

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, September 5, 2008
Saturday, September 6, 2008
Arizona Game and Fish Department
Regional Office
2878 E. White Mountain Blvd.
Pinetop, Arizona 85935

PRESENT: (Commission)

(Director's Staff)

Chairman William H. McLean
Vice Chairman Robert D. Hernbrode
Commissioner Jennifer L. Martin
Commissioner Robert R. Woodhouse
Commissioner Norman W. Freeman

Director Larry D. Voyles
Acting Deputy Director Harry Seck
Chief of Staff Gary Hovatter
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Shelley Cutts

Chairman McLean called the meeting to order at 10:00 a.m. This meeting followed an agenda revision #2 dated September 3, 2008. The Commission went immediately into Executive Session.

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1. 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: Freeman moved and Hernbrode seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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The Public Meeting reconvened at 10:13 a.m.

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Chairman McLean called the meeting back to order and lead those present through the Pledge of Allegiance. The Commission introduced themselves and Chairman McLean introduced the Director and the Director's staff.

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2. Litigation Report

The Litigation Report (attached to these minutes) was provided to the Commission prior to this meeting and was available to the public. There were no comments or questions on this report.

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3. Quarterly Budget Review

Presenter: Lizette Morgan, Acting Branch Chief, Funds Planning

Ms. Morgan provided an update to the Commission on the current status of the FY09 budget, including current expenses and anticipated expenses and revenues. The Commission was provided with a Cash Flow Analysis for FY09 on the following funds: Game and Fish Fund, Game and Fish Revolving Fund, Watercraft Licensing Fund, Off-Highway Vehicle Fund, Heritage Fund, Wildlife Conservation Fund, Game and Fish Trust Fund, and Game and Fish Publications Revolving Fund. Ms. Morgan discussed the FY09 budget and funds with the Commission and answered questions, particularly in regards to how the Department is managing and preparing for the recent legislative sweeps. This briefing was for informational purposes and the Commission did not take any action or give the Department additional direction.

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4. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles briefed the Commission using a PowerPoint presentation on the Department's legislative proposals for the next legislative session, and further asked the Commission for input and direction on the proposals. The proposals presented were:

- Game Meat Waste: Amend A.R.S. 17-340 to prescribe revocation for those wasting game meat; align statute with Interstate Wildlife Compact
- Aquatic Invasive Species (AIS): Amend A.R.S. 17-306 to prohibit possession, release, and transport of AIS; mandate proper decontamination of equipment; establish criminal and civil penalties; authorize Department to create checkpoints; authorize Department to order compliance; create cleaning stations
- Rabies: Amend A.R.S. 23-1043 to include preventative and post-exposure rabies treatment; conforming changes under this section-inclusion of wildlife personnel.

Commissioner Martin briefed the Commission on three proposed pieces of legislation suggested by the Conservation Committee that could benefit wildlife in Arizona:

- Protection of Game and Fish budgets from legislative sweeps, starting with changing appropriated funds to non-appropriated funds
- Create a State level Environmental Protection Act that would require an environmental review and impact analysis, for example, on state land development
- Water rights/protection for private landowners who want to return their water rights to instream flow for wildlife.

Commissioner Martin suggested that she meet with the Arizona Department of Water Resources to discuss the landowner/instream flow issues and whether legislation should be pursued. The Commission was in consensus.

The Commission was in consensus for the Department to move forward with the three legislative proposals presented by Mr. Guiles and the first two proposals presented by Commissioner

Martin, and to bring these items back with a further analysis at the October Commission meeting.

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4A. Proposition 105-Majority Rules-Let the People Decide

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles briefed the Commission on Proposition 105 that would amend the Arizona Constitution to prohibit an initiative measure from establishing or increasing a tax or fee, or creating any mandatory spending obligation, unless the measure is approved by a majority of qualified registered voters.

If this proposition had been law prior to 1998, it would have prevented the passage of the initiatives shown below. These initiatives either raised a tax or fee or imposed a mandatory spending obligation, and while they were approved with a majority of votes cast, none were approved by a majority of registered voters.

Ballot Initiatives since 1998 that raised taxes or created spending obligations

<u>Year</u>	<u>Proposition #</u>	<u>Subject</u>
2000	200	Tobacco settlement money; health insurance
	204	AHCCCS; funding; health; nutrition and prevention programs
2002	202	Tribal-state gaming compacts
2006	201	Smoke-free Arizona
	203	Early childhood development; \$0.80 increase of tobacco tax

No initiative, with or without a fiscal impact, received votes from a majority of registered voters between 1998 and 2006.

Motion: Hernbrode moved and Woodhouse seconded THAT THE COMMISSION VOTE TO STRONGLY OPPOSE PROPOSITION 105 AND TO EXTENSIVELY PUBLISH THEIR OPPOSITION.

The Commission discussed the importance of their participation in legislative matters that both directly and indirectly impact the Department and wildlife.

Commissioner Freeman requested that Mr. Guiles state for the record what the definition of “majority” means in this case.

Mr. Guiles stated that “majority” in this case is the majority of qualified registered voters and if a qualified registered voter does not vote, it is considered a no vote.

Vote: Unanimous

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4B. An Update on the Current Status of Coordination Between the Arizona Department of Transportation (ADOT) and the Department to Address Funding Needs for Future Transportation Demands and Their Effects on Wildlife.

Presenter: Josh Avey, Habitat Branch Chief

Mr. Richard Travis, Deputy Director for ADOT presented the Commission with an update on the current status of coordination efforts between the Department and ADOT and how future efforts to address transportation needs in Arizona will address wildlife impacts. The presentation depicted how the Department's and ADOT's partnership has evolved and how both agencies intend to coordinate in the future. The update included progress toward addressing funding needs that will arise from the development of future transportation infrastructure in Arizona.

The Commission was in consensus for Chairman McLean, on behalf of the Commission, to send a letter of appreciation to Director Mendez with ADOT and to the Governor for their leadership and contributions leading to the partnering discussions between ADOT and the Department.

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5. Request to Approve the Article 2 Five-Year Rule Review Report on Miscellaneous Licenses and Permits for Filing with the Governor's Regulatory Review Council

Presenter: Jennifer Stewart, Rules and Risk Branch Chief

Ms. Stewart briefed the Commission and asked that they approve the 2008 Five-Year Rule Review Report on Commission Rules in Article 2, dealing with miscellaneous licenses and permits, for filing with the Governor's Regulatory Review Council under A.R.S. § 41-1056. The Arizona Game and Fish Commission's Article 2, miscellaneous licenses and permits rules, were analyzed under this statute for the 2008 review cycle. Under this review, the Department recommended pursuing the following substantive amendments during agency rulemaking:

R12-4-202. Disabled Veteran's License

- Remove the date of birth requirement for certification letters received from the Department of Veteran's Services. Most letters do not contain a date of birth, and the Department does not use this information for verification purposes to issue the license, making the requirement unnecessary.

R12-4-208. Guide License

- Provide the ability to deny a guide license to any individual convicted of a felony involving moral turpitude within the past 5 years. Moral turpitude involves egregious acts considered contrary to community standards of conduct, such as fraud, embezzlement, or theft; and acts of physical harm, such as assault
- Provide the ability to deny issuance of a hunting guide license to any applicant who is a prohibited possessor of firearms as this is a matter of public safety
- Allow the Department to deny a guide license if an applicant provides false information during the application or reporting process, within the previous 3 years.

R12-4-216. Crossbow Permit

- Provide additional descriptions of what constitutes an allowable method of take in accordance with anticipated changes to R12-4-304 in the Article 3 Rulemaking Package.

Commissioner Martin questioned the 3 years regarding “Allow the Department to deny a guide license if an applicant provides false information during the application or reporting process, within the previous 3 years”.

The Department will look into whether or not it could go up to 5 years to mirror revocation standards as part of the rulemaking process.

Commissioner Hernbrode requested that a guide’s failure to report a client’s game violation be grounds for denying a future guide license and that it be clearly stated.

Chairman McLean asked the Department to look at clarifying in rule when a guide is considered acting versus not acting as a guide.

Ms. Stewart noted the Commission’s requests and advised the Commission that they will have the opportunity to approve or deny proposed rule amendments as part of the Proposed and Final Rulemaking process for Article 2 (Approval of this review report does not change rule). In addition, the Department will evaluate the Commission’s recommendations during the normal rulemaking process for Article 2 and examine the possibility of including them in rule. If approved by the Commission, the 2008 Article 2 Five-Year Rule Review Report will be filed with GRRC for final approval by the December 2008 deadline.

Motion: Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE 2008 FIVE-YEAR RULE REVIEW REPORT ON COMMISSION RULES IN ARTICLE 2, DEALING WITH MISCELLANEOUS LICENSES AND PERMITS, FOR FILING WITH THE GOVERNOR’S REGULATORY REVIEW COUNCIL UNDER A.R.S. § 41-1056.

Vote: Unanimous

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Meeting recessed for a break at 11:47 a.m.

Meeting reconvened at 12:02 p.m.

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6. Request to Approve a Notice of Docket Opening and Notice of Proposed Rulemaking to establish a new Article 10 and new rules, Addressing Off-Highway Vehicles, in response to legislative amendments contained in Senate Bill 1167.

Presenter: Jennifer Stewart, Rules and Risk Branch Chief

The Commission was asked to approve a Notice of Docket Opening and Notice of Proposed Rulemaking to establish a new Article 10 and new rules, addressing Off-Highway Vehicles, in response to legislative amendments contained in Senate Bill 1167. If approved, the notice will be submitted to the Secretary of State’s Office for publication in the *Arizona Administrative Register*. The Department proposed the following new rules contained within Article 10.

R12-4-1001. Minimum Standards for an Approved Educational Course

- Specifies the minimum standards for a course to be approved by the Department. Amendments to A.R.S. § 28-1175 state that the Department shall conduct or approve an educational course of instruction in off-highway vehicle safety and environmental ethics.

R12-4-1002. Course-approval Procedure

- Specifies the procedure for obtaining course approval from the Department.

R12-4-1003. Fee for An Approved Course

- Specifies that the fee for an approved course shall not exceed \$250. Amendments to A.R.S. § 28-1175 authorize the Arizona Game and Fish Director to determine in rule the fee that providers of approved off-highway vehicle safety courses may charge. Approved courses may be offered by the Department, as well as other entities, like the Bureau of Land Management or Forest Service, but fees charged must adhere to this requirement. A judge may order violators of off-highway vehicle regulations to complete an approved course in lieu of or in addition to a fine.

