement is currently being completed that will allow the Department to receive \$150,000.00 from the Arizona Office of Tourism to complete this project.

Arizona Department of Transportation (ADOT)

The Department is coordinating with ADOT on an I-10 widening project between I-8 and Tangerine Road north of Tucson. The Department met with ADOT to express our concerns for wildlife connectivity across the freeway and other impacts to wildlife. The Department is closely following a study contracted by ADOT to examine potential I-10 bypass routes around Tucson and Phoenix.

Aravaipa Access

The Department presented a briefing on behalf of the BLM, the U.S. Forest Service, and AGFD to the Graham County Board of Supervisors on August 20 pertaining to access issues surrounding locked gates at Aravaipa Canyon and the old Aravaipa town site. These gates appear to have been unlawfully locked since 2005 across longtime county purchased easements. The conclusion is that Graham County Board of Supervisors are considering their options and consulting with their county attorney.

Border Fencing Near Douglas

Based on reports of a proposed border fencing/barrier project east of Douglas Arizona, the Department has been in contact with the Border Patrol Douglas Sector Office to confirm information and determine project logistics. Border Officer, Eric Odden has been involved in coordinating preliminary information to local ranchers, including to the Malpais Borderlands Group. Officer Odden reported that the need for additional vehicle barriers is warranted east of Douglas, AZ where no physical barriers currently exist, and illegal vehicle traffic continues to be a concern. SBI Net (Secure Border Initiative) has implemented a remote video surveillance system within the same area that vehicle barriers are now being proposed. The combined use of technology and tactical infrastructure (barriers, roads) is the proposed method to address the illegal trafficking issues in this area. While the Border Patrol is currently not far enough along in the project engineering and planning to determine how many miles of vehicle barriers and roads would be needed, Officer Odden did confirm that no barriers or roads would be developed in portions of the landscape that include natural barriers such as mountainous regions. However, the goal of installing the permanent barriers would be to avoid funneling of illegal vehicle activities, so any sections of ground that could be traversed by vehicles will be considered for installation of barriers. Any sections of border where barriers would be placed, a road would be established. While barrier projects usually undergo environmental analysis and review, it is possible that a request could be made to accelerate the implementation of the project, eliminating the requirement to go through NEPA. However, this was not confirmed, as it is too early in the process to make that determination. Officer Odden as well as Department personnel will attend the Malpais Borderlands Group quarterly meeting, which will be held on October 11th to discuss the project in further detail. The Department will continue to follow up with the Border Patrol on a regular basis.

City of Flagstaff

The Department recently completed a wildlife corridor analysis for the City of Flagstaff Open Space Commission to consider the Hoffman Tank area in a southeastern portion of the city. The City Open Space Commission is considering acquisition/easement strategies in this area, among others, for Neighborhood Open Space. The analysis area included a portion of the Rio de Flag south of Little America, and encompassed 94 acres of stream, wetland, pine-oak woodland, and ponderosa pine habitat that connects to the Walnut Canyon watershed. The area currently sustains a large Gunnison's prairie dog colony, wintering bald eagles, and over 176 birds (mostly neotropical migrants). This area serves as one of the last remaining outlets in Flagstaff for those large game species that manage to cross an urban matrix, and provides them with a safe outlet while minimizing negative human-wildlife interactions.

City of Tucson

The Department received approval for funding for a third Cooperative Endangered Species Conservation Fund grant from the U.S. Fish and Wildlife Service on July 18, 2007. This will provide \$31,579 in federal funding for continued Department oversight of the habitat conservation planning process and \$221,250 in federal funding to the City of Tucson. Segment 3 will result in the completion of the habitat conservation plan and draft

environmental impact statement for the Avra Valley planning area, and a revised draft of the habitat conservation plan for the Greater Southlands / Santa Cruz River planning area. The Department has worked with the City of Tucson and finalized an intergovernmental agreement (IGA) for administration of the Segment 3 grant. This IGA will be presented to the Commission for approval in October 2007.

Coconino County

The Department successfully assisted Coconino County Parks and Recreation in their effort to sell a conservation easement on Pumphouse Greenway County Open Space Park to NRCS through the Farm Bill's Wetland Reserve Program (WRP). WRP easement purchase is scheduled to occur in November-December 2007. The Department continues to work with the County and NRCS to develop a conservation plan for the WRP easement that will restore and enhance the wetlands of Pumphouse Greenway, reduce wildlife disturbances, control human/domestic dog access within the wetland, and provide substantially more Watchable Wildlife developments for the area.

Executive Order: Facilitation of Hunting Heritage & Wildlife Conservation

On August 16, 2007 President Bush issued an Executive Order to protect and enhance hunting opportunities on federal lands. This order provides considerable support to the Department's ongoing efforts associated with Federal Land Planning. The Department will begin including references to the Executive Order in all comment letters to respective Federal Land Plans and initiate further discussions on how this may be used to benefit state wildlife agencies at the upcoming AFWA conference in Louisville, Kentucky later in the month.