R12-4-1004. Off-highway Vehicle Sound-level Requirements

- Implements in rule the application of sound-level requirements specified in statute. A new provision, A.R.S. § 28-1179(C), authorizes the Department to make rules implementing off-highway vehicle equipment requirements. The Department has consulted with the Arizona Department of Transportation Motor Vehicle Division during the drafting of this rule.

The Notice of Docket Opening and Notice of Proposed Rulemaking were provided to the Commission for consideration prior to this meeting. If the Commission approves, these documents will be submitted to the Secretary of State's Office for publication in the *Arizona Administrative Register* by September 12, 2008. The Department must file a Notice of Docket Opening at the same time to formally initiate the rulemaking process. The Department will begin to accept public comment for 30 days after the Notice of Proposed Rulemaking is published. Once the public comment period has passed, the Department will present a Notice of Final Rulemaking to the Commission for approval.

Motion: Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE NOTICE OF DOCKET OPENING AND NOTICE OF PROPOSED RULEMAKING TO ESTABLISH ARTICLE 10 RULES, ADDRESSING OFF-HIGHWAY VEHICLES. THE NOTICE WILL BE SUBMITTED TO THE SECRETARY OF STATE'S OFFICE FOR PUBLICATION IN THE *ARIZONA ADMINISTRATIVE REGISTER*.

Vote: Unanimous

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8. Call to the Public

There were no requests from the public to speak.

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Meeting recessed for lunch at 12:10 p.m.

Meeting reconvened at 2:07 p.m.

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10. Consent Agenda

The following items were grouped together and noticed as consent agenda items to expedite action on routine matters. These items were provided to the Commission for consideration prior to this meeting and the Department requested that the Commission approve these matters as presented, subject to approval or recommendations of the Office of the Attorney General. Director Voyles presented all of these items to the Commission and none were deemed necessary for removal for further discussion.

a. Request for the Commission to Approve an Amendment to the Intergovernmental Agreement with the City of Tucson for the Purpose of Continued Development of a Habitat Conservation Plan

Presenter: Josh Avey, Habitat Branch Chief

The Arizona Game and Fish Department and the City of Tucson applied for and received approval of a Segment 2 Assistance Grant from the U.S. Fish and Wildlife Service Section 6 Cooperative Endangered Species Conservation Fund for Habitat Conservation Planning purposes. The Intergovernmental Agreement (IGA) for this grant was filed with the Secretary of State on April 18, 2006, and amended on July 5, 2007. This second amendment to the IGA is required to formalize changes to the due dates for the deliverables as well as the grant end date.

In accordance with the agreement, the City will develop a revised draft Habitat Conservation Plan (HCP); a set of recommendations for conservation measures; and a timeline for completion of the final HCP and any associated Safe Harbor Agreements and Candidate Conservation Agreements, Section 10 permit application, and associated National Environmental Policy Act documentation. The City will also 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 the City of Tucson for eligible expenses identified in the agreement. Tasks associated with this grant have mostly been completed. However, there are biological surveys and meetings of the Technical Advisory Committee that are ongoing.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE THE AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF TUCSON FOR THE PURPOSE OF CONTINUED DEVELOPMENT OF THE HABITAT CONSERVATION PLAN, AND EXECUTE THE AGREEMENT AS RECOMMENDED OR AS APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL

b. Request for the Commission to Approve an Amendment to the Intergovernmental Agreement with the Pima County Regional Flood Control District for the Purpose of Developing a Biological Monitoring Plan, as a Component of the Multi-Species Conservation Plan

Presenter: Josh Avey, Habitat Branch Chief

The Arizona Game and Fish Department and the Pima County Regional Flood Control District (District) applied for and received approval of an Assistance Grant from the U.S. Fish and Wildlife Service Section 6 Cooperative Endangered Species Conservation Fund for Habitat Conservation Planning purposes. The Intergovernmental Agreement (IGA) for this grant was filed with the Secretary of State on October 22, 2007. This amendment to the IGA is required to formalize changes to the due dates for the deliverables.

Pima County's Draft Multi-species Conservation Plan (MSCP) covers 32 wildlife species and four species of plants. This grant will allow the District to develop an ecological monitoring program that addresses these species. In accordance with the agreement, the District will develop a biological monitoring plan, monitoring protocols, and timeline for completion of the final Section 10 permit application and MSCP. The District will also 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 the District for eligible expenses identified in the agreement.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE THE AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT FOR THE PURPOSE OF DEVELOPMENT OF A BIOLOGICAL MONITORING PLAN, AND EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

c. Request for the Commission to Approve a Special Use Permit with the U.S. Department of Agriculture, Coconino National Forest, for Maintenance of Two Rainwater Catchments Located along State Route 179 near Sedona, Arizona, to Provide a Year-round Water Source for Wildlife.

Presenter: Josh Avey, Habitat Branch Chief

As mitigation for highway improvements made along State Route 179 near Sedona, Arizona, the Arizona Department of Transportation is placing two rainwater wildlife catchments along the route. The structures, known as Bell Rock Catchment and Castle Rock Catchment, are being constructed to Arizona Game and Fish Department specifications. The Coconino National Forest, Red Rocks Ranger District, has issued a Special Use Permit to the Commission to allow the Department to perform routine maintenance on these structures. The SUP will be for a period of 10-years with an option to renew. The SUP expires at midnight on December 31, 2018.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE A SPECIAL USE PERMIT WITH THE U.S. DEPARTMENT OF AGRICULTURE, COCONINO NATIONAL FOREST, FOR MAINTENANCE OF TWO RAINWATER CATCHMENTS LOCATED ALONG STATE ROUTE 179 NEAR SEDONA, ARIZONA, TO PROVIDE A YEAR-ROUND WATER SOURCE FOR WILDLIFE, AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO APPROVE THE AGREEMENT AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

e. Intergovernmental Agreement between the Arizona Game and Fish Commission and the City of Coolidge Regarding Hunting within City Limits.

Presenter: Leonard Ordway, Tucson Regional Supervisor

This agreement is a culmination of efforts by the Department and the City of Coolidge to recognize and manage hunting with firearms as a safe and important activity in the local area, and to pursue an agreement that would allow for the continuation of hunting with firearms within Coolidge, including any future annexations. Some of the land that lies within the incorporated boundary of Coolidge is excellent small game habitat, and receives significant use by Arizona hunters. This agreement would permit hunting with firearms as long as other laws were followed, such as no shooting within a quarter mile, misuse of firearms, etc., and in areas deemed safe to hunt. Department and Coolidge officials initiated the necessary process and have completed an appropriate agreement to allow for hunting with firearms in the City of Coolidge.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF COOLIDGE TO ALLOW HUNTING IN CITY LIMITS.

f. Memorandum of Understanding (MOU) with the Gila River Indian Community

Presenter: Chantal O'Brien, Research Branch Chief

The Gila River Indian Community (Community) holds a significant remnant of the Gila River and its relict wetlands, portions of the Estrella Mountains and its bighorn sheep herd and other habitats with significant wildlife values. This MOU would establish the terms and conditions for a harmonious working relationship between the Department and the Community for the common purpose of developing and maintaining the Community's fish and wildlife resources and their habitats in the best interests of the Community and the people of Arizona. This MOU would establish the basis for mutually agreeable projects in a variety of management and restoration activities for a variety of species.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE GILA RIVER INDIAN COMMUNITY, AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

g. Request for the Commission to Approve an Intergovernmental Agreement with the City of Tucson for the Purpose of Continued Development of a Habitat Conservation Plan

Presenter: Josh Avey, Habitat Branch Chief

The Arizona Game and Fish Department and the City of Tucson applied for and received approval of a Segment 3 Assistance 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 continue developing habitat conservation plans for the City of Tucson. The planning area encompasses 154,000 acres.

The City of Tucson is committing to implement certain actions that will minimize and mitigate the impacts of any take of at least seven wildlife species that could occur as a result of planned urban development, and associated capital improvement projects in the City over the next 50 years. The habitat conservation plans 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, the City will finalize a habitat conservation plan (HCP) for the Avra Valley planning area, continue developing an HCP for the Greater Southlands and Santa Cruz River planning area, 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 the City of Tucson for eligible expenses identified in the agreement.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF TUCSON FOR THE PURPOSE OF CONTINUED DEVELOPMENT OF TWO HABITAT CONSERVATION PLANS, AND EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

h. Request for Commission approval of a Memorandum of Understanding between the Department and the Bureau of Reclamation for the Lower Colorado River Multi-Species Conservation Program.

Presenter: Pat Barber, Yuma Regional Supervisor

The Department and Bureau of Reclamation (Reclamation) desire to enter into a Memorandum of Understanding (MOU) that provides a framework for full coordination and cooperation and identifies the general roles and responsibilities in the management of Commission-owned and managed lands being utilized for Lower Colorado River Multi-Species Conservation Program (LCR MSCP) purposes.

The Department recently acquired fee title to 1309.1 acres of land and 1,300 acre-feet of 4th Priority Colorado River water entitlements in the Cibola Valley, Arizona. Reclamation is leasing the land and water from the Department until April 5, 2055, for LCR MSCP purposes. The Department and Reclamation also anticipate that additional land and water may be acquired by the Commission and utilized by Reclamation for LCR MSCP purposes at areas within and outside of the Cibola Valley. As such, the aforementioned MOU addresses the general roles, responsibilities, and coordination between the Department and Reclamation for use and management of these lands and waters.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT AND THE BUREAU OF RECLAMATION OUTLINING THE USE AND MANAGEMENT OF COMMISSION-OWNED AND MANAGED LANDS FOR LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM PURPOSES, AND AUTHORIZE THE DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEMS A, B, C, E, F, G, AND H.

Vote: Unanimous

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11. 2008 Annual Commission Awards Selection

Presenter: Marty Fabritz, Executive Staff Assistant

The Commission was provided with a list of 2008 Commission Award nominees and nominee background information for review and consideration prior to this meeting. Mr. Fabritz provided the Commission with an overview of the nominees and facilitated the Commission's selection process. Additional discussion resulted in the following selected recipients:

Award of Excellence

- Clyde Halstead
- Senator Linda Gray
- John Wintersteen
- Off Highway Vehicle Legislative Workgroup
- United Arizona Angler's Foundation
- Chandler Rod and Gun Club

Youth Environmentalist of the Year:

- Arizona Envirothon State Champs

Outdoor Writer of the Year

- J. C. Amberlyn

Media of the Year

- Arizona Boating and Watersports

Conservation Organization of the Year

- Phoenix Zoo

Conservationist of the Year

- Marty Underwood

Environmentalist of the Year

- Warner Glenn

Volunteer of the Year (2)

- Steve Hopkins
- David Hoyle

Educator of the Year

- Debi Molina-Walters

License Dealer of the Year

- Sportsman’s Warehouse

Outdoor Woman of the Year

- Betty Mason

Wildlife Habitat Stewardship Award

- Peggy Ingham

The Commission discussed whether it was appropriate for women to be singled out for an Outdoor Woman of the Year award and whether the Conservationist and Environmentalist of the Year should be one category. It was also mentioned that there were a lot more volunteers than what were nominated and that the Department should seek out more volunteer nominations. The Commission was in consensus to leave it the way it is for 2008, but to make this a future agenda item to review and possibly make changes to the 2009 Commission Awards.

Motion: Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE 2008 COMMISSION AWARD RECIPIENTS AS DISCUSSED AND SELECTED.

Vote: Unanimous

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8. Call to the Public

There were no requests from the public to speak.

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13. Option for Relocating the Adobe Mountain Wildlife Rehabilitation Center

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

Mr. Gray briefed the Commission using a PowerPoint presentation on an additional option to relocate the Adobe Mountain Wildlife Rehabilitation Center to the Deer Valley South Facility. At the August 2008 Commission meeting the Commission directed the Department to move forward with the construction of the new Wildlife Center to be located at the Ben Avery Shooting Facility (BASF). The current budget allocation will only cover the estimated costs to construct the administrative building. Construction of the animal enclosures will require an additional estimated \$1.25 million. Since the August Commission meeting the Department has looked into utilizing the Deer Valley South property that is held on lease from the City of Phoenix, as a possible site for relocating the facility. A site visit of the Deer Valley South facility indicates that it may be a viable option for relocating the rehabilitation facility while the necessary funds are raised to complete the full build out of the new Wildlife Center at BASF.

The Commission discussed the pros and cons of moving the Adobe Mountain Wildlife Rehabilitation Center to the Deer Valley South property and requested that the Department provide them with a cost estimate and benefit analysis at the October Commission meeting to move the facility to Deer Valley South either temporarily or permanently.

The Commission further discussed the cost of the flight pens and directed the Department to see if they could get a lower estimate or even do some of the work internally to reduce the cost. Additionally, the flight pens should be engineered so that they can be relocated and compatible with the new facility.

Motion: Freeman moved and Martin seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO SHELVE THE REQUEST FOR PROCUREMENT (RFP) FOR THE NEW ADOBE WILDLIFE FACILITY AT BEN AVERY PENDING FURTHER REVIEW OF OPTIONS AND COST BY THE COMMISSION AT THE OCTOBER COMMISSION MEETING.

Vote: Unanimous

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Meeting recessed for the day at 3:32 p.m.

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Saturday, September 6, 2008 - 8:00 a.m.

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Chairman McLean called the meeting to order at 8:00 a.m. and lead those present through the Pledge of Allegiance. The Commission introduced themselves and Chairman McLean introduced the Director and the Director's staff. This meeting followed an agenda revision #2 dated September 3, 2008.

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1. Information and Education Activities Briefing

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

The Commission was provided with an Information and Education Program Report prior to this meeting (also available 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 2008 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.

Mr. Gray highlighted the "OUI/DUI Working Together" campaign and provided the Commission with clips of the 30-second commercials developed by the Department and the Governor's Office of Highway Safety's joint campaign. Officers from 18 law enforcement agencies statewide participated in the production to reinforce the OUI/DUI message.

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2. Statewide Shooting Range Briefing

Presenter: Jay Cook, Education Branch Chief

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 2008 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. Cook recapped several items in the Update using a Power Point presentation and provided additional updates to the Commission.

The Red Mountain Trap and Skeet facility has been closed by the Salt River Pima-Maricopa Indian Community. The Tribe put out a news release stating that the facility was not in the best interest of the Tribe. This will significantly impact the SCTP Program. The Red Mountain Trap & Skeet is the Department's distributor for clay targets and ammunition. The Department will be developing strategies to address the loss of this facility.

The Commission directed the Department to contact the Salt River Pima-Maricopa Indian Community in a good faith effort to see if anything can be worked out to re-open the facility even though it appears unlikely.

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3. Request by Mr. Pete Tartaglia, Jr. for a hearing requesting a 2008 deer permit in hunt 1015.

Presenter: Harry Seck, Assistant Director, Special Services Division

Mr. Pete Tartaglia, Jr. requested a hearing before the Arizona Game and Fish Commission to be given a deer permit in hunt 1015 (Unit 12A). Mr. Tartaglia purchased a 2008 Super Conservation license in December 2007 in order to archery hunt in Unit 12A West. Subsequent to this purchase Unit 12A West was ordered to be a permitted archery hunt. The Super Conservation license contained among other items a nonpermit-tag for archery deer and a Kaibab stamp. Mr. Tartaglia stated he purchased this license with the specific purpose of participating in an archery deer hunt on the Kaibab and since the Department and Commission has denied him the use of the nonpermit-tag for archery deer on the Kaibab he should be issued a permit in hunt 1015 (unit 12A) which was his first choice on his 2008 deer application in which he was unsuccessful.

Motion: Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO DENY MR. TARTAGLIA'S REQUEST FOR A DEER PERMIT IN HUNT 1015.

Vote: Unanimous

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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 2008 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. There were no additional updates presented at this meeting.

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5. Request for Commission to Authorize the Department to Execute a Land Exchange of the 3-acre Commission-owned Bow and Arrow Park Property with the City of Flagstaff in Exchange for a 20-year Water Commitment or a longer term as deemed appropriate by the Commission.

Presenter: Josh Avey, Habitat Branch Chief

Mr. Avey briefed the Commission using a PowerPoint presentation on a proposal by the City of Flagstaff (Flagstaff) that the Commission exchange a 3-acre Commission-owned property, known as Bow and Arrow Park, to Flagstaff for a 20-year commitment of reclaimed water discharge into the Rio de Flag. Since 1966, Flagstaff has managed Bow and Arrow Park under a Permit Agreement for a playground and bus stop for school children. The Department has found no notable wildlife values associated with this property.

Flagstaff's 20-year commitment of in-stream effluent flow would entail delivery of 200 gallons per minute at three sites: the Rio Wetlands, Picture Canyon, and Frances Short Pond. Without this water, the Rio Wetlands and Picture Canyon go dry during the summer months. Without this exchange, Flagstaff will not meet their contract requirements for an Arizona Water

Protection Fund grant to restore the Rio de Flag through Picture Canyon. The Department is a partner to this grant. Delivery of this water will restore and enhance riparian wildlife habitat in an urban greenway and provide Watchable Wildlife recreation opportunities at 3 urban sites in Flagstaff. Additionally, the Department's valuable urban youth fishery at Frances Short Pond will be maintained during the hot summer months when water depths are reduced and oxygen levels are depleted. Flagstaff has also agreed to grant new public access to a 3-acre Flagstaff-owned property at the mouth of Picture Canyon for the purposes of environmental education and Watchable Wildlife development.

Sarah Lantz, Wildlife Specialist, Flagstaff Regional Office, addressed the Commission and answered questions regarding public access to the educational and watchable wildlife areas and potential partnering between the Department and the City of Flagstaff for that development. Further discussed was whether the volume of water would be sufficient to sustain wildlife year-round to which Ms. Lantz stated that it would be, and that there was a great deal of public support from the Flagstaff community for this exchange.

The Commission expressed that they would like to see a larger volume of water and that the agreement period should be more than 20 years.

Mr. Avey noted the following additional considerations:

- The Arizona Water Protection Fund grant to spend \$330,000 restoring 15 acres (up from 5 acres existing) of riparian/wetland habitat depends on this water agreement
- The City of Flagstaff requests that the agreement include 'subject to renewal' language
- There are over 40 community stakeholders in support (Audubon, Coconino County, Museum of Northern Arizona, Northern Arizona University, US Fish and Wildlife Service, Flagstaff Biking, and more)
- Community investment in the riparian and wetland environments will grow out of this agreement will likely not allow termination at 20 years
- The cost/benefit analysis (spreadsheet provided to the Commission) shows this to be an equitable exchange.

Public Comment

Bea Cooley, Secretary and Conservation Committee Member with Northern Arizona Audubon Society, addressed the Commission in support of this exchange.

Randy Pellutz, Utilities Director, City of Flagstaff, briefed the Commission on the history of the riparian areas and the City of Flagstaff's commitment to maintain them.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE DEPARTMENT TO SELL THE COMMISSION-OWNED 3-ACRE BOW AND ARROW PROPERTY LOCATED IN COCONINO COUNTY, ARIZONA TO THE CITY OF FLAGSTAFF, IN EXCHANGE FOR A 20-YEAR WATER COMMITMENT AND AUTHORIZE THE DEPARTMENT TO EXECUTE ALL DOCUMENTS ASSOCIATED WITH THE DISPOSAL AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL

Chairman McLean offered the following amendment to the motion that was accepted by Commissioners Hernbrode and Martin that the motion be amended to authorize the Director to negotiate an appropriate extension clause in the agreement prior to signing the agreement and presentation to the City of Flagstaff.

Amended Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE DEPARTMENT TO SELL THE COMMISSION-OWNED 3-ACRE BOW AND ARROW PROPERTY LOCATED IN COCONINO COUNTY, ARIZONA TO THE CITY OF FLAGSTAFF IN EXCHANGE FOR A 20-YEAR WATER COMMITMENT; AND AUTHORIZE THE DEPARTMENT TO NEGOTIATE AN APPROPRIATE EXTENSION CLAUSE IN THE AGREEMENT; AND AUTHORIZE THE DEPARTMENT TO EXECUTE ALL DOCUMENTS ASSOCIATED WITH THE DISPOSAL AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL

Vote: Unanimous

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Meeting recessed for lunch at 9:20 a.m.

Meeting reconvened at 9:44 a.m.

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6. Request for Commission Approval for the Department to Acquire the Yarbrough Property from The Nature Conservancy in Cochise County, Arizona.