Lake Mead National Recreation Area

The Department met with the Technical Advisory Council for U.S. 93 expansion below Hoover Dam. The Department received additional renditions of highway overpass crossings for bighorn sheep from ADOT engineers. ADOT provided general design specifications and cost sheets for overpasses at three locations along the highway corridor, and has agreed to include these structures in the project. The three overpasses will be the first such structures constructed for wildlife in Arizona. The 30% design completion stage target was met and 50% plans are expected by mid September. Construction is scheduled to begin in October, 2008.

Malpai Borderlands Group

The final draft HCP and corresponding EA is out for public review until August 31, 2007. The science team for the Malpai Borderlands Group HCP, including Department personnel, will meet with the Tucson Ecological Services office on September 5, 2007, to go over all comments made during the public review period.

Middle Gila Conservation Partnership (MGCP)

The Middle Gila Conservation Partnership has reconvened after a short hiatus following the group's exhaustive effort toward motorized route designation for the Middle Gila Canyons Transportation Plan. The group is reforming subcommittees to address the various goals and objectives of the group. Each subcommittee will present ideas of where

the MGCP should focus its effort in the future. The Department is leading the cultural and wildlife subcommittee.

Pima County

The Department has finalized a Job Statement and IGA for a Cooperative Endangered Species Conservation Fund habitat conservation planning assistance grant awarded to the Department for Pima County. Once the USFWS approves this funding, the IGA will be presented to the Commission for approval. The grant award consists of \$26,885 in federal funding for Department oversight and \$247,620 in federal funding to Pima County. The grant will enable Pima County to design a biological monitoring plan and protocols that will ensure biological monitoring required by the Multi-Species Habitat Conservation Plan is scientifically valid and adequate for permit compliance. The Conservation Plan covers 36 species of concern, including lesser long-nosed bat, southwestern willow flycatcher, desert pupfish, Gila chub, Gila topminnow, Chiricahua leopard frog, Huachuca water umbel, and Pima pineapple cactus.

Pinal County

The Department has attended several informational meetings regarding the Pinal County Comprehensive Plan Update process.

Pinal Partnership

The Department participates in the Pinal Partnership and has been meeting specifically with the Pinal Partnership Open Space and Trails subcommittee. The subcommittee is working on a presentation of the county's open space values for the January Partnership Breakfast.

State Trust Lands

The Department met with the City of Scottsdale, Arizona State Parks, and the Tonto National Forest to discuss ongoing management at Granite Mountain Multi-use Area and surrounding National Forest. The main topic was OHV use and developing a new map of the area "for official use only".

The Department met with Pinal County Sheriff's Office, Arizona State Parks, and Arizona State Land Department to discuss OHV enforcement at Desert Wells Multi-use Area. We discussed meeting to finalize new routes and access points to be presented to the Commission in the next few months.

Town of Marana

The Department continues to participate on technical and stakeholder workgroups for the Town of Marana's habitat conservation plan (HCP) under a Cooperative Endangered Species Conservation Fund habitat conservation planning assistance grant. The Technical Biology Team is close to finalizing the recommendations for Conservation Measures for covered species. The Department participated in three public scoping meetings in July 2007 to start the scoping process for the environmental impact statement for the HCP. Most public comments made at these meetings dealt with concern over the Town's lack

of interim measures to protect species before the Environmental Species Act Section 10 permit is in place in late 2009 or early 2010.

Water Development Planning

The Department has been working to prioritize new water developments and maintenance of existing developments in Region V. We are coordinating with the Coronado National Forest, BLM and SLD, and Arizona Department of Transportation on these proposals. There are 53 water projects on this priority list region-wide.

Wood Supply Working Group (WSWG)

The Department is participating in the Northern Arizona Regional Wood Supply Analysis Working Group (WSWG), which just recently held its third (of 7) meetings. The WSWG is comprised of natural resource agencies and wood utilization private industries; the group is facilitated through an NAU Forest Ecosystem Restoration Analysis (Forest ERA) grant funded by the Forest Service. The group is tasked with estimating the amount of small-diameter ponderosa pine wood that would be available from forest restoration projects, for the purpose of establishing a small-diameter wood industry. The Department supports this effort, as long as the analysis is driven by goals of forest restoration, wildlife habitat, and restoration of fire-adapted ecosystems. The Department has been actively involved in providing the WSWG with wildlife information pertinent to the analysis, and is currently involved with a smaller working group tasked with defining and agreeing upon forest treatments in the Wildland-Urban Interface (WUI). A product is expected in fall 2007. The Forest Service will use the results of this analysis to review future stewardship contracts for thinning across the Forests, but this study was not commissioned to evaluate any one particular contractor.