Presenter: Josh Avey, Habitat Branch Chief

Mr. Avey briefed the Commission using a PowerPoint presentation that included a map of the Yarbrough property in Cochise County for which the Department was asking the Commission to authorize acquisition and to prepare and execute a Purchase Agreement with The Nature Conservancy. With support from The Nature Conservancy (TNC), the Department has applied and received funding approval for a Section 6 Grant under the U.S. Fish and Wildlife Service's Endangered Species Recovery Land Acquisition program for the purchase of a 122 acre property located in Cochise County along the Upper San Pedro River. The Department will purchase the subject property and associated water rights from TNC. The habitat protection benefits of the Yarbrough project are all associated with indirect benefits to improved surface water flows along the Upper San Pedro Riparian National Conservation Area by preventing agricultural groundwater pumping impacts to the shallow aquifer located on the subject property. This acquisition will protect aquatic and riparian resource values for the Southwestern willow flycatcher and the Western yellow-billed cuckoo.

Motion: Hernbrode moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE ACQUISITION OF THE YARBROUGH PROPERTY IN COCHISE COUNTY AND TO PREPARE AND EXECUTE A PURCHASE AGREEMENT WITH TNC 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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8. Call to the Public

There were no requests from the public to speak.

* * * * *

9. Director and Chairman's Report

Director Voyles reported the following activities since the last Commission meeting:

- Attended the Governor's Cabinet Meeting and participated in the Governor's Office weekly Natural Resources conference call meetings
- Met with Dave McCasland, President of ADBSS and discussed a variety of issues
- Attended the Border Governor's Conference in Hollywood California and co-chaired the Wildlife Committee Table
- Attended the Arizona Outdoor Hall of Fame Banquet
- Met with ADOT Director Mendez regarding the TIME initiative
- Met with landowners and stakeholders involved in mutual conservation efforts in Altar Valley along with Commissioner Hernbrode
- Attended an AGFD/TNC Coordination meeting
- Attended the Commission Workshop at Sipes
- Met with constituents in the White Mountain area
- Met with Lisa Graumlich, Director of the School of Natural Resources with U of A
- Received an invitation and plans to attend the White House Conference on hunting and wildlife conservation to discuss the implementation of the President's Executive Order on hunting.

Chairman McLean reported the following activities since the last Commission meeting:

- Met with the Governor's staff and discussed the TIME and State Lands initiatives
- Attended the Wildlife for Tomorrow banquet
- Participated in flying on an antelope survey over the eastern half of Unit 4A
- Had numerous phone conversations with the Department concerning the ongoing coordination meetings between the Department and ADOT
- Attended the Commission Workshop at Sipes
- Went dove hunting.

* * * * *

10. Commissioner's Reports

Each Commissioner reported their activities since the last Commission meeting.

Commissioner Woodhouse:

- Discussed the TIME and State Land initiatives with the Yuma Valley Rod and Gun Club
- Met with the Yuma Regional Supervisor Pat Barber on several issues

- Attended the Commission Workshop at Sipes
- Attended the Department's dove shoot with a habitat group in Yuma.

Commissioner Martin:

- Met with the Governor's Natural Resources Advisor on a number of subjects but primarily on the TIME initiative
- Participated in a legislative tour at Sipes involving the wolf project
- Participated in a conference call with some of the Governor's staff and a Smart Growth expert from Colorado related to transportation and development planning
- Met with Department staff regarding similar issues
- Held the second meeting of the Conservationists Committee
- Attended the Commission Workshop at Sipes
- Worked on preparations for chairing the Commissioners Forum at AFWA.

Commissioner Hernbrode:

- Met with landowners and stakeholders involved in mutual conservation efforts in Altar Valley along with the Director
- Met with various members of the University of Arizona staff regarding coordination efforts
- Attended the Commission Workshop at Sipes
- Will be attending an HPAC meeting this month at the Vermillion Cliffs.

Commissioner Freeman:

- Met with the Director to see his presentation on his vision of the Department's future
- Had numerous phone conversations with constituents regarding the TIME and State Land initiatives
- Met with Department staff to discuss the possible option of using the Deer Valley South property as a possible relocation site for the Adobe Mountain Wildlife Rehabilitation Center; visited the Deer Valley South location
- Met with Department's Information Systems staff regarding technology
- Met with Pat Graham with the Nature Conservancy
- Attended the Commission Workshop at Sipes
- Discussed the Department's Watchable Wildlife book with Sharen Adams
- Scheduled a tour of the Upper Verde with the Nature Conservancy in Prescott.

* * * * *

11. Approval of Minutes and Signing of Minutes

Motion: Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE COMMISSION MEETING MINUTES FROM AUGUST 8-9, 2008.

Vote: Unanimous

Following approval, the Commission signed the minutes from August 8-9, 2008.

* * * * *

12. Future Agenda Items

Mr. Seck reported capturing the following action items and future agenda items from this meeting:

- Prepare an analysis of the legislative proposals from this meeting and provide that to the Commission at its October Commission meeting
- Prepare an estimate of the cost to move the Adobe Mountain Wildlife Center to the Deer Valley South location and bring that back to the October Commission meeting
- Schedule a review of the Commission Award categories at a future Commission meeting.

Commissioner Martin requested that in the future the Department inform the Commission when they begin soliciting for Commission Award nominations.

* * * * *

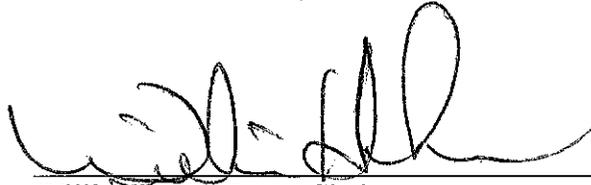
Motion: Martin moved and Woodhouse seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

Vote: Unanimous

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Meeting adjourned at 10:16 a.m.

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William H. McLean, Chair



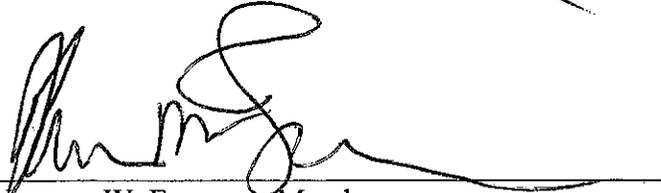
Robert D. Hernbrode, Vice Chair



Jennifer L. Martin, Member

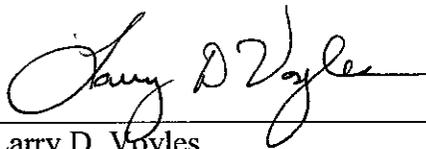


Robert R. Woodhouse, Member



Norman W. Freeman, Member

ATTEST:



Larry D. Voyles
Secretary and Director

**Game and Fish Litigation Report
Presented at the Commission Meeting
September 5, 2008**

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. 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.

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

The court has issued a scheduling order for the parties to file motions for summary judgment. The plaintiffs' motion is due December 14, 2007; the defendants' cross-motion and response is due February 1, 2008; plaintiffs' response/reply is due February 29, 2008 and defendants' reply is due March 14, 2008.

Plaintiffs have withdrawn their motion for a temporary restraining order so the status quo will remain until the court rules on the motions for summary judgment.

As for the motions to intervene filed by the State of Arizona and various conservation organizations, the court has indicated it will not likely rule on these motions prior to the time the

parties file their motions for summary judgment. The court, however, granted permission to the applicants for intervention to file motions for summary judgment. Also, the plaintiffs stated on the record that they have no objection to the State of Arizona intervening in the case.

On February 1, 2008, the State of Arizona, the federal defendants and conservation groups filed separate cross motions for summary judgment and responses to the plaintiffs' summary judgment motion.

On February 29, 2008, the plaintiffs filed a response to the cross motions for summary judgment. Defendants have until March 14, 2008, to file replies.

On March 4, 2008, the court granted the motions to intervene by the State of Arizona and the conservation groups.

On March 14, 2008, the State of Arizona and the other defendants filed replies to the plaintiffs' cross motion for summary judgment.

On April 2, 2008, the organization Public Employees for Environmental Responsibility ("PEER") filed a motion for leave to file an amicus curie brief in support of the plaintiffs' cross motion for summary judgment. At the same time, PEER lodged its amicus brief with the court clerk. Each defendant has filed a response opposing PEER's motion for leave. Not only is the motion untimely, the brief that PEER has lodged contains many additional factual assertions not included in the administrative record. This attempt to supplement the administrative record with new information violates the established law in this area.

The parties filed supplemental briefs on June 3, 2008, addressing the issue whether the Wilderness Act or the National Wildlife Refuge Improvement Act controls in this case. Oral argument on the cross motions for summary judgment took place on June 12, 2008. The court has taken the motions under advisement. The court has not yet ruled on the pending motion by PEER to file an amicus brief. The defendants and intervenors are awaiting a ruling before they can file any response. The defendants are also awaiting a decision on their motion to strike affidavits that the plaintiffs' filed with their cross motion for summary judgment.

(9/2/08) (JFO/SDC)

Lands Update
For the Arizona Game and Fish Commission
August 29, 2008
Pinetop, Arizona

FEDERAL LAND MANAGEMENT PLANNING

Apache-Sitgreaves National Forest

The Forest has announced the availability for review and comment the Draft Desired Conditions for the Apache-Sitgreaves National Forests' Revised Forest Plan. This document describes the attributes toward which management of Forest land and resources is to be directed. In addition, the Forest announced that it will be hosting five open houses during the first half of September with the objective for the meetings to gather input regarding desired conditions for the Forest. Comments are due October 15th.

SB 1441 HABITAT RESTORATION AND ENHANCEMENT FUND

Sheep Wash Ecosystem Restoration

An additional 25 acres have been thinned.

Sunset Ecosystem Restoration

The Sunset ID Team met on August 18th and completed the project record. Signing of the Decision Notice is currently pending Fish and Wildlife Service (FWS) consultation. The Clifton Ranger District will be meeting next week with the FWS to discuss any questions they might have concerning the project and timelines for completion of the consultation.

U.S. FOREST SERVICE

Apache-Sitgreaves National Forests

On August 13th a Federal Register Notice of intent to prepare a Draft Environmental Impact Statement (DEIS) was published concerning the evaluation of the environmental impacts of developing and implementing a Territory Plan for the 19,700 acre Heber Wild Horse Territory on the Black Mesa Ranger District. The Plan would include setting parameters for determining horse numbers, when and how to gather horses, and which horses would be authorized for the Territory. Although the Territory and its boundaries were established in 1973 following the passage of the Wild Free-Roaming Horses and Burros Protection Act of 1971 there has not yet been a plan developed for the Territory. The DEIS is expected by May 2009 and the final EIS is expected by November.

The Department provided written comment to the Forest on the scoping summary for the Copperas Allotment on the Clifton Ranger District dated July 11, 2008. The Department expressed its support for the proposed action which if implemented should result in improved riparian and upland habitat conditions for a variety of wildlife species that occur on the Copperas Allotment. Elements in the proposed action would provide benefits such as restoration of riparian and upland habitat conditions, improved grazing distribution, increased water to riparian vegetation, and eliminating holding livestock in the stream bottom riparian zone. Also included is the maintenance of a minimum of six inches of herbaceous stubble height from June through September within high quality Mearns' (Montezuma)

Quail habitat to provide adequate vegetation as cover for quail and other wildlife. Based on research conducted by the Department however, the Department recommended a minimum grass height of 8 inches. It was also recommended that the District strive to achieve a mosaic of grass heights of eight to twenty inches, which will more closely approximate the habitat selected by Mearns' quail.

The Department provided written comment to the Forest on the draft proposed action for the Hall Ranch Wildland Urban Interface Project on the Springerville Ranger District. The draft proposed action incorporates various vegetation thinning prescriptions and the application of prescribed fire on approximately 2,267 acres of Ponderosa pine, mixed conifer, and grassland vegetation types. The Department provided a number of recommendations for consideration by the District to maximize benefits to wildlife while minimizing potential negative impacts.

On August 7th and 8th Department personnel and a volunteer planted fifty Bebb's willow within the recently completed 16 acre Fairchild Draw elk enclosure in Game Management Unit 4A on the Black Mesa Ranger District. Planting of Bebb's willow is intended to reestablish this native willow within the project area. The purchase of the willows was funded through an Arizona Water Protection Fund Grant which was awarded to the Department in August 2007.

Department personnel conducted a chemical stream renovation on the South Fork of the Little Colorado River, Apache County, on June 18-20. The objective of the project was to completely remove non-native trout prior to repatriating Apache trout into this historic habitat and recovery stream. Prior treatments were conducted in 2007. However, another treatment was necessary to remove all non-native brown and hybrid trout. The treatment went very well and the stream will be stocked with wild fish collected from a relict stream on the Fort Apache Indian Reservation in late summer/early fall. The White Mountain Apache Tribal Council recently approved a request from the Department to use wild Apache trout from tribal streams to start recovery populations on the National Forest. Department personnel will be coordinating with the Tribe and U.S. Fish and Wildlife Service to collect the fish on the reservation.

Department personnel continue to evaluate barriers and streams on the Forest in Apache and Greenlee counties that are important to Apache trout recovery. Multiple electrofishing surveys were conducted on Stinky Creek, West Fork of Black River, West Fork of Little Colorado River, and Bear Wallow Creek. Several barriers were previously found to be compromised, allowing non-native brown and brook trout to re-invade Apache trout habitat above the barriers. The objective of these electrofishing crews is to control non-native trout numbers and distribution until a chemical treatment can be conducted. Department personnel are coordinating with the Forest on plans to retreat, with piscicides, portions of the West Fork of Little Colorado River and Bear Wallow Creek that have been re-invaded by non-native trout. The barriers on these streams need repairs to eliminate the ability of these fish to continue invading Apache trout habitat. Once the barriers have been repaired treatments will be scheduled in an attempt to remove the non-natives before they spawn and spread further throughout these large streams.

Department personnel conducted threatened Little Colorado spinedace surveys in several streams in the Little Colorado River watershed in Apache and Navajo counties in July. Spinedace were found in fair numbers in upper Nutrioso Creek above Nelson Reservoir on the Forest, with evidence of recruitment this year. Spinedace were not found in lower Nutrioso Creek below Nelson Reservoir, however they were found in Rudd Creek, a tributary of lower Nutrioso. Surveys on two parcels of private property on

the Little Colorado River between Lyman Lake and Springerville found spinedace on both properties with evidence of recruitment this year. A visual survey at The Steps on lower Chevelon Creek, another private parcel, documented numerous spinedace with many young of the year spinedace, indicating a very good spawn this year.

Coconino National Forest

Arizona Wildlife Federation reported the completion of lake fencing contracted in 2007 (Deep Lake, Post Lake, Duck Nest Lake, and Prime Lake). They are now laying out the fencing with the Forest Service at Indian Tank and Indian Lake. Material costs are rising but they should be able to complete these two and maybe Lost Lake with the funds on hand now.

Coronado National Forest

The Draft Environmental Impact Statement (DEIS) for the Pinaleno Ecosystem Restoration Project will be ready for public review in early October. The Forest worked closely with the Department to develop this proposal that will address both the forest health needs and the sensitive wildlife needs. A major objective of the project is to protect the habitat of the Mount Graham red squirrel. On September 8, the Department will be hosting a meeting of the Pinaleno Science Collaborators, a group of interested scientists and conservationists, to ensure that this group is informed of the project and the design criteria for protecting wildlife habitat.

The Environmental Assessment is nearing completion for the Gila trout project in the Pinaleno Mountains. This project is designed to renovate Ash, Frye and Marijilda (including Gibson and Crazy Horse) creeks, to remove hybridized Apache trout, and stock Gila trout.

On July 8, the Department wrote a letter to the Forest responding to a Notice of Intent to prepare an Environmental Impact Statement for the Proposed Rosemont Copper Project. The proposed mine would encompass approximately 4,500 acres in public and private ownerships in Pima County in the Santa Rita Mountains, 30 miles southeast of Tucson. Concerns included the loss of wildlife habitat and loss of public land for wildlife recreation. On July 18, the Forest invited the Department to participate as a state cooperating agency in the environmental study of the proposed Rosemont Copper Mine. Under the provisions of the National Environmental Policy Act the Department accepted. The Forest has received over 8,000 written public comments on the Rosemont Copper Project and is currently working to analyze those comments. The Forest is executing an agreement with the Udall Center to assist in creating and managing public work groups, per the request of U.S. Representative Gabrielle Giffords. The Forest is now inviting federal, tribal, state, and local governments that have jurisdiction or special expertise to work as cooperating agencies on the Environmental Impact Statement. The Forest will be drafting Memoranda of Understanding to cover the scope of work for the cooperating agencies. The Department has been contacted by a vice-president and a consultant from Rosemont Copper Project regarding a meeting to discuss wildlife issues. This meeting will occur sometime in early October.

Kaibab National Forest

Department personnel attended a field trip to the McCracken project with Williams Ranger District personnel focused on potential treatment of oak to reduce fire risk and increase oak productivity. The Department personnel asked for caution in treatments of oak because of the great value of oak to wildlife. In the end the Forest Service agreed to treat half the oak clumps and to arrange a field trip to look at old treatments and to examine their effect on the oaks.

The North Kaibab Westside mule deer project has planned roughly 70 acres of cliffrose release treatments and 300 acres of native seeding for this fall 2008. The Department is close to offering the contract for the cliffrose release treatments. In addition to cutting juniper and pinyon to release cliffrose, the Department, the Grand Canyon Trust, and the Kaibab Forest will be hand raking native grass and shrub seed into these areas for National Public Lands Day which is the last weekend in September.

BUREAU OF LAND MANAGEMENT (BLM)

Arizona Strip Field Office

On May 9, 2008, the Record of Decision and Approved Resource Management Plan for the Arizona Strip Field Office were released to provide guidance for the management of 1,679,896 acres of BLM-administered lands in northern Arizona. The Department continues to coordinate closely with the Field Office (FO) in development of 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.

Hassayampa Field Office

The Hassayampa Field Office released the Notice of Availability of the Proposed Resource Management Plans and Final Environmental Impact Statement for the Agua Fria National Monument and Bradshaw-Harquahala Planning Area on August 8, 2008. A 30 day protest period follows. 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.

Lower Sonoran Field Office

The BLM is preparing a preliminary preferred alternative draft Resource Management Plan to be released for public review. The Department continues to participate in cooperative meetings and proactively develop comments throughout the planning process.

Kingman Field Office

During the weeks of July 21-25, August 25-29, and September 8-12, the Kingman Field Office and Regional personnel will be engaged in an inventory of all roads in the Hualapai Mountain Resource Management Unit. This route evaluation is being carried out in compliance with NEPA, in preparation for the upcoming renewal of the Hualapai Mountain Unit's Resource Management Plan.

Yuma Field Office

The Proposed Resource Management Plan and Final Environmental Impact Statement has been released to the public. The Final Resource Management Plan and Record of Decision will be issued after protest resolution. The Department continues to work with BLM on the development of subsequent implementation-level plans, including the La Posa Travel Management Plan.

Tucson Field Office

BLM has notified the Department that the Middle Gila Travel Management plan is near completion but public release will be delayed due to lack of cooperation from the Arizona State Land Department (ASLD) which will not allow the BLM to map roads crossing state lands. Since BLM land in this area is essentially surrounded and interspersed with state trust lands, this presents a serious problem for the travel management plan which cannot show roads that appear and disappear everywhere BLM and state lands meet. The entire area was originally mapped in coordination with ASLD who helped in writing the grant that funded the original road inventory used as the basis for the map. ASLD staff, funded by OHV dollars, also contributed a significant amount of effort in producing the original three alternatives for the travel management plan. ASLD participation in the planning process ended in 2006 with little explanation, leaving BLM to develop the final alternative without showing routes connecting across state land. The Department has urged completion of the travel management plan since 2000 and has expended countless hours of staff time to see the project to fruition due to the extreme OHV pressure put on wildlife habitat. This pressure is expected to increase by several orders of magnitude in the next decades due to development of a city the size of present-day Denver on State Trust Land at Superstition Vistas, east of Apache Junction, immediately adjacent to the BLM lands. The Department will meet with BLM to discuss the future of the plan and examine alternatives for dealing with ASLD. The BLM has requested that the Department take a pro-active role in retaining public access to these lands.

BLM NATIONAL MONUMENTS & CONSERVATION AREAS

Grand Canyon-Parashant National Monument / Vermillion Cliffs National Monument

On May 9, 2008, the Records of Decision and Approved Resource Management Plans for the Grand Canyon-Parashant and Vermillion Cliffs National Monuments were released to provide guidance for BLM-administered lands in northern Arizona. The final plan includes a series of unique route networks and designations.

Agua Fria National Monument

The Proposed Resource Management Plans and Final Environmental Impact Statement for the Agua Fria National Monument and Bradshaw-Harquahala Planning Area were released on August 8, 2008. A 30 day protest period follows. The Department continues to work with the Field Office in the development of subsequent implementation-level plans, including Travel Management Plans and associated route designations.

Sonoran Desert National Monument (SDNM)

The BLM continues to develop its preliminary preferred alternatives for the draft Resource Management Plan in association with the Lower Sonoran management area to be released for public review. The Department continues to participate in cooperative meetings and proactively develop comments throughout the planning process.

BLM has closed approximately one third of the SDNM to all vehicle entry due to environmental damage caused by OHV use. The area that was closed is north of State Route 238 and the closure is expected to be in effect for 2-3 years. The Department provided comments on a draft Recreation Management Plan

and will continue to work with BLM to regain vehicular access for wildlife-related recreation, including hunting, as expeditiously as possible.

Ironwood Forest National Monument (IFNM)

The Tucson Field Office (TFO) continues to work on the development of a proposed final Resource Management Plan and Environmental Impact Statement for the Ironwood Forest National Monument. The TFO has indicated they are nearing completion but continue to work on issues, including recreational shooting, before the document goes out to the public.

U.S. FISH AND WILDLIFE SERVICE

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 restoration of the bighorn sheep population on Kofa. The Department is serving as a cooperating agency in the preparation of an Environmental Assessment (EA) for their Mountain Lion Management Plan. The public scoping period for the EA has ended and the first cooperating agency meeting was held August 28. The Department will be working with Kofa to evaluate comments and draft management alternatives for the EA. As in 2007, in June efforts to capture, collar, and monitor additional lions on Kofa were suspended for the summer. Staff remained alert for recent lion sign (tracks, scats, kills, and waterhole cameras) that might have presented a capture opportunity, but none were sufficiently promising. Fish and Wildlife Service monitoring of waterhole cameras indicate there are at least three lions still routinely using the Kofa Mountains Complex: one in the Castle Domes and two in the Kofas. No cubs have been seen in any of the waterhole camera images. Of the 30 bighorn sheep ewes collared by the Department and Service in 2007, two (one in March and one in August) have become mortalities, both as a result of lion predation. While thunderstorm activity has been somewhat cellular, the extent and timing of summer rains have sustained better than average water and forage conditions throughout the refuge. Kofa is initiating a study to map bighorn sheep habitat and relate that to known use. Efforts continue on a study to document and monitor body condition of bighorn sheep on Kofa. Plans remain on track for the next annual survey of the Kofa bighorn herd in October. The survey will include fitting more ewes with GPS collars and replacement of 2007 collars that are no longer fully functional. More complete information on the management of bighorn sheep, lions, and water on the Kofa NWR can be found on the Department's web site. This web site has not been updated during the summer months.

The Sonoran Pronghorn Recovery Team continues to evaluate potential sites for establishing a second population in the U.S. Kofa is one of the primary sites being evaluated for this effort. The team expects to begin public scoping related to the NEPA process in November.

GENERAL UPDATES

ADOT

The Department Continues to work with ADOT on the widening of Interstate I-17 from SR 179 to I-40. ADOT is currently in the process of analyzing alternatives for a section going north from SR 179 for approximately 12 miles in order to reduce the grade from 6% to something lower to match the current

designated speed limit. Because this section may have multiple alternatives and the roadway may move outside of the current footprint, a more detailed environmental analysis will be performed. Department personnel continue to attend all project meetings and a field review will be scheduled for this fall after the Design Concept Review is drafted.

Altar Valley Conservation Alliance

Department representatives and Commissioner Hernbrode attended the regular meeting of the Altar Valley Conservation Alliance on August 21. The Department Director and new Tucson Regional Supervisor were introduced to the Alliance members, and Department representatives participated with the agenda discussions. Other participants included area ranchers, ASLD, Pima County, USFWS, Buenos Aires NWR, and Border Patrol.

Arizona State Land Department (ASLD)

ASLD will apply for a Habitat Conservation Plan (HCP) grant from the U.S. Fish and Wildlife Service for selected state lands in Pinal County. ASLD is looking at a three phase approach and is examining three areas of primary interest: 1) Superstition Vistas at Florence Junction, 2) lands in Unit 37A east of Red Rock, 3) San Pedro River and area surrounding San Manuel.

Chino Valley Bypass and SR 169 to Fain Road Connector Project

Department personnel reviewed preliminary information regarding a roadway Feasibility Study that CivilTek had been hired to conduct by the Central Yavapai Metropolitan Planning Committee (CYMPO). On June 4th the Department participated in a meeting to discuss the scope and wildlife considerations of the project. As a result of that meeting the Department has become an active member of the project team conducting this study. The team was initially composed of representatives for Prescott Valley, Chino Valley, Paulden, Yavapai County, CYMPO, ADOT's Transportation Development Division, Prescott National Forest, ASLD, CivilTek, HDR Engineering firms, and USFWS. Following the first project team meeting, Department personnel produced a short presentation, and provide guidance to CYMPO and the project team about wildlife and habitat concerns stemming from the project. Concerns that were raised focused on the potential cumulative effects to pronghorn and the high quality native grasslands threatened not only by the project, but by additional proposed development in the project locale. Additional concerns were voiced regarding potential threats to the sensitive aquatic and riparian ecosystems of the Verde River, where the project team was proposing a crossing structure. In general, CYMPO and the Project Team have been reasonably receptive, and have expressed appreciation for the guidance that has been provided by the Department. In response to a Department guidance letter HDR representatives, tasked with the environmental and geotechnical aspects of the project, expressed recognition of the need to incorporate sub-grade vehicular tunnels into the design concept report for the project. If the project cannot be forced to adhere to the current ecological footprint of SR 89 as it traverses the region, such mitigations may at least provide the opportunity for continued Pronghorn dispersal, migration, and permeability between different requisite aspects of their environment. The Department is currently cooperating with the Verde Valley Office of TNC and other resource and land management agencies to ensure that the project receives the degree of focused attention that it should, in light of its potential impacts to the wildlife and habitat resources of the area.

City of Coolidge Annexation

The intergovernmental agreement between the Department and the City of Coolidge is in final stages and is being reviewed by the Commission. Issues regarding language which may have limited non-firearm hunting have been addressed and verbally approved by the City.

City of Flagstaff

The Department continues to work with the City of Flagstaff to negotiate a potential exchange of Bow and Arrow Park for a 40-year commitment of in-stream water flow in the Rio de Flag plus public access to a 3-acre City property for watchable wildlife development. If the exchange were to take place, the Department would become a 'paying customer' for in-stream effluent flow to water a stream that runs dry during mid-summer demand. This long-term flow is essential to sustain riparian and wetland habitat restoration planned in Picture Canyon. Additional flows would also be made available to enhance the Department's existing urban youth fishery at Frances Short Pond.

The Department is cooperating with Northern Arizona University, Natural Channel Designs, and the City of Flagstaff to restore a portion of Sinclair Wash in central Flagstaff. The project would restore cottonwood and willow habitat along an urban stream for the purposes of outdoor environmental education and Watchable Wildlife recreation development. Restored habitats would be irrigated with reclaimed water, which is already sold to NAU by the City of Flagstaff. This would not affect the Department's ongoing negotiations to exchange Bow and Arrow Park for a 40-year commitment of reclaimed water for the Rio de Flag. Restoration plans are in the early phases and NAU is currently seeking an Arizona Water Protection Fund grant to fund activities. If funded, the Department will work with its partners to develop the Watchable Wildlife amenities at this site. Sinclair Wash is a tributary of the Rio de Flag, and would add to the other riparian Watchable Wildlife sites in Flagstaff (which include Willow Bend, Rio Wetlands, Picture Canyon, Frances Short Pond, and the Museum of Northern Arizona).

Coconino County

The Department is working with Coconino County's Kachina Village Improvement District to amend its Cooperative Agreement to maintain wildlife habitat at Kachina Wetlands, south of Flagstaff. Kachina Wetlands are constructed wetlands that are used to evaporate and store treated effluent from the community of Kachina Village, and have provided significant habitat for migratory waterfowl since 1988. Kachina Wetlands is also featured in the Department's *Arizona Wildlife Viewing Guide* as a "Great Watchable Wildlife Site", and is recognized as a valuable birding site by Northern Arizona Audubon Society. Kachina Village Improvement District recently approached the Department to request more reclaimed water from Kachina Wetlands be sold to Forest Highlands to water their golf courses. While this would result in decreased water depths in Kachina Wetlands, the sale of reclaimed water to the golf course would reduce Forest Highlands' current impacts to the local aquifer, from which they currently pump potable water to maintain their golf courses. This local aquifer maintains springs in the area that are also important to local wildlife. Recognizing the benefits of a compromise, the Department is working with Kachina Village Improvement District, Forest Highlands Golf Course, and Northern Arizona Audubon to amend the Kachina Wetlands Management Plan to specify minimum depths that must be maintained in Kachina Wetlands to existing wetland habitat while allowing some reclaimed water to be diverted to the Forest Highlands golf course.

Pinal County

The Department is currently reviewing Pinal County's draft Comprehensive Plan. Comments are due September 5th.

Malpai Borderlands Group HCP

The Malpai Borderlands Group HCP Implementing Agreement is currently being circulated among partner agencies and groups (including AGFD) to finalize wording before being distributed for signatures.

Maricopa County Ordinances P-28 and P-27

Department Personnel continue to work with Maricopa County Air Quality Department (MCAQD), Sheriff's Office (MCSO), County Parks, Arizona State Parks, Arizona State Land Department, the US Forest Service, and the Bureau of Land Management on implementation of the recently enacted P-28 and P-27 Ordinances. These strict liability ordinances are designed to address dust abatement issues in unincorporated Maricopa County by making operation or parking of vehicles on lands other than roads (as defined in ordinance) unlawful. In late June the Department met with the Maricopa County Division of Air Quality and the Sheriff's office to draft a policy allowing hunters and anglers access and parking privileges on some of the non-exempted properties in unincorporated Maricopa County. The draft of this policy is currently under legal review from the Sheriff's Office and Air Quality Department. The Department, Maricopa County Sheriff's Office and the Maricopa County Air Quality Department were scheduled to meet on August 19th to finalize the policy with the intent of implementation prior to the September 1st dove season opener. Unfortunately the Sheriff's Office representative was unable to attend and there were issues that could not be resolved without their input. A follow-up meeting will take place on August 25th. The Department has confirmed receipt of its letter to the Pinal Air Quality Control District commenting on new rules being adopted to address air quality issues. The proposed rules would apply to portions of the Desert Wells Multi Use Area and may affect ingress, egress and parking for hunters and anglers. In addition a Department representative will attend the Pinal County Board of Supervisors meeting on September 10th to ensure that Department comments are forwarded to the Board.

**ARIZONA GAME AND FISH DEPARTMENT
INTER-OFFICE MEMO**

TO: Arizona Game and Fish Commission

FROM: Mary Broniarczyk, Program and Project Specialist, WMHB *MB*

SUBJECT: Additional documentation for September Commission Meeting

DATE: September 3, 2008

The September Federal Lands Update, General Update section contains the *Chino Valley Bypass and SR 169 to Fain Road Connector Project* briefing. The two attached documents are supporting documentation for that briefing.

:MB

July 10, 2008

To: Central Yavapai Metropolitan Planning Organization (CYMPO)
Civiltec Engineering, Inc.
HDR Engineering, Inc.
Re: SR169 Connector to Fain Road and Chino Valley Bypass Projects

The following are a few excerpts from the CENTRAL ARIZONA GRASSLANDS CONSERVATION STRATEGY produced in cooperation by Arizona Game and Fish Department, the US Department of the Interior Bureau of Land Management, and the United States Forest Service's Prescott and Tonto National Forests:

The Department uses Game Management Units (Units) as boundaries for managing game populations, however some populations move between Units. Within the central Arizona plan boundary there are 3 general areas with distinct local populations of pronghorn (described below). Some of these local populations function as a metapopulation, with interchange through dispersing individuals. Most are distinct and have herds that interchange within, but there is no research or evidence to illustrate how they may interchange between other local populations. A few of these populations are very small and more isolated than others. Their long-term viability is most precarious due to numerous factors without intensive management strategies and actions. Maintaining local populations at high densities and protecting high quality habitats will be critical to meeting Department management objectives.

Area 1: Unit s 17B, 19A and 19B Central Yavapai County

Several subpopulations occupy habitat within the Prescott, Prescott Valley, Chino Valley, and Paulden areas; collectively known as Central Yavapai County in north central Arizona. The three Units encompass approximately 2,191 mi², of which approximately 1,362 mi² are occupied by pronghorn. This area represents 30% of the statewide habitat ranked as high quality and supports one of the highest density pronghorn populations statewide. Approximately 15 to 25 percent of the statewide pronghorn population is found in this area. Urban development and the subsequent habitat loss and fragmentation are the single greatest threat to pronghorn within these areas.

In light of the above-referenced information, the corridor alternative that would minimize impacts to Pronghorn, and that Arizona Game and Fish could more readily endorse, would be the western alternative most closely conforming to the current ecological footprint of development in Chino Valley and Paulden.

If CYMPO opts to utilize one of the other corridor alternatives under consideration, it will bisect and fragment one of the largest remaining high quality grassland habitat blocks in the State of Arizona. The negative impact of this action on the 15-25% of Arizona's Antelope population residing in the area will be substantial. Consequently, if the bypass is constructed, significant financial resources may need to be allocated to adequately mitigate impacts of the proposed project.

Pronghorn utilize broad expanses of open space to exercise sight-based predator avoidance. Extensive research shows that roadways act as barriers to Pronghorn movements and dispersal between isolated subpopulations. Such barriers limit access to important habitat components, and prevent gene transmission and dispersal. These factors produce decreased genetic variability in the isolated sub-populations, a biologically unfavorable outcome from a population viability standpoint. Two potential

mitigations that could help offset the negative impacts to this species and its required habitat include:

1. Periodic placement of sub-grade sections of roadway (*vehicular tunnels*), that following construction would provide continued "at-grade" wildlife connectivity and permeability in an otherwise fragmented habitat block.
2. Periodic placement of expansive elevated span bridges, in linkage zones that would foster the continued natural movement of the species in its current range and habitat.

The location and number of requisite structures could likely be identified well in advance of roadway construction, if project monies are expeditiously allocated for Arizona Game and Fish Department's Research Branch to begin conducting enhanced telemetry studies of Pronghorn movement within the proposed project boundaries. Similar research endeavors have been subsidized by ADOT in conjunction with construction of Bighorn Sheep Crossing structures required for the SR 93 Hoover Dam Bypass Project, Elk Crossings required for the SR 260, SR 64, and I-17 Projects, Tortoise Crossings necessary for the SR 95 (I-40 to SR 68) Bullhead Realignment project, and others.

In keeping with BQAZ (Building a Quality Arizona) and the Statewide Transportation Framework Planning initiatives, as our transportation infrastructure is expanded to accommodate the anticipated increase in Arizona's population and subsequent transportation needs, consideration must still be given to the preservation and protection of Arizona's wildlife and habitat resources.

The Arizona Game and Fish Department values the opportunity to participate with CYMPO in the study, planning, and implementation of this project, providing project guidance to minimize impacts to our state's wildlife and habitat resources. Please feel free to contact me with any questions, comments, or project concerns.

Sincerely,

Trevor Buhr
Habitat Program Manager – Region III
Arizona Game and Fish Department
5325 N. Stockton Hill Road
Kingman, Arizona 86409
Off. (928) 692-7700, EXT 2305
Fax (928) 692-1523
tbuhr@azgfd.gov

M08-06021156



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June 11, 2008

Mr. Kurt Watzek, Environmental Planner
HDR Engineering, Inc.
3200 East Camelback Road, Suite 350
Phoenix, AZ 85018

Re: Chino Valley Extension and State Route 169 Connector to Fain Road
Planning Level Corridor Studies

Dear Mr. Watzek:

The Arizona Game and Fish Department (Department) has received your letter dated May 15, 2008, requesting a review of the two corridor studies described above that are also being studied by the Central Yavapai Metropolitan Planning Organization. These two corridors studies have similar components and comments, but because they are individual corridor studies each one will be addressed separately.

Chino Valley Extension

The Department understands that the Chino Valley Extension study will develop alignments within the corridor limits from the Outer Loop Road near the community of Granite to State Route (SR) 89 north of Chino Valley. In your letter it was noted that you obtained a project receipt from the Arizona On-Line Environmental Review Tool (Tool) on May 1, 2008, which shows special status species documented as occurring in the project vicinity (3-mile buffer). General corridor vicinity maps were provided with the project review request, and it should be noted that a more detailed map of the proposed road alignments (created by Civiltec Engineering, Inc.) was made available to Mr. Trevor Buhr, Region III Habitat Program Manager. I have attached a copy of this map for your reference.

Based on the information available the Department has the following comments and/or recommendations:

General Comments

- Based on the two sets of maps available, it appears that there was a discrepancy between the study corridor boundary entered into the Tool, and the actual road alignment map provided by Civiltec Engineering, Inc. The road alignment map routes extend approximately 4 miles north of the Verde River, and the northern boundary of the corridor on the Tool receipt was approximately 1.8 miles south of the Verde River. The road alignment map also extends approximately 4.5 miles east of the Tool receipt boundary, onto lands managed by the US Forest Service. Please note that for the review of special status species and project comments, both maps were considered, and all species on the original Tool receipt are still applicable for this corridor study. For future

Transportation SR169

reference, if it appears that a project area may, or does, exceed the normal limits of the Tool, the Department can still generate a special status species list for the entire project area if the GIS shape files are provided.

- NOTE: The majority of the special status species and proposed critical habitat indicated on the Tool receipt occur in the vicinity of the Verde River. All proposed routes that cross the Verde River have a high potential to negatively impact most, if not all, species identified in the Tool receipt and further consideration should be given if these proposed routes are carried forward to additional studies. The Department also recommends further coordination and/or consultation with the US Fish and Wildlife Service in regards to threatened and endangered species and proposed critical habitat, especially along the Verde River.
- The Department recommends locating any new roadway alignment as close as possible to the eastern development perimeter of Chino Valley. The area directly east of Chino Valley, up to and including the Prescott National Forest, is habitat for the pronghorn antelope and further fragmentation of this habitat will negatively impact the species. A route in close proximity to current development will have the potential for fewer negative impacts (both direct and indirect) to wildlife populations and their associated habitats.
- All proposed routes in this study directly intersect Wildlife Linkage #35, as identified in Arizona's Wildlife Linkages Assessment.
http://www.azdot.gov/Highways/OES/AZ_WildLife_Linkages/map.asp
Should any of the proposed routes move forward for further consideration, the Department requests further coordination to ensure that appropriate wildlife crossing structures and adequate wildlife friendly fencing are incorporated into planned road designs.
- The Department recommends coordination with The Nature Conservancy, as a portion of a proposed alignment near the Verde River may be in close proximity to property owned by this entity.

Route Specific Comments

Given the amount of detail on the map provided by the Civiltec, Inc. the map legend was not clearly legible and comments for all routes will be noted by their corresponding color.

Light Blue Route:

Given the discrepancies between the Tool study corridor and Civiltec route maps, additional special status species may have the potential to be impacted by the route designated in light blue route traversing on lands managed by the US Forest Service. These species include:

- Golden Eagle *Aquila chrysaetos*
- Fringed Myotis *Myotis thysanodes*
- Bat Colony
- Hualapai Milkwort *Polygala rusbyi*
- Verde Valley Sage *Salvia dorrii ssp. mearnsii*

Green Route:

The Department has serious concerns with the northern section of this route near the Verde River. Portions of Township 17N, Range 2W, Sections 12 & 13 include the Upper Verde River Wildlife Area owned by the Department. **Because of the sensitive nature of this area and the special status species in the vicinity, Department requests that the portions of the route leading up to and crossing the Verde River in the Township, Range, and Sections described above be removed from further consideration.**

Red Route:

The Department also has serious concerns with the northern sections of this route near the Verde River. Portions of Township 17N, Range 2W, Section 15 include the Upper Verde River Wildlife Area owned by the Department. **Because of the sensitive nature of this area and the special status species in the vicinity, Department requests that the portion of the route leading up to and crossing the Verde River in the Township, Range, and Sections described above be removed from further consideration.**

State Route 169 Connector to Fain Road

The Department understands that the SR 169 Connector to Fain Road study will develop alignments within the corridor limits between SR 169 east of Dewey and Fain Road, approximately 3 miles east of Prescott Valley. In your letter it was noted that you obtained a project receipt from the Arizona On-Line Environmental Review Tool (Tool) on May 1, 2008, which shows special status species documented as occurring in the project vicinity (3-mile buffer). General vicinity maps were provided with the project review request, and it should be noted that a more detailed map of the study corridor showing the proposed road alignments (created by Civiltec Engineering, Inc.) was made available to Mr. Trevor Buhr, Region III Habitat Program Manager. I have attached a copy of this map for your reference.

Based on the current information available the Department has the following comments and/or recommendations:

General Comments

- From the information available, the Department does not have any specific concerns at this time regarding the special status wildlife species listed on your Tool receipt. Although this wildlife species has not specifically been documented within the study corridor, there is a potential that it may be present within the Agua Fria River corridor.
- Review of the project area has shown that the Arizona Phlox (*Phlox amabilis*) has been documented in close proximity to the study corridor. This plant species has been identified by the US Forest Service as a sensitive species, and although the Department does not manage plant species it is recommended that any route selected be surveyed by qualified personnel to ensure that potential impacts to this plant species are minimized.

- The Department recommends locating any new roadway alignment as close as possible to existing development. The entire corridor study area, up to and including portions of the Prescott National Forest, is also habitat for pronghorn antelope and further fragmentation of this habitat will negatively impact this species. A route in close proximity to current development will have the potential for fewer negative impacts (both direct and indirect) to wildlife populations and their associated habitats.
- The proposed routes in this study directly intersect Linkage #35, as identified in Arizona's Wildlife Linkages Assessment.
http://www.azdot.gov/Highways/OES/AZ_WildLife_Linkages/map.asp
Should any of the proposed routes move forward for further consideration, the Department requests further coordination to ensure that appropriate wildlife crossing structures and adequate wildlife friendly fencing are incorporated into planned road designs.

The Department appreciates the opportunity to review and comment on these two corridor studies, and requests further coordination and review of additional information as it becomes available. Please note that Mr. Trevor Buhr will be the primary point of contact and can be reached at:

Trevor Buhr, Habitat Program Manager – Region III
Arizona Game and Fish Department
5325 N. Stockton Hill Road
Kingman, Arizona 86409
Off. (928) 692-7700, EXT 2305
Fax (928) 692-1523
tbuhr@azgfd.gov

Sincerely,

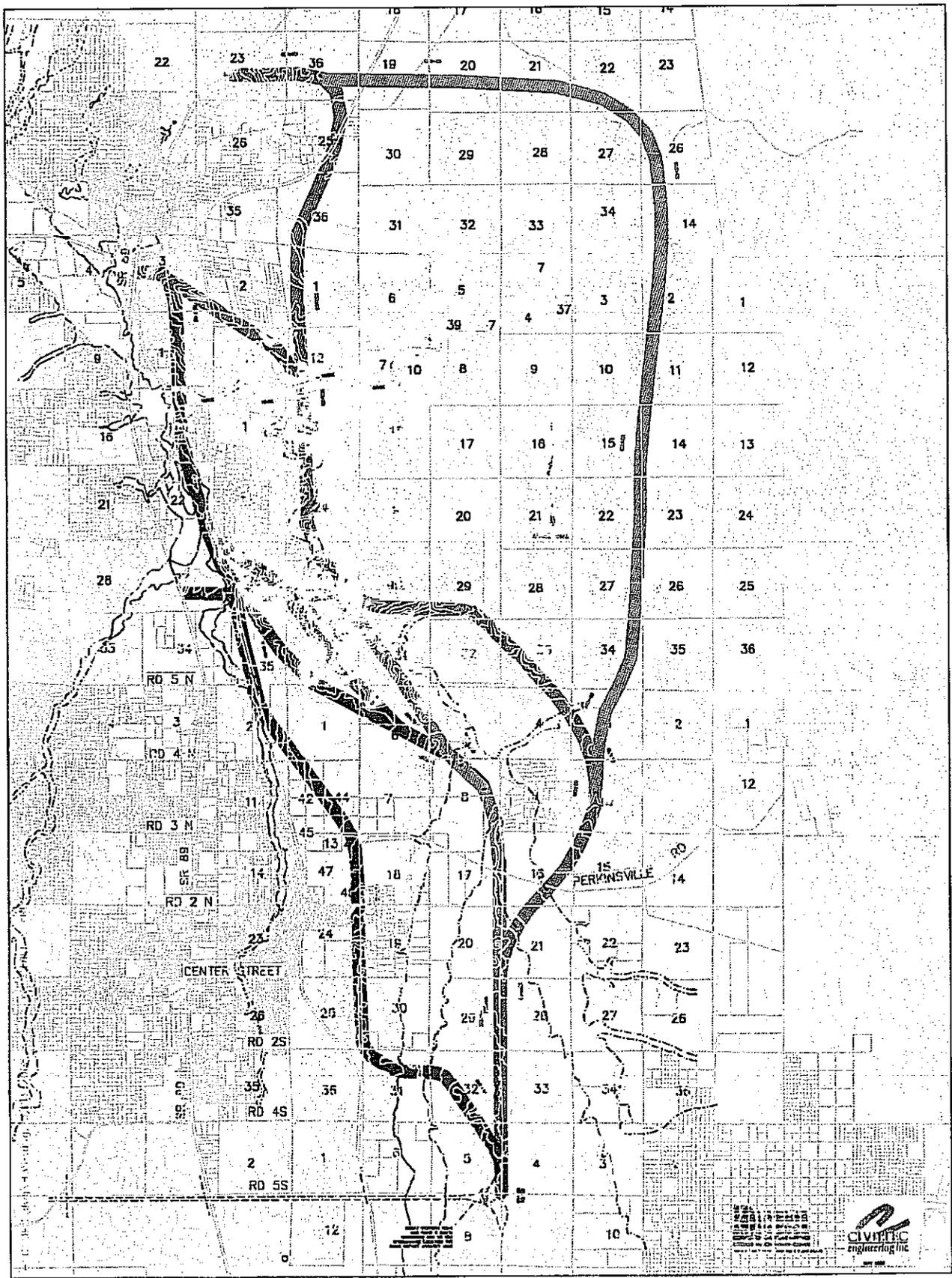


Reuben Terán
Project Evaluation Specialist

cc: Project Evaluation Program Supervisor
Habitat Program Manager, Region III
Habitat Program Manager, Region II
Land Acquisition Program Supervisor

Attachments

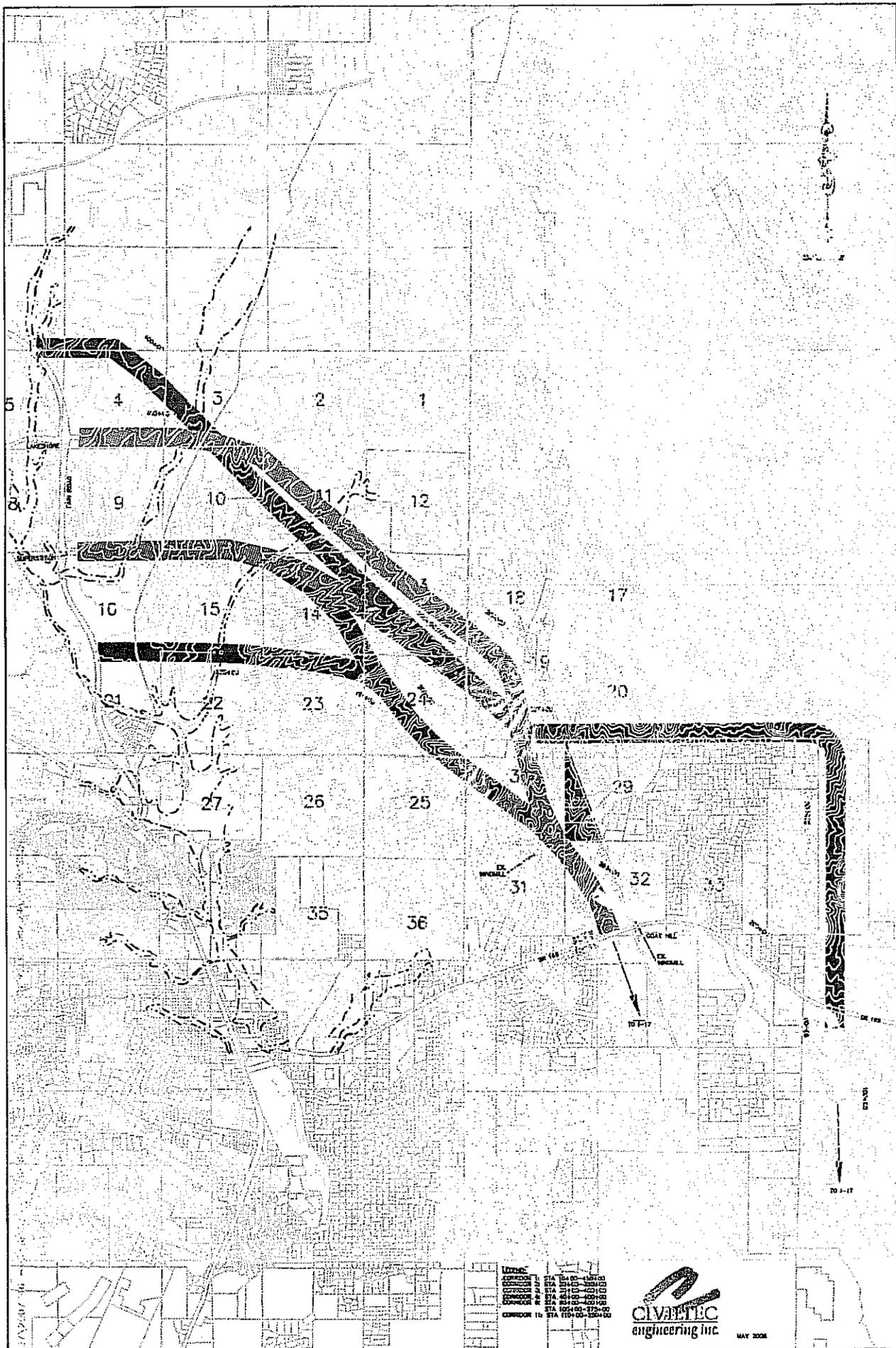
AGFD # M08-06021156



Base North - May 2008

(Chino Valley)

CIVILIC engineering inc.



BASE South - May 2008

(SR 169)